



**Meeting:** Village Board  
**Meeting Date:** 10/24/13  
**Agenda Item:** 6d

**Mission Statement**

Delivering quality services in a courteous, cost-effective and efficient manner.

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**VILLAGE BOARD MEETING STAFF REPORT**

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**REPORT TO:** Burt R. McIntyre, President  
Village Board of Trustees

**REPORT FROM:** Paul F. Evert, Village Administrator

**AGENDA ITEM:** 6d Consideration and discussion of the use of rifles for hunting in the Village.

**ACTION REQUESTED:**     \_\_Ordinance     \_\_Resolution       X  Motion     \_\_Receive/File

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**POLICY ISSUE**

Should the Village Board amend its ordinances to allow for the use of rifles while hunting in the Village?

**PRIOR ACTION/REVIEW**

There has been no recent action or discussion regarding the use of rifles for hunting in the Village. Former Trustee Ron Bredael did appear at the October 14, 2013 Board meeting to oppose any change that would allow rifles to be discharged in the Village.

**BACKGROUND INFORMATION**

On October 3, 2013 the DNR announced that the use of certain caliber rifles for hunting deer will not be restricted by DNR rules, statewide, starting on Nov. 1, 2013, in time for the 2013 9-day firearm deer season. Previously Brown County was one of the 19 counties in the state in which rifles were not allowed for hunting. While Brown County will no longer be shotgun-only by virtue of state regulation, unless the Board takes action to amend the current Village ordinance that prohibits the discharge of rifles in the Village at any time, the use of rifles for hunting will not be allowed in the Village.

The DNR made the change statewide after transferring counties (1-2 per year) from the “shotgun zone” to the “rifle zone” by rule. The DNR has been unable to support the conclusion that “shotguns are safer” based upon an analysis of available hunting accident data, especially in counties that have previously switched from shotgun-only to rifle, where no increase in shooting accidents occurred.

**FISCAL IMPACT:**

- |                              |            |
|------------------------------|------------|
| 1. Is There A Fiscal Impact? | <u>No</u>  |
| 2. Is it Currently Budgeted? | <u>N/A</u> |
| 3. If Budgeted, Which Line?  | <u>N/A</u> |

### **RECOMMENDED ACTION**

Village staff recommends the Village Board retain the current ordinance that keeps the Village “shotgun only”. It is well known that the bullets from rifles travel substantially farther than if discharged from a shotgun. Due to the development pattern in the Village there are few if any wide open areas that do not have some clusters of residential development and for this reason staff believes it is in the best interest of the public to continue the prohibition on the discharge of center fire rifles. If the Village Board agrees with this action, the following motion could be used, ***“Motion to continue the prohibition on the discharge of center fire rifles in the Village.”***

### **POLICY ALTERNATIVE(S)**

The Village Board could take the following actions:

- Approve with revisions
- Amend sec. 24-69 to allow for the discharge of center fire rifles in certain hunting zones
- Table the suggested motion and request additional information

### **ATTACHED INFORMATION**

- I. October 3, 2013 Public Release from the Wisconsin DNR with attachments
- II. Sections 24-67 through 24-70 of the Village Code



APPROVED FOR PUBLIC RELEASE

October 3, 2013

This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

## **Deer Hunting Rifle Use & Local Regulation – 2013**

The use of certain caliber rifles for hunting deer will not be restricted by DNR rules, statewide, starting on Nov. 1, 2013, in time for the 2013 9-day firearm deer season. While shotgun-only counties will no longer exist by virtue of state law, local units of government may still restrict the use of rifles by ordinance, subject to certain restrictions.

In response to the change in state law, a number of municipalities have requested information about rifle use and ordinance restrictions, both to foster informed discussions of the topic as well as enact appropriate local regulations. This memo provides background information of the change, including safety information, references to controlling state statutes, and a model town ordinance.

As a foundation for this topic, several key points should be recognized:

- The Department's modification to this firearm regulation was initiated in response to statewide public support for the change from county Conservation Congress voting by local citizens.
- For many years, the Department has been transferring counties (1-2 per year) from the "shotgun zone" to the "rifle zone" by rule; at the beginning of 2013, just 19 counties remained subject to these rifle restrictions.
- Wisconsin's 53 rifle permitted counties (as of early 2013) have been conducting rifle deer hunting with minimal local regulation, despite the fact that such regulation has been permitted.
- A prevailing factor favoring the elimination of the remaining "shotgun-only" counties was rule simplification; Wisconsin sportsmen and women consistently report state hunting regulations to be complex and unnecessarily burdensome. This rule change permits hunters to cross a county line without being required to switch weapons and more importantly, without the need to consult the regulation pamphlet to see if such action is required.

