

ORDINANCE No. 11-2-1

**AN ORDINANCE REGARDING
FIREARMS USE AND HUNTING
WITHIN THE CITY**

The Common Council of the City of Owen, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

Section 11-2-1 of the Owen Code of Ordinances is created to read as follows:

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

- (a) **Discharge of Firearms Regulated.**
- (1) **Discharge Prohibited.** No person shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description in his/her possession or under his/her control within the City of Owen, 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 Common Council, or the firing or discharging of BB 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 designated by the Common Council 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 Chief of Police.
- (b) **Hunting Prohibited.**
- (1) Except as provided in Subsection (b)(2) below, no hunting of any kind shall be allowed within the corporate boundaries of the City of Owen. This provision does not apply to persons authorized by firms hired by the City of Owen to conduct wildlife harvest pursuant to DNR-approved Wildlife Management Programs. 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 Subsection (b)(2) below.
 - (2) Coinciding with the open hunting seasons defined by the Wisconsin Department of Natural Resources for hunting geese, the Common Council may authorize the Chief of Police to issue permits for the hunting of geese within the City of Owen, subject to permit conditions. 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 is permitted. The purpose of this hunting exception is to assist in the management of resident geese numbers within the City of Owen.
- (c) **Shooting Into City Limits.** No person shall in the territory adjacent to the City discharge any firearm in such manner that the discharge shall enter or fall within the City of Owen in a dangerous manner.
- (d) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the City of Owen without first obtaining a permit to do so from the Common Council.
- (e) **Throwing or Shooting of Arrows, Stones, or Other Missiles Prohibited.**
- (1) **Prohibition.** 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 six hundred (600) feet of any inhabited dwelling or building or any public park, square or enclosure.
 - (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 Common Council.
 - 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, provided that such person first has been granted permission by the Chief of Police, in writing, to construct and maintain an approved archery range if in the opinion of the Chief of Police, the construction of such range will in no way endanger the public health and safety.

- (f) **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.
- (g) **Definitions.** For purposes of this Section:
- (1) **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 air, spring or other similar mechanical device, or gun powder.
 - (2) **Paintball Devices.** 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.

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 27th day of July, 2010.

CITY OF OWEN, WISCONSIN

Timothy F. Swiggen

Mayor

Cindy Cardinal

Deputy Clerk-Treasurer

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