

TOWN OF CLAYTON, COUNTY OF WINNEBAGO, STATE OF WISCONSIN
ORDINANCE NO. 2020-004

An Ordinance Repealing § 3.3 of the Town of Clayton Code of Ordinances and Creating § 3.3 of
the Town of Clayton Code of Ordinances Relating the Use of Weapons

THE TOWN BOARD OF THE TOWN OF CLAYTON DOES ORDAIN AS FOLLOWS:

Section 1. State Weapons Laws Adopted.

The Statutory provisions describing and defining regulations with respect to firearms and bows and arrows in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said Statutes, are hereby adopted and by reference made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by any Statute incorporated herein by reference is required or prohibited by this Ordinance and subject to forfeiture.

Whenever this Ordinance incorporates by reference specific Sections of the Wisconsin Statutes or generally refers to them, such reference shall mean the Wisconsin Statutes of 2017-2018, as from time to time amended, repealed, or modified by the Wisconsin Legislature.

Section 167.30	Use of Firearms, etc., Near Park, etc.
Section 167.31	Safe Use and Transportation of Firearms and Bows.
Section 940.24	Injury by Negligent Handling of Dangerous Weapons, Explosives, or Fire.
Section 941.20	Endangering Safety by Use of Dangerous Weapons.
Section 941.21	Disarming a Peace Officer.
Section 941.23	Carrying a Concealed Weapon.
Section 941.235	Carrying a Firearm in a Public Building.
Section 941.237	Carrying handgun where alcohol beverages may be sold and consumed.
Section 941.28	Possession of a Short-Barreled Shotgun or Rifle.
Section 941.29	Possession of a Firearm.
Section 941.298	Firearm Silencers.
Section 943.13	Trespass to Land.
Section 948.605	Gun-Free School Zones.

Section 2. Definitions

- A. *Firearm* means any musket, rifle, handgun, shotgun, spring gun, air gun, or gas gun designed or intended to discharge or capable of discharging any bullet, device containing an explosive substance, ball, shot, cartridge, shell, ammunition, or projectile, exclusive of bow and arrow.

- B. *Populous area* means within 100 yards of a residence or building.
- C. *Non-populous area* means all areas within the Town not specifically referred to in subsection B above.
- D. *Bow and arrow* means any bow or crossbow designed to fire a feathered arrow or bolt.

Section 3. Discharging Firearms Prohibited.

No person, except a deputy sheriff, constable, or police officer shall fire or discharge any firearm within the following described areas of prohibition, provided the Chief of Police may grant a permit for such use for any lawful purpose such as pest extermination to any adult resident of the Town for not more than 30 days.

Section 4. Area of Prohibition.

The areas in which the activities prohibited by Section 3 of this Ordinance shall apply are as follows:

- A. Within the boundary of any platted subdivision in said Town.
- B. Within 100 yards of any dwelling without permission of the owner or occupant.

Restrictions near Roads, Highways, Railroad, and Parks:

- A. No person shall discharge or shoot any firearms or bow and arrow of any kind upon or within fifty (50) feet of the centerline of any Town, County, State, or Federal road or highway, within fifty feet of the centerline of any railroad right-of-way, or within any Town park.
- B. No person shall carry any firearms of any kind upon or within fifty (50) feet of the centerline of any Town, County, State, or Federal road or highway, within fifty feet of the centerline of any railroad right-of-way, or within any Town park, unless the same shall be unloaded and enclosed within a carrying case.

Restrictions in Populous Areas:

- A. No person shall shoot or discharge, or assist or participate in shooting or discharging, any firearms within any populous area of the Town without the prior consent of the owners or occupants of all residences and structures within 100 yards of the shooter.
- B. No person shall shoot or discharge, or assist or participate in shooting or discharging, any firearms or bow and arrow into or on the property of any person within any populous area of the Town without the prior consent of the owner or occupant of such property.

Restrictions in Non-Populous Areas:

- A. No person shall shoot or discharge, or assist or participate in shooting or discharging, any firearms or bow and arrow into or on the property of any person within any non-populous area of the Town without the prior consent of the owner or occupant of such property.

Section 4. Limitations on Applicability

The prohibitions described in Subsection 4 shall not apply to the shooting or discharging of firearms of any kind in shooting galleries or on ranges operated by authorized gun clubs or law enforcement agencies, nor shall it apply to the shooting or discharging of such firearms by any person in defense of his/her own property, nor shall it apply to or restrict duly appointed law officers or constables in the exercise of their duty, nor shall it apply to lawful hunting during appropriate hunting seasons pursuant to state and federal law and Department of Natural Resources rules and regulations.

Section 5. Penalties

Anyone violating the terms of this Ordinance shall forfeit not less than Fifty (\$50.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, together with the costs of prosecution thereof, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding thirty (30) days.

Section 6. Severability

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 7. Effective Date

This ordinance shall take effect upon its passage and publication as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Clayton on March 18, 2020.

Original Signatures:

Russ Geise, Chairman

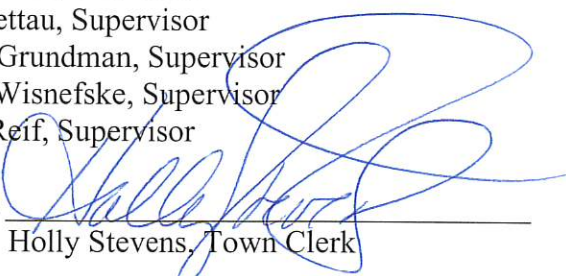
Kay Lettau, Supervisor

Linda Grundman, Supervisor

Kelly Wisnefske, Supervisor

Scott Reif, Supervisor

Attest:


Holly Stevens, Town Clerk

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