- The Department has been unable to support the conclusion that “shotguns are safer” based upon an analysis of available hunting accident data, especially in counties that have previously switched from shotgun-only to rifle, where no increase in shooting accidents occurred.
- The “shotgun-only” restrictions were limited to only deer firearm seasons; the use of rifles for legal hunting of coyote, fox, bear, etc. during their open seasons has always been permitted statewide.
- The Department values citizen safety above all other concerns, and expects all hunters to adhere to safe shooting practices. If hunters follow the tenets of safe hunting as taught in hunter education, the risk of a shooting accident, regardless of weapon type, is significantly reduced as is borne out by hunting incident statistics over the last 30 years.

While the Department’s rule change has removed certain rifle restrictions as a matter of state law, local governments still retain the authority to appropriately regulate matters of public safety at the local level. The Department recognizes the concerns certain residents may have about firearm discharge in their local towns, but emphasizes thoughtful discussions in public forums with all affected stakeholders before local ordinances are enacted. One of the potential unfortunate consequences of the statewide rule change designed to simplify the law, may in fact result in more confusion for Wisconsin citizens if they are forced to navigate a complex patchwork of local ordinances that may be difficult to find or understand; the Department will not be maintaining any database on local regulations, and hunters will need to look beyond the annual hunting pamphlets for local restrictions.

For local governments that intend to pursue local ordinances restricting the discharge of rifles, two state statutes have specific applicability, and are attached to this memo for reference. The Department reminds government officials to consult with a local attorney or retained general counsel regarding the enactment of local ordinances. Under the Wisconsin Statutes, the DNR has the broad authority to invalidate local ordinances that illegally regulate hunting, fishing, trapping, or management of wild animals.

The attached model town ordinance, as drafted and considered independently, is an appropriate local regulation of rifle discharge that balances public safety concerns with the state responsibility to regulate hunting and wildlife management. Although the Department does not feel any local ordinances are required, and in fact emphasizes minimal local regulation, certain localities may not share this position. If a town has diligently evaluated local concerns and available safety data, acknowledges the potential complication and enforcement considerations presented by a local ordinance, and local ordinance adoption appears inevitable, the Department prefers that towns use the attached model ordinance.

Please evaluate this memo and its attachments in entirety, and let me know if you have any questions. The Department values the ongoing partnerships forged with local governments over many decades, and strives to maintain safe, enjoyable hunting seasons and outdoor recreation year-round. If you have any concerns that haven’t been addressed, please give my desk a call and I would be more than happy to answer your questions. Thank you for help and effort in maintaining safety for our citizens!

Matt O'Brien

Administrative Warden – Policy Officer  
Bureau of Law Enforcement  
Wisconsin Department of Natural Resources

MatthewM.OBrien@Wisconsin.gov – (608) 264-9230

## ATTACHMENT A

### Customer Service Brief

The use of certain caliber rifles for hunting deer will not be restricted by DNR rules statewide starting on Nov. 1, 2013--in time for the 2013 9-day firearm deer season.

This means that unless there is a local ordinance that restricts the use of rifles in the town you will be hunting, you will be able to use rifles of calibers legal for hunting deer statewide in 2013.

However, the Oct. 5-6 youth gun deer hunt will still be restricted to shotgun-only in those portions of the state that were previously shotgun-only (see map page 23 of 2013 deer regs).

The timing of this change came after the 2013 deer regulations were printed, so the change to allow the use of rifles statewide will not be reflected in the print versions of the regulations.

Hunters should check with the local municipality where they hunt to determine if a local ordinance is in place that might still restrict the use of certain rifles in that town or other municipality.

### **Background**

In the past, some counties were designated *shotgun only* for deer hunting primarily because the common perception is that shotguns are safer.

Data collected by DNR every deer season does not support this perception. The department has not identified a safety-related advantage to maintaining shotgun-only areas within the state or the use of shotguns vs. rifles in portions of the state.

