

The Village Board of the Village of Spring Valley, Pierce and St, Croix County, Wisconsin does hereby ordain as follows:  
Section 30-31 of the Municipal Code of the Village of Spring Valley is hereby created to read as follows:

Sec. 30-31 Firearms and Explosives: see attachments

Amended at a duly called and noticed meeting of the Village Board of the Village of Spring Valley, Pierce and St. Croix County,  
Wisconsin the 3<sup>rd</sup> day of Sept., 2014

Marsha Brunkhorst

Marsha Brunkhorst  
Village President

Rita Goveronski

Rita Goveronski  
Village Administrator

Voted for 5

Voted against 1

Absent 1

Date Adopted 9-3-14

Date published 9/25/14



ARTICLE II: PUBLIC SAFETY AND PEACE

SEC. 30-31. FIREARMS AND EXPLOSIVES.

**(a) Preamble**

The Village is cognizant that Wis. Stat. § 66.0409(2) states that:

*Except as provided in subs. (3) and (4), no political subdivision may enact an ordinance or adopt a resolution that regulates the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloader components, unless the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute.*

and that Wis. Stat. § 66.0409(3)(b) states that:

*Nothing in this section prohibits a city, village or town that is authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance or adopting a resolution that restricts the discharge of a firearm.*

Accordingly, pursuant to Wis. Stat. § 66.0409(3)(b), the provisions of Wis. Stat. § 29, 167.30, 167.31, 175.49, 175.55, 175.60, 941.20 to 941.299 and 947.01(2) relating to the regulation, possession, use and discharge of firearms and other weapons (and the penalties thereunder), as those sections may change from time to time, are hereby adopted by the Village and made a part of the ordinances of the Village, subject to and as complemented by the additional provisions in this article.

Any person who violates these provisions shall be subject to a forfeiture of not more than \$200.00. This adoption is made in addition to and cumulative with the adoption of those state laws subject to forfeiture made in Section 30-1 of the Code.

**(b) Definitions**

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*"Firearm"* means 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, other similar mechanical device or gunpowder and specifically includes handguns, shotguns, rifles and muzzleloaders;

*"Bow"* means any instrumentality from or with which an arrow may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device and specifically includes bows and arrows and crossbows;

*"Building"* means a permanent structure used for human occupancy and includes a manufactured home;

*"Nuisance"* means any activity, which is harmful, indecent, annoying or objectionable or which interferes with the peace and tranquility of the community or interferes with the enjoyment of members of the community of their land or property or otherwise is annoying, bothersome, irritating or generally does not comport with the nature or character of the area or community or which causes damage, inconvenience, complaint, distress, dissatisfaction or consternation among the member of the community.

*"No discharge zones"* means those areas, which are designated by the village and indicated by official village maps as no firearm discharge zones.

*"Discharge permit"* means a permit issued under this section to discharge a firearm within the corporate limits for the limited purpose of either (1) discharging a firearm within a certified shooting range for recreational purposes or (2) discharging a firearm within a certified shooting range for educational purposes.

*"Certified shooting range"* means a shooting range certified under this section, which has been inspected by the chief of police and confirmed by him in writing to the board as being unlikely to cause a nuisance and having sufficient and appropriate provision in its construction and maintenance as to guarantee the public's health and safety and which is thereafter approved by the village board as a certified shooting range.

***(c) Prohibition on discharge of firearms and bows***

It shall be unlawful for any person to discharge a firearm or bow within the corporate limits with the following exceptions:

1. the person:
  1. discharges the firearm or bow within a certified shooting range;
  2. holds a discharge permit;
  3. is complying with the restrictions on and conditions contained within the shooting range's certification and the person's own discharge permit, including in particular (but not limited to) those restrictions relating to the frequency, amount, times and dates of discharge;
  4. take all proper safety precautions;
  5. handles, monitors and stores the firearm or bow in an careful, responsible and safe manner;
  6. discharges the firearm or bow in a safe direction; and
  7. does not create a nuisance.
2. the person:
  1. is hunting with a firearm during hunting (gaming) seasons outside of the no discharge zones;
  2. is otherwise complying with all applicable laws, rules and regulations (including but not limited to those promulgated by the department of natural resources (DNR));
  3. in the event of discharge, discharges their firearm towards the ground; and
  4. is neither on the land of another person nor within 50 yards of a building owned by another person, unless that owner consents to the hunter's presence and discharge of his firearm.
3. the person:
  1. is hunting with a bow during hunting (gaming) seasons;
  2. is otherwise complying with all applicable laws, rules and regulations (including but not limited to those promulgated by the department of natural resources (DNR));
  3. in the event of discharge, discharges their bow towards the ground; and
  4. is neither on the land of another person nor within 50 yards of a building owned by another person, unless that owner consents to the hunter's presence and discharge of his firearm.
4. the person:
  1. is legally shooting at pests or vermin;

2. discharges a handgun of caliber not larger than .22; and
3. is not within 50 yards of a building devoted to human occupancy.

