

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN
Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Regulation of Discharge of Firearms

Code Section(s) created, amended, or repealed	<u>10.08</u>
Presented to Board by	<u>Town Clerk</u>
Committee Review by	<u>None</u>
Date(s) Public Hearing(s) held (if required)	<u>October 20, 2008</u>
Date adopted	<u>October 20, 2008</u>
Vote	<u>4-0</u>
Date of posting of adoption of ordinance	<u>October 24, 2008</u>

The Town Board of the Town of Cottage Grove does ordain as follows:

TCG Ord. Section 10.08 entitled "Regulation of Discharge of Firearms" is hereby amended to read as follows:

Section 10.08 shall be added to the Town of Cottage Grove Ordinances, as follows:

10.08 REGULATION OF DISCHARGE OF FIREARMS.

(1) STATEMENT OF PURPOSE

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

WHEREAS, it is hereby declared that regulation of firearms is a matter of public interest pertaining to the health, safety and welfare of residents of and visitors to the Town of Cottage Grove, and that existing laws are inadequate to deal with the harm to public health and safety posed by the discharge of firearms in the Town of Cottage Grove;

NOW, THEREFORE, the Town Board of the Town of Cottage Grove, Dane County, Wisconsin, does hereby ordain as follows:

(2) DEFINITIONS

- (a) TOWN means the Town of Cottage Grove
- (b) FIREARM has the meaning specified in s. 167.31 (1)(c), Wis. Stats.
- (c) RIFLE means any firearm having a grooved (i.e. rifled) barrel that, upon discharge, projects a round or elongated projectile. Rifled barreled shotguns and muzzleloaders are not considered rifles for the purpose of this ordinance.

(3) DISCHARGE OF RIFLES DURING GUN DEER HUNTING SEASON

No person shall discharge any rimfire rifle larger than .22 caliber or any center-fire rifle .22 caliber or larger in the Town during any gun deer hunting season.

(4) DISCHARGE OF FIREARMS PROHIBITED ON PROPERTY OWNED BY THE TOWN

No person shall discharge any firearm on any property owned by the Town of Cottage Grove.

(5) EXCEPTIONS

Unless otherwise indicated, the prohibitions of this section shall not apply to:

- (a) Any peace officer(s) in the performance of his, her, their duties.
- (b) Any member of the U.S. armed forces or the national guard in the performance of his, her, their duties.
- (c) Any private security person as defined in s. 440.26(1m)(h), Wis. Stats. who meets all of the requirements under s. 167.31(4)(a)(4), Wis. Stats.

(6) PENALTY FOR VIOLATION

Any violation of this section shall be subject to a Class D forfeiture as specified in TCG Ord. 25.04(1)
(b). Each and every day such violation occurs shall be considered a separate offense.

(7) SEVERABILITY

In the event that any section of this ordinance shall be declared or adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the other sections of this ordinance, which shall be in full force and effect as if the said section(s) were not originally a part thereof.

(8) EFFECTIVE DATE

This section shall take effect upon passage and publication.

Adopted this 20th day of October, 2008, by a vote of 4 for, 0 against, and 0 abstain.

TOWN OF COTTAGE GROVE

Kris Hampton, Town Chair

ATTEST:

Kim Banigan, Town Clerk

Approved as to form as of this
_____ day of _____, 2008.

ANDERSON & KENT, S.C.

Constance L. Anderson
Cottage Grove Town Attorney