The DNR did not enter into this decision lightly and no matter the type of weapon a hunter chooses to use, the Department's expectation is that each hunter follows the safe hunting practices taught in hunter education:

**T = Treat every firearm as if it is loaded.**

**A = Always point the muzzle in a safe direction.**

**B = Be certain of your target and what's beyond it.**

**K = Keep your finger outside the trigger guard until ready to shoot.**

Rifle calibers are routinely used in handguns for hunting deer and handguns have been legal firearms in shotgun only counties for many years.

Rifles have also always been legal for hunting statewide all year except for the 9-day gun deer season for species such as coyote, fox, bear, etc., during their open seasons.

While rifle rounds may exhibit a longer distance of travel, the kinetic energy of shotgun slugs allow them to cut through brush and obstructions much more readily at near distances.

During 2002-2007, rifles were authorized within former shotgun-only portions of Dane, Green, Lafayette, Rock and Walworth counties contained in the CWD Disease Eradication Zones with no increase in shooting incidents.

The DNR looked at hunting accident data from 1998-2007. Those data show that shotguns are actually involved in more accidents relative to their use. Although 33% of counties were shotgun only at that time, just over 40% of all gun deer incidents involved shotguns. Conversely, although 67% of counties allowed the use of rifles, rifles accounted for less than 60% of all gun deer incidents.

A 2007 study commissioned by the Legislative Budget and Finance Committee of the Pennsylvania General Assembly concluded shotguns are not less risky than rifles in hunting deer. This study demonstrated that shotgun slugs are far more prone to ricochet than rifle bullets.

In sum:

- The Dept. appreciates local governments' concerns for public safety. The Department likewise puts a high priority on safety. However, no evidence exists that hunting with rifles is more dangerous than hunting with shotguns.
- Ordinances restricting the use of rifles can create a checkerboard of regulations that makes it more difficult for hunters to comply with the law.

### **What brought about this most recent rule change**

A large amount of public input and involvement went into the final rule proposal.

2010 - The proposal originated as a local citizen resolution at a Cons. Congress spring meeting.

2011 - The proposal was voted on statewide at the Conservation Congress spring meetings held in all counties statewide, where the rule change question was supported statewide by a vote of Yes, 2,742 and No, 1,973; being supported in 61 counties.

2013 - In April of this year, the DNR held legal rules change hearings in each county statewide, and again found there to be a strong overall support for the use of rifles statewide  
(Vote was 3,007 in favor and 2,171 opposed with 60 counties in favor of the change).

As a result of the public support for this change, the Natural Resources Board adopted the DNR's recommendation to remove its restriction on using rifles for hunting deer in areas where formerly only shotguns, handguns and muzzle-loading rifles were allowed. The change was reviewed and not objected to by the Legislature's Senate and Assembly NR committees and the Governor.

The previous trend has been for one or two counties, or portions thereof, switching from shotgun-only to allowing rifles each year.

### **Authority of local units of government to create rules restricting firearm use**

- Local units of government may not pass ordinances for the purpose of regulating hunting. **However**, they may enact ordinances with a primary purpose of protecting public health and safety, even if there is an incidental impact on hunting.
- The Department has authority to void local ordinances that are designed for the purpose of regulating hunting, but has not initiated any action to declare any ordinance void in the past. If the Department were to do so, it would follow the Dept's manual code 8309.1 and the process established in NR 19.40, Wis. Adm. Code, which requires notice and hearings.

### **Impact on deer hunters**

- State Hunting regulations publications do not provide information on local ordinances.
- DNR staff may not know where these ordinances exist, or the exact text of the restrictions.
- Local units of government are not required to file the ordinances with the DNR, and hunters that do not reside in a town with a more restrictive local ordinance may not be aware of it.
- If a person is unsure if the town in which they hunt has such a restriction, they should contact the Town authorities.

• *What will the DNR do if it gets a complaint about the use of rifles in violation of a local ordinance?*

DNR wardens and rangers do not have the authority to enforce local ordinances established by local units of government, such as a Town, City or Village.

Consequently, unless the conduct associated with the complaint constitutes evidence of a violation of state law wardens enforce, the DNR will not dispatch wardens to complaints of rifle use if the area is open for rifle hunting under state law. The caller will be directed to call the local authorities.

