

ORDINANCE NO. 2021-06

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

**AN ORDINANCE TO AMEND DIVISION 2 OF ARTICLE II OF CHAPTER 30 OF THE
CODE OF ORDINANCES FOR THE VILLAGE OF YORKVILLE ENTITLED “USE OF
FIREARMS AND DANGEROUS WEAPONS”**

**THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY,
WISCONSIN, DO ORDAIN AS FOLLOWS:**

1. That Division 2 of Article II of Chapter 30 of the Code of Ordinances for the Village of Yorkville be, and hereby is, amended to read as set forth on the attached Exhibit “A.”

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

Adopted by the Village Board of the Village of Yorkville, Racine County, Wisconsin, this 12th day of July, 2021.

VILLAGE OF YORKVILLE

Ayes: 5

Nays: 0

Abstentions: 0

Absences: 0

By: /s/ Douglas Nelson
Douglas Nelson, President

Attest: /s/ Michael McKinney
Michael McKinney, Administrator/Clerk

Exhibit "A"

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. Definition.

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 (1) a permanent structure used for human occupancy and includes a manufactured home, as defined in Wis. Stat. Sec. 101.91(2), but does not include any tent, bus, truck, vehicle or similar portable unit or (2) a permanent structure used for commercial purposes on non-residentially zoned property.

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/her person or property.
- (4) By a person at an approved target range, legal game preserve, licensed shooting facility under Section 14-862, or a sport shooting range authorized pursuant to Wis. Stat. Section 895.527.
- (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.

- (6) The honorary discharge of a firearm that involves the use of only blanks and that is part of any of the following:
 - a. An event, including a funeral, honoring a current or former member of the military, law enforcement officer, or professional fire fighter.
 - b. Military honors provided at a cemetery on Memorial Day or Veterans Day.
 - c. Military honors provided at a veterans memorial site.
- (b) It shall be unlawful for any person to discharge any Firearm or Dangerous Weapon within the boundaries of the village 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:
 - (1) A Firearm or Dangerous Weapon within 300 feet of a Building without the permission of the person who owns the land on which the Building is located.
 - (2) A Firearm or Dangerous Weapon within 300 feet of any residential zoning district.
 - (3) A Firearm or Dangerous Weapon within a distance of 50 feet from the centerline of any public highway or public road surfaced with gravel, concrete or blacktop.
 - (4) A Firearm or Dangerous Weapon in any public park, parking area or other area marked by signs prohibiting such use or discharge.
 - (5) A Firearm so that the projection of shot or shell is above or into another's land without the permission of the person who owns the land.

Secs. 30-53 to 30-70. Reserved.