***(d) Certified shooting range***

The chief of police and village board may certify a range as a certified shooting range, upon application pursuant to this section. The chief of police and village board may, in the range's certification, set limits on the amount, type, dates and times of the range's operation.

Before considering certification of a range as a certified shooting range, the village board shall inquire of the chief of police whether he has inspected the range and whether, in his opinion, the range has been constructed and maintained in such a manner and with such sufficient and appropriate provisions in its construction and maintenance so as to guarantee the public's and the community's health and safety and to ensure that the range shall not become a nuisance. If the chief of police does not provide written confirmation to the board that this is his opinion, then the range shall not be certified.

If the chief of police does provide written confirmation to the board that this is his opinion, then the range may be certified. In making the determination about whether to certify a range as a certified shooting range and what conditions to attach to that certification, the village board shall be cognizant of and shall consider the peace and tranquility of the community, the character of the range, the past and projected future frequency, nature and type of use of the range, the nature of the neighborhood, in which the range is located, whether the use of the range is likely to form a nuisance and whether there have been any complaints regarding the use of the range by any of the range's neighbors or other members of the community.

A certification of a certified shooting range shall last for one year and shall automatically expire. An application fee may be charged for a certification of a range as a certified shooting range. Either the chief of police or the village board shall withdraw or cancel a range's certification at any time if they receive legitimate and justifiable complaints about the range, including complaints about noise, peace or safety, or if they form the opinion that the permit-holder is disturbing the peace, being habitually noisy or otherwise causing a nuisance.

***(e) Discharge permits***

The chief of police may issue discharge permits, upon application, to persons, who wish to discharge a firearm within the corporate limits. A permit-holder may only discharge a firearm within corporate limits in a certified shooting range for the limited purpose set out in the permit. A discharge permit may only be issued for either:

- the discharge of a firearm within a certified shooting range for recreational purposes or
- the discharge of a firearm within a certified shooting range for educational purposes

The chief of police may, in the discharge permit, set limits on the amount, type, dates and times of the applicant's discharges.

In making the determination about whether to grant a person a discharge permit and what conditions to attach to that permit and to the applicant's discharges, the chief of police shall be cognizant of and shall consider the peace and tranquility of the community, whether the applicant is a member of the community, the character and history of the applicant, the past and projected future frequency, nature and type of discharge of firearms by the applicant, the nature of the neighborhood, in which the applicant intends to discharge the firearm, whether applicant's discharges are likely to form a nuisance and whether there have been any complaints regarding discharge by any of the applicant's neighbors.

A discharge permit shall last for one year and shall automatically expire. An application fee may be charged for a discharge permit. The chief of police shall withdraw or cancel a person's discharge permit at any time if he receives legitimate and justifiable complaints about the permit-holder, including complaints about noise, peace or safety, or if he forms the opinion that the permit-holder is disturbing the peace, being habitually noisy or otherwise causing a nuisance.

***(f) No discharge zones***

The village may use its discretion in determining the boundaries of the no discharge of firearms zones as they relate to the demography of land within the corporate limits and the effect development may have upon such areas. Furthermore, the boundaries maybe extended in response to dangerous circumstances, application by a property owner or to protect the health and safety of the general public.

Notwithstanding anything else in this section, no person shall discharge any firearm from outside of the no discharge zones in such a manner that the discharge shall enter or fall within the no discharge of firearms zones, even if that person is otherwise complying with this section.

A person may track and follow a wounded animal into a no discharge zone, so long as that person is otherwise complying with all applicable laws, rules and regulations (including but not limited to those promulgated by the department of natural resources (DNR)). However, after tracking a wounded animal, no shot may be taken on the land of another person nor within 50 yards of a building owned by another person, unless that owner consents to the hunter's presence and discharge of his firearm. Furthermore, in putting down a wounded animal in this manner, a person must be within 10 yards of that wounded animal and must discharge the firearm towards the ground, insofar as possible.

***(g) Explosive devices***

No person shall discharge or detonate any firework, dynamite, nitroglycerin or other explosive within the village without first obtaining permission to do so from the chief of police.

***(h) General exclusions***

This section generally does not apply to any person:

5. who is a peace officer, police officer, other law enforcement officer, member of the U.S. armed forces or member of the National Guard, who is acting in an official capacity;
6. whose 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;
7. who is the holder of a scientific collector permit under Wis. Stats. § 29.614 and who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued;
8. who acts on the property owned by the Army Corps of Engineers with the permission of the Army Corps of Engineers, so long as any discharged arrow, bolt, pellet, shot, bullet or projectile does not enter or fall within a no discharge of firearms zone.

***(i) Penalties***

Any person who violates this section shall be subject to a forfeiture of not more than \$200.00.