• *What will wardens do if they see people using restricted rifles in violation of an ordinance?*

If the warden is aware of the ordinance, they will advise hunters in the field of the ordinance, but will not arrest or issue a citation for a local ordinance.

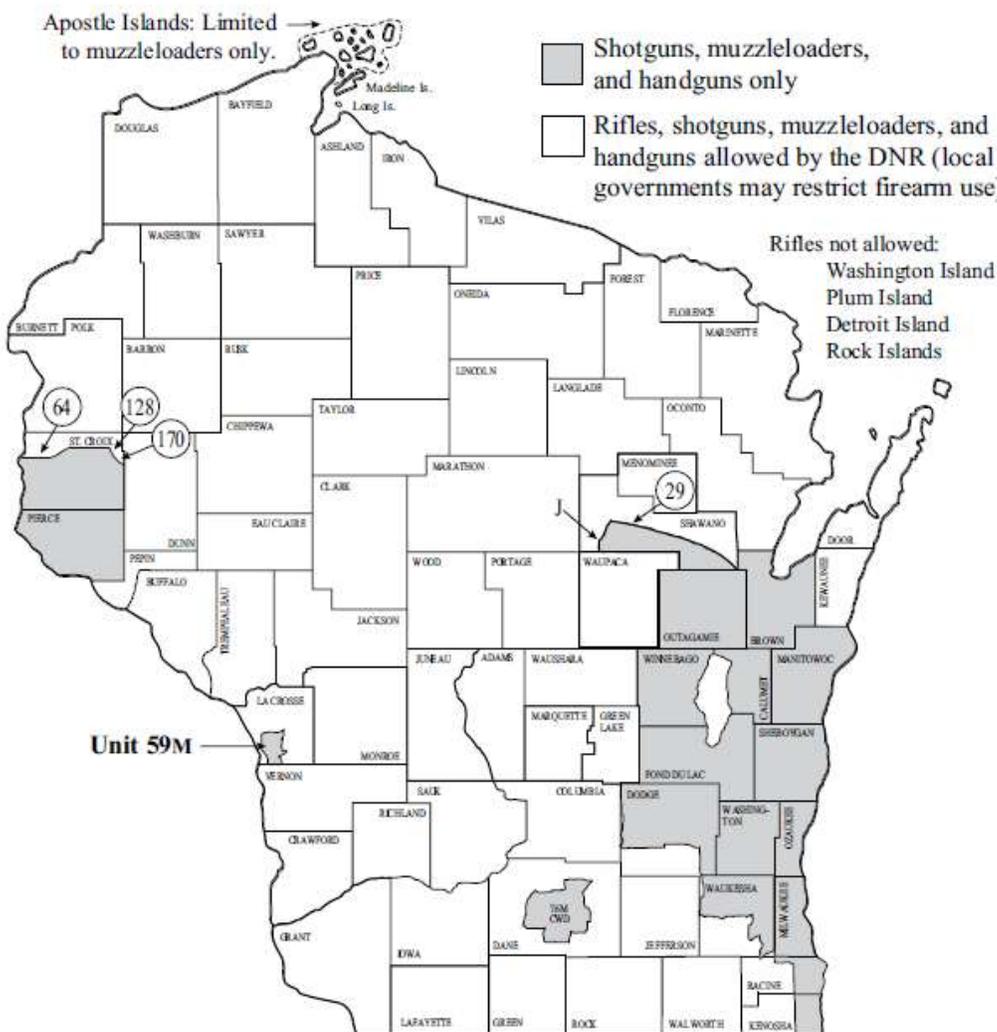
DNR staff will refer questions about local ordinances to the local unit of government.

### ATTACHMENT B

Hunting Zones from 2013 Deer Regulation Pamphlet (excerpt, page 23)  
<http://dnr.wi.gov/files/PDF/pubs/wm/WM0431.pdf>

## Deer Firearm Restricted Areas

**At the time of printing a proposal to allow the use of rifles statewide was under legislative review. Check with the department in early fall to determine if this rule will be in place prior to the 2013 firearm deer seasons. Hunters still need to check with local governments for weapon restrictions as some prohibit rifles and other weapon types within their boundaries.**



## ATTACHMENT C

### Wisconsin Statutes Chapter 29

<https://docs.legis.wisconsin.gov/statutes/prefaces/toc>

#### **29.038 Local regulation of wild animals.**

(1) In this section:

(a) "Local governmental unit" has the meaning given in s. 16.97 (7).

