

ORDINANCE No. 15-7

**AN ORDINANCE REGULATING FIREARMS,
PAINTBALL DEVICES, EXPLOSIVES AND
OTHER MISSILES; HUNTING LIMITATIONS**

The Village Board of the Village of Elk Mound, Dunn County, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

Section 11-2-1 of the Village of Elk Mound Code of Ordinances is repealed and recreated to read as follows:

**Sec. 11-2-1 Regulation of Firearms, Paintball
Devices, Explosives and Other
Missiles; Hunting Limitations.**

(a) **Discharge of Firearms Regulated.**

- (1) **Discharge Prohibited.** No person shall fire or discharge any shotgun, rifle, spring gun, air gun or pneumatic pellet gun, or firearm of any description in his/her possession or under his/her control within the Village of Elk Mound, except as provided in this Section.
- (2) **Exceptions.** The following shall not constitute a violation of Subsection (a) above:
 - a. The maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board, or the firing or discharging of BB air guns or pneumatic pellet guns upon private premises by persons over sixteen (16) or under the direct personal supervision of a parent or legal guardian.
 - b. A person working for a firm or under a plan authorized by the Village Board to harvest wildlife pursuant to a Wisconsin Department of Natural Resources- approved Wildlife Management Program, or engaged in permissible hunting under this Section.
 - c. The discharge of a firearm by a law enforcement officer or military personnel acting within the line of duty, including but not limited to active operations, training exercises and ceremonies.
 - d. The discharge of a firearm in defense of human life or the residence or place of business of the person discharging the firearm.
 - e. The discharge of a firearm at an event, for which the party organizing or promoting such event has obtained a special permit issued by the Village Board.

(b) **Limited Firearms Hunting Authorized.**

(1) **Prohibitions; Wildlife Management Programs.** Except as provided in Subsection (b)(2) below, no firearm hunting of any kind shall be allowed within the corporate boundaries of the Village of Elk Mound to protect the public health and safety. This provision does not apply to persons authorized by or firms hired by the Village of Elk Mound to conduct a wildlife harvest pursuant to DNR-approved Wildlife Management Programs. The Village Board's authorization must include the name of the individuals authorized to participate in the hunt and specific properties to be hunted upon within the Village limits. All hunters are subject to background checks by the Police Department. All hunting regulations of the Wisconsin Department of Natural Resources shall be complied with. Property owner written consent and liability waivers must be on file with the Village Office. Open hunting seasons as defined by the Wisconsin Department of Natural Resources (DNR) shall not be effective within such municipal boundaries, except as provided in Subsections(b)(1) and (2) below.

(2) **Limited Firearms Hunting.** Coinciding with the open hunting seasons defined by the Wisconsin Department of Natural Resources for hunting geese or deer, the Village Board may authorize the hunting of geese or deer within the Village of Elk Mound to limit numbers. In the interest of public safety, permit conditions may include, but not be limited to, limits on numbers of authorized hunters, the use of blinds, and designation of specific locations where the hunting of geese or deer is permitted. The purpose of this hunting exception is to assist in the management of resident geese and deer numbers within the Village of Elk Mound.

(c) **Shooting Into Village Limits.** No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village of Elk Mound in a dangerous manner.

(d) **Bow Hunting Authorized.** Hunting with a bow and arrow or crossbow is permitted at the times and in the manner prescribed by the Wisconsin Department of Natural Resources in the Village of Elk Mound subject to the following limitations:

(1) **Residence Proximity Limitation.** A person may not hunt with a bow and arrow or crossbow within one hundred (100) yards from a building used for human occupancy located on another person's property, unless the owner of the property on which such building is located has authorized the hunter to hunt with a bow and arrow or crossbow within one hundred (100) yards from the building.

(2) **Discharge Towards the Ground.** Hunting with a bow and arrow or crossbow shall only be permitted from a tree stand or elevated platform, and arrow or bolts shall be discharged toward the ground.

(3) **Bow Hunting on Public Property.** Bow hunting shall not be permitted on municipal, school, and public properties except where specifically authorized by the public body in control of such property. Village-

owned public properties where hunting with a bow and arrow or crossbow is allowed shall be designated by ordinance.

- (e) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village of Elk Mound without first obtaining a permit to do so from the Village Board.
- (f) **Throwing, Discharging, Projecting and Shooting Prohibited.**
 - (1) **Prohibition.** Except as provided in Subsection (d) above, it shall be unlawful for any person to discharge or cause the discharge of any dangerous missile from any slingshot, bow and arrow, or other means within one hundred (100) yards of any inhabited building or any public park.
 - (2) **Exceptions.** This Subsection shall not apply:
 - a. To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.
 - b. To a supervised archery range approved by the Village Board.
 - c. Within the interior of a single family dwelling.
 - d. To private archery practice provided such targets are placed in front of a building or an open agricultural field in such a manner as to prevent stray arrows from crossing or entering adjacent properties.
 - e. To hunting with a crossbow or bow and arrow consistent with the standards of Subsection (d) above.
- (g) **Paintball Discharge Limited.** No person shall on any private property without the express permission of its owner or on any public property (including but not limited to public streets, sidewalks, parks, playgrounds, schools, open spaces, recreation facilities or any other public facility and/or grounds) discharge or cause to set off a paintball gun, except as provided as follows:
 - (1) **Business Exclusion.** This Subsection specifically excludes any business engaged in the operation of paintball games operating within the appropriate zoning district in which the discharge of paintball guns is carried out in an approved controlled environment.
 - (2) **Exclusion on Private Property.** This Subsection specifically excludes the operation of a paintball gun on private property contingent upon the use of such paintball device being limited to a target which is protected by an appropriate barrier from other private property and prevents damage to same. Under no circumstance shall paintball guns be permitted to be aimed at other human beings and/or animals; this exclusion applies only to an appropriate target on private property.
- (h) **Definitions.** For purposes of this Section:
 - (1) **Building.** A permanent structure used for human occupancy and includes a manufactured home, as defined in Section 101.91(2), Wis. Stats.
 - (2) **Firearm.** Any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by spring or other similar mechanical

device, or gun powder. Air and pneumatic guns are excluded from the definition of "firearm."

- (3) **Paintball Device.** Any paintball gun/device which is designed or intended to expel a projectile containing paint, ink, or similar material which can cause injury to people or property.

State Law Reference: Sections 29.038 and 101.91(2), Wis. Stats.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

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

ADOPTED this 18 day of November, 2015.

VILLAGE OF ELK MOUND, WISCONSIN



Village President




Village Clerk-Treasurer

INTRODUCED: 11/18/15
ADOPTED: 11/18/15
PUBLISHED: 11/18/15

State of Wisconsin:
County of Dunn:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an ordinance duly and regularly enacted by the Village Board of the Village of Elk Mound on the 18 day of November, 2015 and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 18 day of November, 2015



Patricia Hahn, Clerk-Treasurer