

ORDINANCE NO. 2014-01B

**AN ORDINANCE TO ESTABLISH REGULATIONS
CONCERNING THE DISCHARGE OF FIREARMS AND
OTHER WEAPONS WITHIN THE TOWN OF DEKORRA**

WHEREAS, Wis. Stats. § 66.0409(3)(b) permits towns that have been authorized to exercise Village powers to enact ordinances restricting the discharge of firearms; and

WHEREAS, on April 7, 1959 the Annual Town Meeting authorized the Town Board to exercise Village powers under Wis. Stats. § 60.10(2)(c); and

WHEREAS, the Town Board desires to enact regulations related to discharge of firearms and other weapons in the Town of Dekorra to promote the health and general welfare;

NOW, THEREFORE, the Town Board of the Town of Dekorra, Columbia County, Wisconsin, do ordain as follows:

1. Section 8.12 of the Town of Dekorra Code of Ordinances is hereby created to read as follows:

SECTION 8.12 DISCHARGE OF FIREARMS AND OTHER WEAPONS

- (a) **General Prohibition.** No person shall discharge or cause the discharge of any firearm in the Town of Dekorra in the following areas and situations:
- (1) Within any property zoned Single-Family Residence of one (1) acre or less in size, unless such property abuts agriculturally zoned lands upon which:
 - (A) express permission to discharge firearms has been granted by the owner or occupant; and
 - (B) only if discharging the firearm towards the agriculturally zoned property;
 - (2) Within or towards any property zoned Multi-Family Residence, Manufactured/Mobile Home Park, Commercial or Industrial, Civic and Institutional, Utility, Communication and Transportation;
 - (3) Within 100 yards of any dwelling or other occupied building other than:
 - (A) when express permission to discharge firearms has been granted by the owner or occupant; and
 - (B) only if discharging the firearm away from (*see* Wis. Stats. § 941.20(1)(d)) any other dwelling or occupied building;
 - (4) From or across any public highway or road or within 50 feet of the centerline of a highway (*see* Wis. Stats. § 167.31(2)(d));

- (5) Within 150 yards of or towards any public park, square, rest area, boat landing, school, or town facility;
 - (6) Intentionally in the direction of a Transmission Facility (*see* Wis. Stats. § 167.31(3m)(a)).
- (b) **Definitions.** The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) “Firearm.” Any weapon that acts by force of gunpowder including a rifle, pistol, or revolver of any caliber or shotgun of any gauge.
 - (2) “Handgun.” Any firearm (such as a revolver or pistol) that is designed to be held and fired with one hand.
 - (3) “Rifle.” Any firearm other than a handgun having a grooved (i.e. rifled) barrel that, upon discharge, projects a round or elongated projectile.
 - (4) “Shotgun.” A firearm that discharges any size pellet or slugs.
 - (5) “Muzzle-loading weapons” are considered to be firearms.
 - (6) “Sport shooting range.” An area designed and operated for the practice of weapons used in hunting, skeet shooting and similar sport shooting.
 - (7) “Transmission facility.” Any pipe, pipeline, duct, wire, cable, line, conduit, pole, tower, equipment, or other structure used to transmit or distribute utilities to or for the public or to transmit or distribute communications or data to or from the public.
- (c) **Exceptions.** Unless otherwise indicated, the prohibitions of this Section shall not apply to:
- (1) Peace officers in the performance of their duties.
 - (2) Any member of the U.S. armed forces or the national guard in the performance of their duties.
 - (3) Any private security person as defined in Wis. Stat. § 440.26(1m)(h) who meets all of the requirements under Wis. Stats. § 167.31(4)(a)(4).
 - (4) Activities within any bona fide sport shooting range.
 - (5) Any property owner or adult occupant of any real estate within the Town using or discharging any rifle, air rifle, pistol or revolver upon the premises owned or occupied as aforesaid, or using or discharging a shotgun on such lands, provided such use is justified and for the sole purpose of protection of life, subject to Wis. Stats. § 939.48, and property, subject to Wis. Stats. § 939.49.

- (6) Any adult owner or occupant of any land within the Town who, while on their own property and subject to all applicable State restrictions and regulations, discharge an air rifle or shotgun:
 - (A) for the sole purpose of controlling rodents that are not a protected species; or
 - (B) for the purpose of controlling skunks, opossum and/or raccoons that:
 - i. are causing damage; or
 - ii. are about to cause damage; or
 - iii. may constitute a health hazard or other nuisance.
- (7) No shotgun may be discharged by any person under the exceptions specified in Section 8.12(c) while loaded with a slug or with any shot/pellet with a larger diameter than #4. The adult owner or adult occupant shall be responsible to ensure that the discharge from any air rifle or shotgun cannot end up onto any adjacent property.
- (8) Discharge of weapons where permitted shall occur in a safe manner. Target practicing shall only be towards a suitable backstop or berm and shall be limited to between the hours of 8:00 a.m. to 5:00 p.m.
- (d) **Penalty.** Any person violating this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code. Each day of violation shall constitute a separate offense.”

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Dekorra on the _____ day of _____, 2014.

TOWN OF DEKORRA

By: _____
Richard A. Schmidt, Town Chairperson

ATTEST:

Vicki L. Auck, Town Clerk

VOTE:

Ayes: _____ Adopted: _____
Noes: _____ Published: _____