

ORDINANCE NO. 2018-04

AN ORDINANCE TO REPEAL AND RE-CREATE SECTIONS 9.02(1) and (2) OF THE TOWN OF DELAFIELD MUNICIPAL CODE CONCERNING REGULATION OF HUNTING

WHEREAS, 2013 Wisconsin Act 71, adopted by the State of Wisconsin Preempts municipal regulation of hunting with bows and arrows in many respects; and

WHEREAS, the Town Board for the Town of Delafield hereby intends to amend the Town Code to remove local regulation of hunting with bows and arrows.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 9 of the Town of Delafield Municipal Code entitled "Public Peace and Good Order," Section 9.02 entitled, "Use of Firearms and Bow and Arrows," is hereby renamed with the new title to be: "Use of Firearms ~~and Bow and Arrows.~~"

SECTION 2: Chapter 9 of the Town of Delafield Municipal Code entitled "Public Peace and Good Order," Section 9.02, which will now be entitled, "Use of Firearms," Subsection (1) is hereby repealed and re-created as follows

- (1) Except as provided below, no person shall fire, discharge or use any firearm, such as a rifle, pistol, or revolver of any caliber, or CO2 pistols/rifles, other compressed air pistols/rifles, spring or air guns of any description, ~~or any instrument which impels a missile or pellet by compressed air, spring or other means,~~ within the Town.

SECTION 3: Chapter 9 of the Town of Delafield Municipal Code entitled "Public Peace and Good Order," Section 9.02, which will now be entitled, "Use of Firearms," Subsection (2) is hereby repealed and re-created as follows:

- (2)
 - (a) A shotgun, ~~or muzzle loader or bow and arrow~~ may be used in the Town only for hunting purposes providing written permission is obtained from the property owner of the land to which the hunting is to be confined. Written permission shall be carried on the person while hunting. While hunting, a person shall not discharge ~~an arrow,~~ a shot, slug or ball which passes beyond the property line of the area to which the hunting is confined.
 - (b) ~~No person shall discharge a bow and arrow within 150 feet of any building or roadway within the Town.~~ No person shall discharge a shotgun or muzzle loader within 300 feet of any building or roadway within the Town.
 - (c) No person shall discharge ~~a bow and arrow or firearm~~ within 660 feet of any Town park, or within 1,700 feet of any hospital or school within the Town.

- (d) ~~[Intentionally Omitted] A person may target practice with a bow and arrow on their own property within the Town, provided it is done in accordance with the restrictions set forth in Sections (2)(B) and (2)(C).~~
- (e) No person may discharge any firearm as described in Section 1, nor shall any person discharge a shotgun or muzzle loader within lands that are part of a platted subdivision in the Town of Delafield.

SECTION 4: SEVERABILITY.


The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 5: EFFECTIVE DATE.


This ordinance shall be effective upon publication or posting as provided by law.

Dated this 28th day of August, 2018.

TOWN OF DELAFIELD


Lawrence G. Krause, Town Chair

ATTEST:


Mary Elsher, Town Clerk

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