(b) "Political subdivision" means a city, village, town or county.

(2) No local governmental unit may enact any ordinance or adopt any regulation, resolution or other restriction for the purpose of regulating the hunting, fishing, trapping or management of wild animals, except as follows:

(a) A local governmental unit may enact an ordinance or adopt any regulation, resolution or other restriction that is authorized under this chapter.

(b) A local governmental unit may enact an ordinance or adopt any regulation, resolution or other restriction that restricts or prohibits access for hunting, fishing or trapping in any portion of land that it owns or leases.

(3) A local governmental unit may enact an ordinance or adopt a regulation, resolution or other restriction that has an incidental effect on hunting, fishing or trapping, but only if the primary purpose is to further public health or safety.

(4) If the department determines that an ordinance, regulation, resolution or other restriction enacted or adopted by a local governmental unit exceeds the authority granted to local governmental units in this section, the department may issue a notice to the local governmental unit of the department's intent to issue an order under this subsection. The department shall hold an informal hearing on the matter if a hearing is requested by the local governmental unit within 30 days after it receives the notice. The informal hearing is not a contested case under ch. 227. Following the hearing or following the failure of the local governmental unit to request a hearing within 30 days after it receives the notice, the department may issue an order declaring the ordinance, regulation, resolution or other restriction void.

**History:** 1997 a. 170; 1999 a. 32 s. 42; Stats. 1997 s. 29.038; 2001 a. 16; 2003 a. 33.

Cross-reference: See also s. NR 19.40, Wis. adm. code.

## ATTACHMENT D

### Wisconsin Statutes Chapter 66

<https://docs.legis.wisconsin.gov/statutes/prefaces/toc>

#### **66.0409 Local regulation of firearms.**

**(1)** In this section:

**(a)** "Firearm" has the meaning given in s. 167.31 (1) (c).

**(b)** "Political subdivision" means a city, village, town or county.

**(c)** "Sport shooting range" means an area designed and operated for the practice of weapons used in hunting, skeet shooting and similar sport shooting.

**(2)** Except as provided in subs. (3) and (4), no political subdivision may enact an ordinance or adopt a resolution that regulates the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloader components, unless the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute.

**(3)**

**(a)** Nothing in this section prohibits a county from imposing a sales tax or use tax under subch. V of ch. 77 on any firearm or part of a firearm, including ammunition and reloader components, sold in the county.

**(b)** Nothing in this section prohibits a city, village or town that is authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance or adopting a resolution that restricts the discharge of a firearm. Any ordinance or resolution that restricts the discharge of a firearm does not apply and may not be enforced if the actor's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in s. 939.45.

**(4)**

**(a)** Nothing in this section prohibits a political subdivision from continuing to enforce an ordinance or resolution that is in effect on November 18, 1995, and that regulates the sale, purchase, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloader components, if the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute.

**(am)** Nothing in this section prohibits a political subdivision from continuing to enforce until November 30, 1998, an ordinance or resolution that is in effect on November 18, 1995, and that requires a waiting period of not more than 7 days for the purchase of a handgun.

**(b)** If a political subdivision has in effect on November 17, 1995, an ordinance or resolution that regulates the sale, purchase, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloader components, and the ordinance or resolution is not the same as or similar to a state statute, the ordinance or resolution shall have no legal effect and the political subdivision may not enforce the ordinance or resolution on or after November 18, 1995.

**(c)** Nothing in this section prohibits a political subdivision from enacting and enforcing a zoning ordinance that regulates the new construction of a sport shooting range or when the expansion of an existing sport shooting range would impact public health and safety.

**(5)** A county ordinance that is enacted or a county resolution that is adopted by a county under sub. (2) or a county ordinance or resolution that remains in effect under sub. (4) (a) or (am) applies only in those towns in the county that have not enacted an ordinance or adopted a resolution under sub. (2) or that continue to enforce an ordinance or resolution under sub. (4) (a) or (am), except that this subsection does not apply to a sales or use tax that is imposed under subch. V of ch. 77.

