#### ORDINANCE NO. 2016-04

### TOWN OF YORKVILLE RACINE COUNTY, WISCONSIN

## AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 30, ARTICLE II, DIVISION 2 OF THE CODE OF ORDINANCES FOR THE TOWN OF YORKVILLE TO REFLECT RECENT STATUTORY CHANGES RELATING TO FIREARMS

## THE TOWN BOARD OF THE TOWN OF YORKVILLE, RACINE COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

1. That Chapter 30, Article II, Division 2 of the Code of Ordinances for the Town of Yorkville, relating to Firearms, be, and hereby is, repealed and recreated to read as follows:

#### "Division 2. Use of Firearms and Dangerous Weapons"

State Law reference— Authority to regulate, Wis. Stat. § 66.0409; safe use and transportation, Wis. Stat. § 167.31; firearms, Wis. Stat. ch. 941; local regulation of hunting, Wis. Stat. § 29.038(3); Definition of firearm, Wis. Stat. § 167.31(1)(c); Definitions generally, § 1-2.

#### Sec. 30-51. Definitions.

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means a permanent structure used for human occupancy and includes a manufactured home, as defined in Sec. 101.91(2) Wis. Stats, but does not include any tent, bus, truck, vehicle or similar portable unit.

Dangerous Weapon means bow and arrow, crossbow, slingshot, blow gun, pellet gun, air rifle and other similar weapons.

Firearm means a weapon that acts by force of gunpowder.

#### Sec. 30-52. Use of Firearms and Dangerous Weapons regulated.

- (a) Exceptions. The provisions of this Section shall not prohibit the discharge of Firearms and Dangerous Weapons in the following cases:
  - (1) By a public official, including a law enforcement officer or police officer, in the lawful discharge of official duties.
  - (2) By a member of the Armed Forces of the United States or of the National Guard of the State of Wisconsin while in the lawful discharge of official duties.

- (3) By a person in the lawful defense of his person or property.
- (4) By a person at an approved target range or legal game preserve.
- (5) The restriction on 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) It shall be unlawful for any person to discharge any Firearm or Dangerous Weapon within the boundaries of the town in a careless and heedless manner and in willful and wanton disregard for the rights and safety of others, or without the due caution or in a manner so as to endanger or be likely to endanger property or any person.
- (c) It shall be unlawful for any person to use or discharge a Firearm or Dangerous Weapon:
  - (1) Within 300 feet of a Building without the express written permission of the person who owns the land on which the Building is located.
  - (2) Discharge a Firearm in or within 300 feet of any residential zoning district.
  - (3) Discharge a Firearm within a distance of 100 feet from the centerline of any public highway or public road surfaced with gravel, concrete or blacktop.
  - (4) In any public park, parking area or other area marked by signs prohibiting the discharge of Firearms or Dangerous Weapons.

TOWN OF VORKVILLE

#### Secs. 30.53-30.70. Reserved."

2. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Town Board of the Town of Yorkville, Racine County, Wisconsin, this 12<sup>th</sup> day of December, 2016.

	TOWN OF TORKVILLE
Ву:	Setu & Clonser
	Peter L. Hansen, Chairperson
Attest:	
	Michael McKinney, Clerk-Treasurer
	By:

## Town of Yorkville Notice of Newly Enacted Ordinance

Please take notice that, on Monday, December 12, 2016, the Town Board of the Town of Yorkville enacted Ordinance No. 2016-04 entitled "An Ordinance to repeal and recreate Chapter 30, Article II, Division 2 of the Code of Ordinances for the Town of Yorkville to reflect recent statutory changes relating to Firearms ".

This ordinance updates Town regulations related to the use and discharge of firearms and dangerous weapons (including bows and crossbows) within the Town of Yorkville. This ordinance also updates definitions as well as statutory and code references to be consistent with recent changes made at the state level.

This ordinance takes effect upon publication of this notice. The full text of this ordinance may be obtained from the Town of Yorkville Clerk-Treasurer's Office, 925 15<sup>th</sup> Avenue, Union Grove, Wisconsin 53182, or through the Town's website at <a href="https://www.townofyorkville.com">www.townofyorkville.com</a>. The phone number for the Clerk-Treasurer is (262) 878-2123.

Michael McKinney
Clerk-Treasurer

# Affidavit of Printing State of Wisconsin

County of Racine

City of Union Grove

Southern Lakes Newspapers, LLC, certifies that it is the publisher of the Westine Report; that such paper is a secular newspaper of general circulation in said county; that it is printed and published in the village/city, county and state aforesaid. It hereby further certifies that a notice, of which the attached notice is a true copy, has been legally published in said newspaper 1 time(s) for 1 consecutive weeks(s); That the first publication was on the 16<sup>th</sup> day of December, 2016; The last publication was on the 16<sup>th</sup> day of December, 2016.

Signed Sugar
By Pam Dwyer, for Southern Lakes Newspapers, LLC
Subscribed and sworn to before me this
day of becember 2016.
Koren Whith
Notary Public, State of Wisconsin
My commission expires

KAREN WHITTINGTON Notary Public State of Wisconsin

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Michael McKinney Clerk-Treasurer

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