ORDINANCE NO. 12172013 2013/2014

AN ORDINANCE REPEALING AND RECREATING SECTION 5.10, REGULATION OF FIREARMS, CROSSBOWS, AND BOWS AND ARROWS OF THE MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN,

WHEREAS, the Town of Sheboygan has experienced and continues to experience significant residential and commercial development; and

WHEREAS, the estimated population of the Town as of January 1, 2013 is 7,390; and

WHEREAS, the Town Board of the Town of Sheboygan, as authorized by Wis. Stat. § 66.0409(3)(b) and as an exercise of police powers pursuant to Wis. Stat. § 60.22(3), hereby determines that regulating the discharge of firearms and crossbows is necessary to promote and protect the health, safety, and welfare of Town residents.

NOW, THEREFORE, the Town Board of the Town of Sheboygan does hereby ordain as follows:

Section 1. **Repealing and Recreating Code**. Section 5.10 of the Municipal Code of the Town of Sheboygan entitled "Regulation of Firearms and Bow and Arrows" is hereby repealed and recreated to read as follows:

"Section 5.10 Regulation of Firearms, Crossbows, and Bows and Arrows

(1) Purpose –

The purpose of this Ordinance is to protect and foster the health, safety and well being of persons in the Town of Sheboygan, for the protection of property rights, and to protect individuals from injury

(2) Definitions –

a. "Firearm" shall mean "any firearm or air gun such as pistols, revolvers, shot guns, rifles, BB guns, or such other devices

b. "Permitted firearm discharge area" shall mean any parcel of land consisting of not less than 15 acres or a combination of contiguous parcels under common ownership or control consisting of not less than 15 acres."

(3) Prohibition Against Firearm Discharge –

a. Except as permitted by this ordinance, no owner or other person shall discharge any firearm within the Town. This prohibition of 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 Wis. Stat. § 939.45.

b. Exception To Prohibition Against Firearm Discharge. Notwithstanding Section 5.10(3)a. immediately above, an owner, a member of an owner's household, or a person authorized by an owner who obtains a discharge permit from the Town, may discharge a firearm in a permitted firearm discharge area.

c. Restricted Firearm Discharge Area. Notwithstanding any provision of this ordinance to the contrary, no owner or other person shall discharge any firearm in the area of the Town lying east of Lakeshore Road.

d. Bow and Arrow Discharge. Bow and arrow discharge, other than by crossbow, is permitted with a Town discharge permit as provided in this ordinance in all areas of the Town.

e. Crossbow Discharge. No person shall discharge any crossbow on any parcel of land consisting of less than five (5) acres of land within the Town and without first obtaining a permit for discharge under paragraph (4), below.

f. Restricted Crossbow Discharge Area. Notwithstanding any provision of this ordinance to the contrary, no owner or other person shall discharge any crossbow in the area of the Town lying east of Lakeshore Road and south of the ordinary high water mark of the north bank of the Pigeon River.

g. No person shall discharge any firearm, crossbow or bow and arrow in an otherwise allowed area within the Town without first obtaining a permit for discharge under paragraph (4), below.

(4) Permit for Discharge –

a. Any person discharging a firearm, crossbow or bow and arrow within the Town must obtain a discharge permit from the Town prior to the discharge.

b. The person seeking a discharge permit shall provide his or her name, date of birth, address, telephone number and location of intended discharge to the Town.

c. Upon receipt of the information in subparagraph b, above, the Town shall issue an orange-colored discharge permit to persons discharging firearms and a green-colored discharge permit to persons discharging crossbows or bows and arrows. Permits shall be issued and remain valid for three (3) year terms, unless a property owner revokes or otherwise limits the authority given to a discharge permit applicant as required by section 5.10(3)(b) of this code. A discharge permit shall terminate upon the sale, transfer, or change in ownership of the property for which a discharge permit has been issued.

d. Any person issued a discharge permit shall keep such permit on his or her person at all times when discharging a firearm, crossbow or bow and arrow within the Town and shall provide the permit to any law enforcement officer, Town Constable, or other Town Official, upon request.

(5) Permit Exception –

A property owner or member of the property owner's household shall not need a discharge permit to discharge a firearm, crossbow or bow and arrow on the owner's parcel of land.

(6) Farmers & Sportsmens Conservation Club –

The property owned and operated by the Farms & Sportsmens Conservation Club located at 2412 N. 44th Street in the Town of Sheboygan is exempt from the regulations of this ordinance.

(7) Penalty –

The penalty for violation of this code section shall be $50.00 plus costs for the first offense and $200 plus costs for the second or more offense within one (1) year.

Section 2. **Severability**. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. **Effective Date**. This Ordinance shall take effect upon enactment and publication as required by law.

Enacted this 17th day of December, 2013.

TOWN OF SHEBOYGAN

By _____
DANIEL W. HEIN, Chairperson

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 17th day of December, 2013.

Catherine A. Conrad
CATHERINE A. CONRAD, Clerk

Published/Posted this 28th day of January, 2014

C:\Users\mbauer5\AppData\Local\Temp\oyrtidjb\Ord. to Repeal and Recreate Section 5.10 (Firearms) (00025457-4).DOC