**(6)** Unless other facts and circumstances that indicate a criminal or malicious intent on the part of the person apply, no person may be in violation of, or be charged with a violation of, an ordinance of a political subdivision relating to disorderly conduct or other inappropriate behavior for loading, carrying, or going armed with a firearm, without regard to whether the firearm is loaded or is concealed or openly carried. Any ordinance in violation of this subsection does not apply and may not be enforced.

**History:** 1995 a. 72; 1999 a. 150 s. 260; Stats. 1999 s. 66.0409; 2011 a. 35.

This section does not prohibit municipalities from enacting and enforcing zoning ordinances that apply to sport shooting ranges. Town of Avon v. Oliver, 2002 WI App 97, 253 Wis. 2d 647, 644 N.W.2d 260, 01-1851.

**ATTACHMENT E**

**ORDINANCE 20XX-XX-XX**

**AN ORDINANCE CREATING THE TOWN OF \_\_\_\_\_ DISCHARGE OF FIREARMS  
REGULATION.**

**WHEREAS**, Section 66.0409(3)(b) of the Wisconsin Statutes permits towns that have been authorized to exercise Village Powers under Section 60.22(3) of the Wisconsin Statutes to enact ordinances restricting the discharge of firearms; and,

**WHEREAS**, Section 29.038(3) of the Wisconsin Statutes permits a local governmental unit to enact an ordinance, adopt a regulation, resolution, or other restriction that has an incidental effect on hunting, fishing, or trapping, but only if the primary purpose is to further public safety; and,

**WHEREAS**, the Town of \_\_\_\_\_ is authorized to enact ordinances in order to protect the public health, safety and welfare by Sections 60.22(1), 60.22(3), 61.32 and 61.34 of the Wisconsin Statutes; and

**WHEREAS**, the Town of \_\_\_\_\_ has determined that it is reasonable and necessary to prohibit the use of rifles within the Town in order to protect the public health and safety;

**NOW, THEREFORE**, the Town Board of \_\_\_\_\_, Wisconsin, does ordain as follows:

[Insert Ordinance/Code Section]

**Section 1.** It shall be unlawful for any person to discharge a rimfire rifle larger than .22 caliber or any center-fire rifle .22 caliber or larger anywhere within the boundaries of the Town.

**Section 2.** Any person who shall violate this ordinance shall, upon conviction thereof, be subject to a forfeiture of not less than \$ \_\_\_\_\_ nor more than \$ \_\_\_\_\_. Each day that a violation is committed shall constitute a separate violation.

**Section 3.** Unless otherwise indicated, the prohibitions of this section shall not apply to:

- (a) Any peace officer(s) in the lawful performance of their duties
- (b) Any member of the U.S. armed force or the national guard in the lawful performance of their duties

**Section 4.** This ordinance shall be effective on the day after its enactment and publication of this ordinance or an appropriate notice thereof as provided by law.

Adopted at a meeting of the Town Board this \_\_\_\_\_ day of \_\_\_\_\_, 20XX.

\_\_\_\_\_  
Town Chairperson

ATTEST:

\_\_\_\_\_  
Town Clerk

Posted:

Published:

## ATTACHMENT F

September 29, 2013 Press Release  
<http://dnr.wi.gov/news/Weekly/?id=399#art2>

# **Rifles OK'd for hunting statewide, unless local -ordinances say otherwise**

## **October youth hunt still restricted shotgun-only**

MADISON -- Three years after the idea was first proposed in a citizen resolution during voting at Wisconsin Conservation Congress spring meetings, rifles will be allowed statewide for firearm deer hunting as of Nov. 1, 2013 – unless a local municipality has enacted a more restrictive ordinance

“Hunters are strongly urged to check with the local officials to see if rifles will be allowed for the November nine-day gun-deer hunt,” Scott Gunderson, assistant deputy secretary of the Department of Natural Resources, said of the law change which will not be in effect when the youth gun-deer hunt is held on Oct. 5-6.

Gunderson said this law change has attracted much public debate in the three years since it was first suggested.

“After the first statewide vote on this proposal at the Conservation Congress in 2011 when 61 counties supported it, the Department of Natural Resources held hearings in each county,” he said. There was a citizen resolution offered in 2010 with the statewide advisory question the following year. “We again found widespread public support for this rule change in 2013.”

