

ORDINANCE 06.2021

**RESCIND AND REPLACE ORDINANCE NO. 9.02 POSSESSION AND USE OF
FIREARMS AND OTHER DANGEROUS WEAPONS AND ORDINANCE 13.09
TOWN OF POLK DISCHARGE OF FIREARMS REGULATIONS
TOWN OF POLK, WASHINGTON COUNTY**

9.02 POSSESSION AND USE OF FIREARMS AND OTHER DANGEROUS WEAPONS

9.02(1) DEFINITIONS. For the purposes of this section, the following definitions shall apply:

(a) FIREARM

A weapon which expels a missile by the explosive force of gunpowder, compressed air, or compressed gas.

(b) OTHER DANGEROUS WEAPON

Bow and arrow, crossbow, slingshot, blow gun, or other similar weapons.

9.02(2) DISCHARGE OF WEAPONS REGULATED, AND STATUTES INCORPORATED.

(a) The purpose of the regulations of this subsection is to protect the public health and safety.

(b) Adoption of statutes.

(1) The following Wisconsin State statutory provisions describing and defining the regulations of firearms and dangerous weapons, exclusive of any provisions therein relating to penalties to be imposed, are adopted by reference and made a part of this section as if fully set forth herein:

§ 167.30 Use of firearms, etc., near park, etc.

§ 167.31 Safe use and transportation of firearms and bows

§ 175.35 Waiting period for purchase of handguns

§ 175.60 License to carry concealed weapon

(2) This subsection is intended to be as restrictive as the foregoing Wisconsin State Statutes. In the event the Wisconsin State Statute sections described above are amended or renumbered or otherwise revised, the amended, renumbered or revised Wisconsin State Statutes are incorporated herein and shall control.

(c) It shall be unlawful for any person to discharge any firearm or other dangerous weapon within the boundaries of the Town in a careless and heedless manner and in willful and wanted disregard for the rights and safety of others, or without due caution, or in a manner so as to endanger or be likely to endanger property or any person.

(d) It shall be unlawful for any person other than a law enforcement officer in the performance of official duties to use or discharge a firearm or other dangerous weapon:

(1) Within 500 feet of a building devoted to human occupancy without the permission of the owner or occupant. The term "building," as used in this subsection, shall not include a house trailer, mobile home, tent, bus, truck, vehicle or similar portable unit.

- (2) Within a distance of 100 feet from the center line of any highway or road surfaced with concrete or blacktop.
- (3) Within any land owned by the Town.
- (4) Within any publicly owned land except as expressly allowed and duly authorized by state law.
- (e) In no case shall a firearm or other dangerous weapon be discharged in a direction that could result in the projectile landing on or flying over any adjacent property unless the owner of such adjacent property has given written permission to do so.
- (f) The provisions of this section which regulate the location of the discharge of a firearm or other dangerous weapon shall not apply to the discharge of firearms or other dangerous weapons within shooting ranges that are properly permitted, provided the discharge is conducted fully in compliance with the conditions of the permit, the rules of the shooting range, and other applicable laws.
- (g) Pursuant to Wis. Stat. § 66.0409, as amended, this ordinance does not restrict an actor's conduct that "is justified" or would be subject to a privileged defense from criminal liability under Wis. Stat. § 939.45, as amended.

9.02 (3) VIOLATIONS AND PENALTIES.

Each violation of any provision of this Article shall be subject to the penalties and remedies described in Section 25.04 of this Code.

ADOPTED by a vote of 3 for and X against on this 13th day of April, 2021.
TOWN OF POLK

TOWN OF POLK

By: Albert J. Schulteis
Albert Schulteis, Town Chairman

Attest:

Sandra J. Rotar
Sandra J. Rotar, Clerk