

**Town of West Bend  
Washington County, Wisconsin**

**Ordinance #2021-XX**

**Amendment to Repeal and Recreate and Part of Chapter 9 of the Municipal Code relating to Use of Firearms and other Dangerous Weapons.**

**WHEREAS**, Section 66.0409(3)(b) of the Wisconsin Statutes permits towns the authority 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 local government units to enact an ordinance, adopt a regulation, resolution or other restriction that has incidental effect on hunting, fishing or trapping, but only if primary purpose is to further public safety; and

**WHEREAS**, the Town of West Bend 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 West Bend has determined that it is reasonable and necessary to **restrict** the use of Firearms and Dangerous Weapons within the Town to protect the public health and safety,

**NOW THEREFORE**, Town Board of the Town of West Bend, Washington County, Wisconsin, **does ordain the superseding of Municipal Code Section 9.02 (3), Ordinance #2020-05 herewith amended and recreated as follows:**

**9.02 POSSESSION AND USE OF FIREARMS AND OTHER WEAPONS**

**(1) DEFINITIONS.**

For the purpose of this section, the following definitions shall apply.

(a) **FIREARM.**

Any weapon from which a shot may be fired by force of an explosive or propellant, including, but not limited to, Rifles, Shotguns, Pistols and **Compressed Air** Projectile Guns.

(b) BOW & ARROW / CROSSBOWS

Any high velocity bow or crossbow ranged weapon using a tension launching device from which arrow-like projectiles (arrows, darts, bolts, shafts, quarrels, or bullets) are discharged.

(c) OTHER DANGEROUS PROJECTILE WEAPONS.

Any weapon from which a projectile is propelled with high velocity either manually or with the aid of a mechanical instrument, including, but not limited to, Sling Shot, Electric Gun or Blow Guns.

(d) PUBLIC BUILDING.

Any building, including grounds thereof, owned by the Town, County or School District.

(e) PUBLIC LAND.

Any land owned by the Town, County or School District.

(f) PUBLIC PLACE.

Any privately-owned building which is open to the public

(g) DEWELLING.

Any privately-owned residential building, home, trailer, barn, garage, shed or shelter.

(h) RESTRICTIONS.

A restricted ordinance, regulation, resolution, or other restriction enacted or adopted by a local government unit.

**(2) POSSESSION OF FIREARMS IN PUBLIC PLACES PROHIBITED.**

(a) No person except duly authorized law enforcement officers specifically authorized by law to carry firearms, shall possess a firearm while within a public building or on public land within the Town of West Bend boundaries that is not contrary to Wisconsin Statutes 440.26 and 941.23.

**(3) RECREATIONAL USE OF FIREARMS, BOW & ARROW AND CROSSBOWS**

In furthering public safety, recreational discharge of Firearms, Bow & Arrow and Crossbows within the Town Boundaries are restricted to the following:

- (a) It shall be unlawful for any person to use, shoot or discharge within the boundaries of the Town of West Bend a rimfire or centerfire (rifle or pistol) larger than a .22 caliber.
- (b) It shall be unlawful to shoot or discharge a Firearm, Bow Arrow, Crossbow or **Other Dangerous Projectile Weapons** unless on private property.
- (c) It shall be unlawful to shoot or discharge a Firearm, Bow Arrow, Crossbow or **Other Dangerous Projectile Weapons** within 300 feet (100 yards) of any dwellings in the Town, unless such person is the owner or occupant of such dwelling (or) without the written permission of the owner or occupant of the dwellings.
- (d) It shall be unlawful to shoot or discharge a Firearm, Bow Arrow, Crossbow within 300 feet (100 yards) of any public or private road and highway.
- (e) Recreational restrictions require that the discharge of Firearms, Bow Arrow, Crossbow or Other Dangerous Projectile Weapons be towards the ground.
- (f) Sections 3(a)(b)(c)(d)(e) do not apply if the individual discharging the described firearms or weapons are legally justified, or had the individual been subject to a criminal penalty, the individual would have been subject to a defense of self-defense as described in Wisconsin Statute 939.45.

**(4) HUNTING USE OF FIREARMS, BOW & ARROW AND CROSSBOWS**

- (a) The Town of West Bend acknowledges and supports Wisconsin Statutes 29.038(2)(a)(b) and prohibits access for hunting on all Town of West Bend property (owned or leased).

(b) Hunting use of Firearms in the Town of West Bend are allowed within the limits of State DNR designated public lands and owner/occupant permissible private property in accordance with Wisconsin Chapter 29.

(c) Hunting use of Bow Arrow and Crossbows in the Town of West Bend are allowed within the limits of State DNR designated public lands and owner/occupant permissible private property in accordance with Wisconsin Statue 29.038(3)(b) and 2013 Wisconsin Act 71.

**(5) Ordinance 2021-XX Violations & Fines**

- (a) Any person who shall violate this Ordinance shall, upon conviction thereof, be subject to a forfeiture per of not less than \$100.00, and no more than \$200.00.
- (b) Unless otherwise indicated, the prohibition and fines of this Section shall not apply to law enforcement officers, military, and national guard personnel during the lawful performance of their duties.

This Ordinance #2021-XX shall be effective immediately upon execution and appropriate public notice thereof as provided by law.