



Town of Grafton Ordinance No. 2020-01

AN ORDINANCE AMENDING TITLE 6, CHAPTER 5 – FIREARMS, OF THE CODE OF ORDINANCES, TOWN OF GRAFTON, WISCONSIN, ADDRESSING PROPERTY OWNER RESPONSIBILITY AND PERMITTING REQUIREMENTS FOR LAWFUL DISCHARGE WITHIN THE TOWN

Section 1:

Section 6.5.1 of the Town of Grafton Code of Ordinances is hereby amended as provided below by adding the underlined language and deleting the language struck out:

6.5.1 Purpose.

The purpose of this ordinance is to regulate, restrict, and prohibit the discharge of firearms in the Town to protect the safety, health and welfare of the residents the Town of Grafton and their property. This ordinance is not intended to affect State or Federal law regarding hunting, nor it is intended to modify the Town’s Zoning Ordinance, which prohibits shooting, target and/or firing ranges within the township.

6.5.1.01 Definitions

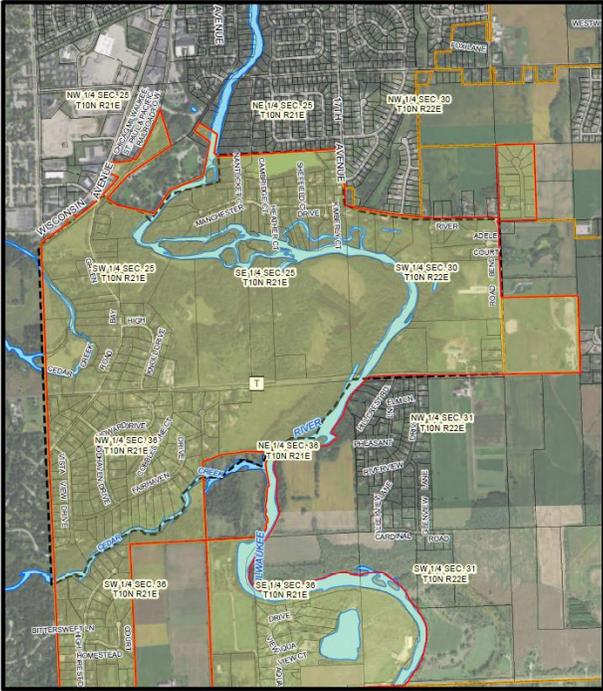
(A) Firearms. For purposes of this ordinance the term “firearms” shall mean all weapons used for the purpose of propelling bullets, shot or other missiles, whether from cartridge, shell or other container, by gunpowder , and shall include all forms of shot guns, rifles, revolvers and other similar types of equipment. Air rifles firing BBs and pellets up to .22 caliber would be exempt.

6.5.1.02 Described Area

That area in the Town of Grafton which is densely populated is described as follows: “Commencing at the intersection of the center lines of River Bend Road and County Trunk Hwy. “T” (Lakefield Road) then Westerly along the center line of County Trunk Hwy. “T” to the Eastern bank of the Milwaukee River, then Southerly along said Eastern bank of the Milwaukee River to the intersection of the Milwaukee River with the center line of County Trunk Hwy. “C” (Pioneer Road) then Westerly along the center line of County Trunk Hwy. “C” to the Western

boundary of the Town of Grafton, which is legally described as the west line of the SW ¼ and NW ¼ of Section 36 Section Lines, then Northerly along these Section Lines to the southwest corner of the SW ¼ of Section 25 Section Line, then Northerly along this Section Line to the Southern jurisdictional limits of the Village of Grafton, then Easterly along these limits to the center line of 17th Avenue, then Southerly along the center line of 17th Avenue to the center line of River Bend Road, then Easterly following the center line of River Bend Road to the Western boundary of the River Bend Estates, then Northerly along the west line of River Bend Estates to the northwest corner of River Bend Estates, then Easterly along the north line of River Bend Estates, to the northeast corner of River Bend Estates, then Southerly along the east line of River Bend Estates to the southeast corner of River Bend estates, also being the southeasterly corner of River Bend court, then Westerly along the south line of River Bend Court, also being the south line of River Bend Estates, to the intersection of River Bend Court with River Bend Road, then Southerly following the centerline of River Bend Road to the northwest corner of the Grafton Little League Complex, then Easterly along the north line of the Grafton Little League Complex to the northeast corner of the Grafton Little League Complex, then Southerly along the east line of the Grafton Little League Complex to the southeast corner of the Grafton Little League Complex, also being the centerline of County Truck Hwy “T”, then Westerly along the centerline of County Truck Hwy “T” to the place of beginning, specifically excluding those properties in the City of Cedarburg which are located within the area described above and depicted on the map attached hereto as “Exhibit A.”