This means that unless there is a local ordinance that restricts the use of rifles in the town you will be hunting, you will be able to use rifles of calibers legal for hunting deer statewide in 2013.

The DNR did not enter into this decision lightly, Gunderson said, and no matter the type of weapon a hunter chooses to use, they are reminded to follow the four rules of firearm safety.

**T** = Treat every firearm as if it is loaded.

**A** = Always point the muzzle in a safe direction.

**B** = Be certain of your target and what's beyond it.

**K** = Keep your finger outside the trigger guard until ready to shoot.

“The department has not identified any safety-related advantage to shotguns and there is no deer herd management purpose for the old regulation,” said Conservation Warden Todd Schaller, chief of the DNR's Bureau of Law Enforcement's Recreational Enforcement and Education Section. “The key to safe hunting is that the safety rules must be followed with all types of firearms.

The new regulations will be a simplification. Under previous rules, the department was frequently asked if people could use high-powered rifles for other species outside of the firearm deer season, if they could use muzzleloaders, or if they could use high-powered rifle and other cartridges in handguns during the firearm deer season. The answer to all of those was yes, even in shotgun-only areas, which sheds some light on the fact that the old rule was really not needed for safety related purposes.

During 2002-2007, rifles were authorized within former shotgun-only portions of Dane, Green, Lafayette, Rock and Walworth counties contained in the Chronic Wasting Disease Eradication Zones with no increase in shooting incidents.

“Rifles are firearms that are designed to fire a single projectile through a barrel that has lands and grooves, called rifling, which spin the bullet – providing accuracy and efficiency. Shotguns are designed primarily to fire a large number of small projectiles, called pellets, in a single shot and they are normally used for shooting birds in flight or small game. However, shotgun shells can be loaded with a single slug and used for deer hunting. Given the choice many, if not most, firearm deer hunters prefer to use a rifle because of the improved accuracy and great variety of calibers and guns.”

To learn more about hunting in Wisconsin – including enrolling in a hunter safety course – please visit: [dnr.wi.gov](http://dnr.wi.gov), search keyword, "hunting."

## Sec. 24-67. Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Firearm* means a weapon that acts by force of gunpowder.

*Law enforcement* means any person employed by the State of Wisconsin or any political subdivision of this state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

*Weapon* means a handgun, an electronic weapon as defined at Wis. Stats. § 941.295, a knife other than a switchblade under Wis. Stats. § 941.24, or a billy club.

*(Comp. Ords. 2000, § 9.02(1); Ord. No. 2011-20, § 1, 10-24-2011; Ord. No. 2011-20, § 1, 10-24-2011)*

*State law reference— Definitions, Wis. Stats. § 167.31.*

## Sec. 24-68. Penalty.

Any person who violates this subdivision shall be subject to a forfeiture of not less than \$25.00 nor more than \$200.00.

*(Comp. Ords. 2000, § 9.02(5))*

## Sec. 24-69. Use of firearms and other weapons prohibited.

(a)

Discharge of firearms within the village limits. Except as provided for in [section 24-70](#), no person, except an authorized police officer, shall discharge, or cause to be discharged, any firearm within the village limits as defined in this section. It shall be unlawful for any center fire rifle to be discharged in the village and the exceptions set forth in [section 24-70](#) do not apply to the discharge for any center fire rifle.

(b)

Weapons other than firearms. No person shall carry or have under his control any rifle, pellet gun, BB gun, slingshot or other weapon other than a firearm, as defined above, that projects any type of missile in public while such weapon is loaded or uncased or uncovered.

(c)

Except as provided for in [section 24-70](#), no person shall discharge, or cause to be discharged, any weapon as defined herein within the village limits as defined in this section.

(d)

In addition to the provisions of Wis. Stats. § 175.60 enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, it shall be unlawful for any person other than a law enforcement officer, firefighter or emergency medical personnel to enter the following city municipal buildings while carrying a weapon or a firearm:

(1)

Village Hall and Public Safety Building, located at 2456 Glendale Avenue.

a.

Signs meeting the requirements of Wis. Stats. § 943.13(2)(bm)1 shall be posted in prominent places near all entrances of such buildings regarding such restrictions.

b.

