

## ORDINANCE NO. 18-07

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WHEREAS, on or about September 18, 1991 the Town Board for the Town of Eagle adopted Ordinance No. 91-11, which repealed and recreated regulations concerning the use of firearms in the Town of Eagle; and

WHEREAS, on September 17, 2008, the Town Board for the Town of Eagle adopted Ordinance 08-05, which repealed and recreated Ordinance 91-1; and

WHEREAS, on November 19, 2008, the Town Board for the Town of Eagle adopted Ordinance 08-06, amending Ordinance 08-05; and

WHEREAS, the Town Board created Chapter 13 by Ordinance Number 17-04 in 2017;

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: 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establishing regulations concerning the discharge of firearms and other weapons within the Town of Eagle” is hereby repealed and Chapter 13 of the Ordinances of the Town of Eagle is hereby recreated to read as follows: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) “Airgun” means a weapon which expels a missile or projectile by the expansion of compressed air or other gas.

- (b) *Firearm* means a rifle of any caliber, shotgun of any gauge, pistol, or revolver of any caliber.
- (c) *Handgun* means a firearm (such as a revolver or pistol) that is designed to be held and fired with one hand.
- (d) *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.
- (e) *Sport shooting range* means an area designed and operated for the practice of weapons used in hunting, skeet shooting and similar sport shooting.
- (f) *Target shooting* means the discharge of a weapon at any stationary and/or moving object(s) for the purpose of increasing and/or testing proficiency in accuracy and/or speed or for the purpose of engaging in any competition of accuracy and/or speed
- (g) *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 while 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 or airgun in the direction of a transmission facility.

13.05 *Rifle Caliber, Regulated.*

13.06 No person shall discharge or cause the discharge of any rifle utilizing a projectile larger than .22 caliber rim fire bullet within the territorial limits of the Town except while on a sport shooting range. *Target Shooting, regulated.*

- (a) **Firearms.** Except while on a sport shooting range, no person shall discharge a firearm on any property in the Town of Eagle for purposes of target shooting.
- (b) **Airguns.** No person shall engage in target shooting while using an airgun except on private property with the permission of the owner or adult

occupant and while preventing any discharged missile or projectile from traveling beyond any property line(s).

*13.07 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 airgun, firearm, gun, weapon, or bow and arrow on any property owned by the Town of Eagle.

*13.08 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) The discharge of a firearm where the actor's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wis. Stat. § 939.45.
- (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.

*13.09 Hunting, Regulated.*

Subject to the provisions of Sections 13.01 through 13.08 of this Chapter, an owner or adult occupant of land within the Town may permit hunting on property that he or she owns and/or occupies provided, however, that:

- (a) The use of firearms for such hunting shall be limited to the use of a shotgun or such other device that is not prohibited in Section 13.05 of this Chapter, and
- (b) No hunter shall discharge any firearm into another's land.

*13.10 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.

13.11 *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 September, 2018.

TOWN OF EAGLE

\_\_\_\_\_  
Robert Kwiatkowski, Town Chair

ATTEST:

\_\_\_\_\_  
Lynn M. Pepper, Town Clerk

Published and posted this \_\_\_\_\_ day of \_\_\_\_\_,  
2018.