Exhibit A
TOWN OF GRAFTON NO FIREARMS DISCHARGE AREA



Legend
 Yellow outline: No-Discharge Area Limits (2019)
 Black dashed line: No firearms discharge within this boundary per Town of Grafton Ordinance 2 (1983)
 Yellow outline: Town of Grafton Limits

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, AeroGRID, IGN, and the GIS User Community

Stantec
 0 650 1,300 Feet
 Ricentmunicalgraton_1_161016.mxd

6.5.1.03 Prohibitions

- (A) Discharge Prohibited. No person shall discharge, attempt to discharge, or cause to be discharged, any firearm within the Town of Grafton within 150 yards of the residence or dwelling of another or within the area described in Section 6.5.1.02. This prohibition shall not apply to the discharge of a firearm for the purpose of controlling agricultural pests by the owner or lessee of lands within the Town of Grafton on premises owned or leased by such owner or lessee.
- (B) Restrictions. In addition to the prohibition of Section 6.5.1.03(A), no person shall discharge, attempt to discharge, or cause to be discharged any firearm within the corporate limits of the Town of Grafton outside the area described in Section 6.5.1.02, except as otherwise provided in this ordinance.

6.5.1.04 Exceptions

The following are exceptions to Sections 6.5.1.03(A) and 6.5.1.03(B) of this ordinance:

- (A) When a firearm is being used by a law enforcement officer in the lawful performance of his duty;
- (B) When a firearm is necessary to protect the personal property of one carrying such firearm or the personal property of another, in compliance with state law;
- (C) When the discharge of firearms is on navigable waters which are located outside the area described in Section 6.5.1.02.

6.5.1.05 Permits Required

The owner or lessee of lands located within the Town, members of the owner's or lessee's immediate family, and such persons to whom the owner or lessee may issue written permits, may discharge firearms upon such lands actually owned or leased, provided, that such lands are not within the area described Section 6.5.1.02, and subject to the following restrictions:

- (A) That the discharge of firearms shall be so controlled that the bullet, shot or missile propelled there from shall not pass over or on the premises of another or upon the public highway or other public grounds.
- (B) That the discharge of firearms shall be controlled so as not to endanger the life or property of another.
- (C) That the discharge of firearms shall be of limited time and duration such that their use shall not interfere with other residents' reasonable use and enjoyment of their property.
 - (1) The permits described in this section may be granted only by owners or lessees of land located within the Town of Grafton. These permits may be purchased at the office of the Town Clerk at a cost determined by the Town Board and must be countersigned by an official of the Town. These permits shall be executed in triplicate, with the original remaining with the Town Clerk, one copy provided

to the owner or lessee of the land granting such permit and one copy provided to the person to whom such permit is issued. These permits shall provide for an expiration date not to exceed 120 days from the date of issuance thereof; the permit issued to any person shall be revoked immediately upon a finding that such person has violated any section of this ordinance.

- (2) Landowners, Occupants, Lessees and Permittees shall be jointly and severally liable for violations of this ordinance. Violations of this Ordinance may result in an injunction, permanently prohibiting the recreational use of firearms on any property subject to a complaint.

6.5.1.06 Permit Must Be Carried

Any person discharging a firearm on land not owned or leased by such person shall have his or her permit in his or her immediate possession and shall display the same upon demand from any Town official or law enforcement officer.

6.5.1.07 Penalty

Anyone violating any provision of this ordinance shall forfeit the sum of Two Hundred Fifty Dollars (\$250.00) for each offense and shall in addition, pay the cost of prosecution. In default of payment of the forfeiture provided in this section, any person who has been found to violate this ordinance shall be confined to the County jail until such forfeiture with costs has been paid; such period of confinement shall not exceed 30 days. (See 1.1.6 TGO)

Section 2:

Except as hereinabove specifically modified and amended, the Code of Ordinances, Town of Grafton, Wisconsin, shall remain in full force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Section 3:

This Ordinance shall take effect and be in full force from and after its passage and publication or posting.