Any person who enters or remains in any aforementioned municipal building contrary to such signage shall be considered a trespasser subject to penalty as proscribed under [Section 24-68](#) of this code.

*(Comp. Ords. 2000, § 9.02(2); Ord. No. 2004-35, § 1, 10-25-2004; Ord. No. 2011-20, § 1, 10-24-2011)*

## **Sec. 24-70. Exceptions.**

The prohibitions of [section 24-69](#) shall not apply to the following:

(1)

Target practice or dog training by an organized gun club holding a valid permit, as follows:

a.

Such permits shall be granted by the village board only upon a determination that the health, safety and welfare of persons will not be adversely affected.

b.

No permit shall be valid for a period in excess of one year.

c.

The permit shall designate the times and places at which such target practice may occur and shall be subject to such other terms and conditions as may be determined by the village board.

d.

The fee for the permit is \$25.00 and must be paid at the time application is made for the permit. A refund in the amount of \$10.00 shall be made if the permit is not granted.

e.

The village clerk shall not issue the permit until the permittee provides proof of liability insurance satisfactory to the village clerk with limits of liability not less than \$1,000,000.00.

f.

The permit shall provide that the permittee shall indemnify the village and hold it harmless for any liability from activities carried on pursuant to the permit.

(2)

Law enforcement officers properly discharging their duties.

(3)

The following parcels of land:

a.

The portion of the village lying west of a line starting at the intersection of the Mountain Bay Recreational Trail (MBRT) and Glendale Avenue on the northern incorporated boundary of the village, continuing southeasterly along the Mountain Bay Recreational Trail to the west line of section 6, T24N R20E (generally the intersection of the Mountain Bay Recreational Trail and Spring Green Court), continuing south along the west line of section 6, T24N R20E to Evergreen Avenue, continuing east along Evergreen Avenue approximately 1,320 feet to the east line of the NW quarter of the NW quarter of section 7, T24N R20E, continuing south approximately 3,960 feet the north line of the SE quarter of the SW quarter of section 7, T24N R20E, continuing east along said north line approximately 1,320 feet to the east line of the SE quarter of the SW quarter of section 7, T24N R20E continuing south along said east line to Shawano Avenue continuing westerly along Shawano Avenue to Sherwood Street, continuing south along Sherwood Street to [STH 29](#)

b.

That portion of the village contained inside a line beginning at the intersection of Pinecrest Road and Lineville Road, continuing south along Pinecrest Road to Evergreen Avenue, continuing west on Evergreen Avenue to Glendale Avenue, continuing northwesterly along Glendale Avenue to Oak Hill Drive, continuing easterly along the northern incorporated boundary of the village (generally being Lineville Road) to Pinecrest Road and the point of beginning.

c.

That portion of the village contained inside a line beginning at the intersection of Pinecrest Road and Glendale Avenue, continuing south approximately 1,320 feet along easterly line of the NE quarter

of the SE quarter of section 7, T24N R20E to the south line of said quarter, continuing westerly approximately 1,320 feet along said south line to the west line of said quarter, continuing north along and parallel to the west line of said quarter to Glendale Avenue, continuing southeasterly along Glendale Avenue to Pinecrest Road and the point of beginning.

d.

That portion of the village contained inside a line beginning at the intersection of Evergreen Avenue and Glendale Avenue, continuing southeasterly along Glendale Avenue to the south line of NW quarter of the NE quarter of section 7, T24N R20E, continuing west along the south line of said section approximately 1,135 feet to the west line of said section, continuing north along the west line of said section to Evergreen Avenue, continuing east along Evergreen Avenue to Glendale Avenue and the point of beginning.

(4)

Any weapon unloaded and properly encased.

(5)

The boundary waters of Peaks Lake and the Bay of Green Bay defined as follows: South of Lineville Road to [STH 41](#), [STH 41](#) to CTH J, and CTH J to the Duck Creek River.

(6)

The possession and use of a bow and arrow in the area bounded by Lineville Road on the north, Cornell Road on the west, Wooddale Avenue from Cornell Road to CTH J and CTH J from Wooddale Avenue to US Highway 141 on the south, and US Highway 141 on the east.

(7)

Pest control. See [section 24-71](#)

(8)

The possession and use of a bow and arrow in the wooded area of the Gordon Nauman Conservation Area by permit only.