

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

Ordinance #2020-05

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 prohibit the use of Firearms and Dangerous Weapons within the Town in order 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), Section 9.03, Ordinance #2003-02 and Ordinance #2013-02 herewith amended and recreated as follows:

9.02 POSSESSION AND USE OF FIREARMS AND OTHER DANGEROUS 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 Air Projectile Guns.

(b) OTHER DANGEROUS WEAPONS.

Any weapon from which a projectile is propelled either manually or with the aid of a mechanical instrument, including, but not limited to, Bow & Arrow, Crossbow, Sling Shot, Spring Gun, Electric Gun or Blow Gun.

(c) PUBLIC BUILDING.

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

(d) PUBIC LAND.

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

(e) PUBLIC PLACE.

Any privately-owned building which is open to the public

(f) DEWELLING.

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

(2) POSSESSION OF FIREARMS IN PULBIC 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 Statues 440.26 and 941.23.

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

Possession and the discharge of Firearms, Bow & Arrow and Crossbows within the Town Boundaries require a Permit and 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 for any person to use, shoot or discharge within the boundaries of the Town of West Bend an air gun or shotgun using a single slug, pellet or shot, except when used in accordance with the State law and administrative regulations during hunting seasons within and on state sanctioned hunting lands.

Sections 3 (a) and (b) do not apply if the individual discharging the described firearms 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.

(c) It shall be unlawful for any person to use, shoot or discharge within the boundaries of the Town of West Bend an Bow & Arrow or Crossbow, except in accordance with the State law and administrative regulations during hunting seasons within and in the manner prescribed by the Wisconsin Department of Natural Resources subject to the following limitations:

1. It shall be unlawful to shoot or discharge a Firearm, Bow Arrow or Crossbow within 300 feet of any dwellings within the Town, unless such person is the owner or occupant of such dwelling (or) without the permission from the owner or occupant of the dwelling.
2. It shall be unlawful to shoot or discharge a Firearm, Bow & Arrow or Crossbow within 100 feet of any public road or highway.
3. Directional restrictions require that any person hunting or discharging a Firearm, Bow & Arrow or Crossbow to shoot or discharge towards the ground.

9.03 PERMIT APPLICATION & FINES (Discharge of Weapons)

An application to be submitted to the Town of West Bend Chief of Police by the individual applying for the Permit. The application forms are available at the Town Hall.

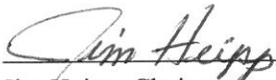
- (a) Permit are not transferable and must always be carried by the individual to whom it is issued when discharging the weapon.
- (b) Permits will be issued on an annual basis and will contain valid dates.
- (c) The annual fee for obtaining a weapons discharge permit is as follows:

(1) Town of West Bend Resident	No Charge
(2) Washington County Resident	\$5.00
(3) Non-Resident	\$10.00

- (d) Liability is not assumed by the Town of West Bend for damages to persons or property caused in the course and execution of the Weapons Permit.
- (e) No person shall shoot, pursue, take, catch, hunt or kill wild animals in the Town of West Bend, unless the Weapons Discharge Permit has been duly issued to that person and the individual has been issued a hunter's safety card and/or State of Wisconsin Hunting License.
- (f) 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.
- (g) Unless otherwise indicated, the prohibition, permit and fines of this Section shall not apply to law enforcement officers, military, and national guard personnel during the lawful performance of their duties.

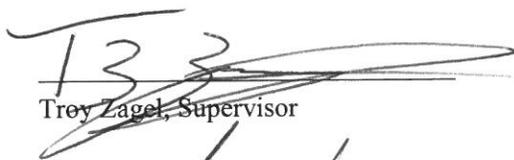
This Ordinance #2020-05 shall be effective immediately upon execution and appropriate public notice thereof as provided by law.

Adopted this 12 day of August, 2020.



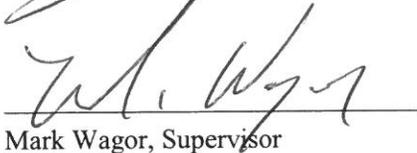
 Jim Heipp, Chairman

X _____
 Aye Nay



 Troy Zagel, Supervisor

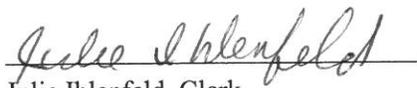
X _____
 Aye Nay



 Mark Wagor, Supervisor

X _____
 Aye Nay

Attest:



 Julie Ihlenfeld, Clerk