

ORDINANCE NO. 08-06

AN ORDINANCE TO AMEND CHAPTER 13 OF THE ORDINANCES OF
THE TOWN OF EAGLE ESTABLISHING REGULATIONS CONCERNING
THE DISCHARGE OF FIREARMS AND OTHER WEAPONS
WITHIN THE TOWN OF EAGLE

WHEREAS, on or about September 18, 1991 the Town Board for the Town of Eagle adopted Ordinance No. 91-11, which repealed and recreated regulations concerning the use of firearms in the Town of Eagle; and

WHEREAS, Section 66.0409 of the Wisconsin Statutes permits towns that have been authorized to exercise Village powers to enact ordinances restricting the discharge of firearms; and

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

NOW, THEREFORE, the Town Board of the Town of Eagle, Waukesha County, Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1: Ordinance No. 91-11 of the Town of Eagle, entitled "An Ordinance to Repeal and Recreate the Ordinance Regulating the Use of Firearms" is hereby repealed and Chapter 13 of the Ordinances of the Town of Eagle is hereby created to read as follows:

Chapter 13
Discharge of Firearms and Other Weapons

13.01 Definition.

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:

- (a) *Firearm* means a rifle of any caliber, air rifle, shotgun of any gauge, pistol, or revolver of any caliber.
- (b) *Handgun* means a firearm (such as a revolver or pistol) that is designed to be held and fired with one hand.
- (c) *Rifle* means any firearm other than a handgun having a grooved (i.e. rifled) barrel that, upon discharge, projects a round or elongated projectile. A shotgun of 10-gauge, 12-gauge or 20-gauge, or 410-gauge being operated with a rifled barrel for the discharge of shotgun slugs shall not be considered a rifle under this Chapter. Muzzle-loading firearms and shotguns which fire a single projectile are not considered rifles.

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

13.02 *Discharge near subdivision.*

No person shall discharge any firearm in any recorded subdivision in the Town or within 100 yards thereof.

13.03 *Discharge near residence, building, highway, or public park.*

- (a) No person shall discharge, or cause the discharge of, any firearm within 100 yards of any residence, building or public highway in the Town; across a highway; or within 50 feet of the center of a roadway in the Town.
- (b) No person shall discharge or cause the discharge of any firearm within 660 feet of any public park, square, or enclosure owned or controlled by any municipality.

13.04 *Discharge at transmission facility.*

Except as provided in Wis. Stat. § 167.31(4)(b) and (h), no person may intentionally discharge a firearm in the direction of a transmission facility.

13.05 *Rifle prohibition.*

No person shall discharge or cause the discharge of any rifle larger than .22 caliber rim fire within the territorial limits of the Town.

13.06 *Hunting and discharge of weapons prohibited on property owned by the Town.*

- (a) Hunting of any form or nature is hereby prohibited on any property owned by the Town of Eagle.
- (b) No person may fire or discharge any firearm, gun, weapon, or bow and arrow on any property owned by the Town of Eagle.

13.07 *Exceptions.*

Unless otherwise indicated, the prohibitions of this Chapter 13 shall not apply to:

- (a) Any peace officer in the performance of their duties.
- (b) Any member of the U.S. armed forces or the national guard in the performance of their duties.
- (c) Any private security person as defined in Section 440.26(1m)(h) of the Wisconsin Statutes who meets all of the requirements under Section 167.31(4)(a)(4) of the Wisconsin Statutes.
- (d) Activities upon any bona fide sport shooting range.

- (e) Any property owner or adult occupant of any real estate within the Town may use and discharge any rifle, air rifle, pistol or revolver upon the premises owned or occupied as aforesaid, and may use and discharge a shotgun on such lands even though prohibited in Sections 13.02 through 13.06 of this Chapter, provided such use is for the sole purpose of protection of life, subject to Wis. Stats. § 939.48, and property, subject to Wis. Stats. § 939.49.
- (f) Notwithstanding the provisions of Sections 13.02 and 13.03, an adult owner or adult occupant of any land within the Town may, while on their own property and subject to all applicable State restrictions and regulations, discharge an air rifle or shotgun:
 - i. for the sole purpose of controlling rodents that are not protected species; or
 - ii. for the purpose of controlling skunks, opossum and/or raccoons that:
 - 1. are causing damage; or
 - 2. are about to cause damage; or
 - 3. may constitute a health hazard or other nuisance.

No shotgun may be discharged by any person under this Section while loaded with a slug or with any shot with a larger diameter than #6. 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.

13.08 No hunting without permission.

Except as otherwise prohibited under Sections 13.02 through 13.06, hunting may be permitted by the owner or adult occupant of land within the Town provided such hunting is by use of a shotgun or other devices not prohibited in Section 13.05 of this Chapter, and further provided that the discharge shall not be above or into another's land or across a traveled roadway.

13.09 Parental responsibility.

If a minor shall violate this Chapter, the parent or guardian shall be responsible for such violation in the same manner as if such parent or guardian had violated this Chapter, and ignorance of such violation shall not be a defense; prosecution of such parent or guardian shall not be a bar to prosecution of such minor.

13.10 Penalty.

Any person who shall violate, neglect or refuse to comply with any of the provisions of this Chapter shall, upon conviction thereof, forfeit or pay a fine of not less than \$200.00, nor more than \$500.00, together with costs of prosecution, and in default of payment thereof, shall be imprisoned in the county jail for a period not to exceed 30 days or until such forfeiture and subsequent costs have been paid.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 19th day of November, 2008.

TOWN OF EAGLE

Robert Kwiatkowski, Town Chair

ATTEST:

Lynn M. Pepper, Town Clerk

Published and posted this _____ day of _____,
2008.