

**TOWN OF FOND DU LAC
FOND DU LAC COUNTY, WISCONSIN
Firearm Discharge Ordinance**

WHEREAS, Section 66.0409(3)(b) of the Wisconsin Statutes permits towns that have been authorized to exercise Village Powers under Section 60.22(3) of the Wisconsin Statutes to enact ordinances restricting the discharge of firearms; and

WHEREAS, the Town has been authorized to exercise Village Powers under Section 60.22(3) of the Wisconsin Statutes; and

WHEREAS, Section 29.038(3) of the Wisconsin Statutes permits a local governmental unit to enact an ordinance, adopt a regulation, resolution, or other restriction that has an incidental effect on hunting, fishing, or trapping, but only if the primary purpose is to further public safety; and

WHEREAS, the Town of Fond du Lac is authorized to enact ordinances in order to protect the public health, safety and welfare by Sections 60.22(1), 60.22(3), 61.32 and 61.34 of the Wisconsin Statutes; and

WHEREAS, the Town of Fond du Lac has determined that it is reasonable and necessary to prohibit the use of rifles within the Town during the annual gun deer season in order to protect the public health and safety;

NOW, THEREFORE, the Town Board of Fond du Lac, Wisconsin, does ordain as follows:

Section 1. Purpose. The purpose of this Ordinance is to protect the public health and safety by prohibiting the discharge of certain firearms set forth herein during times when heavy use of such firearms might otherwise occur.

Section 2. Applicability. This Ordinance shall apply only during the annual Wisconsin gun deer hunting season.

Section 3. Rifle Prohibition. During the time set forth in Section 2, it shall be unlawful for any person to discharge a rimfire rifle larger than .22 caliber or any center-fire rifle .22 caliber or larger anywhere within the boundaries of the Town.

Section 4. Enforcement. Any person who shall violate this ordinance shall, upon conviction thereof, be subject to a forfeiture of not less than \$500, nor more than \$1000. Each time that a violation is committed shall constitute a separate violation. The Town may also seek injunctive relief, abatement orders, and other equitable relief as necessary in the event of a violation. 2

Section 5. Exceptions. Unless otherwise indicated, the prohibitions of this section shall not apply to:

(a) Any peace officer(s) in the lawful performance of their duties

(b) Any member of the U.S. armed force or the national guard in the lawful performance of their duties

(c) Any person if the person'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.

Section 6. Severability. If the provisions of this Ordinance, or its application to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this Ordinance and, to this end, the provisions of this Ordinance are severable.

Section 7. This ordinance shall be effective on the day after its enactment and publication as provided by law.

Adopted at a meeting of the Town Board the 11th day of November, 2013.

Harold Manske, Town Chairperson

ATTEST:
