

WEAPON CONTROL ORDINANCE
Ordinance No. 8-02

The Town Board for the Town of Lanark ordains as follows:

Section One: Title/Purpose.

This Ordinance is entitled "Weapon Control Ordinance." The purpose of this Ordinance is to protect the public health, safety, and welfare of the residents in the Evergreen Hills Subdivision within the regulated areas of the township.

Section Two: Authority.

This Ordinance is adopted under the authority granted by Section 66.035 of the Wisconsin State Statutes, together with any amendments thereto and by the Town of Lanark's general authority pursuant to its adoption of village powers pursuant to Section 60.10 of the Wisconsin State Statutes.

Section Three: Adoption of Ordinance.

The Town Board of the Town of Lanark has, by adoption of this Ordinance, confirmed the authority, powers, and duties noted in this Ordinance, and has established by this Ordinance the means to regulate and control firearms within certain areas of the Town of Lanark and to accomplish the purpose set forth above.

Section Four: Rules of Construction.

The rules of construction as set forth in this section shall be observed and applied throughout this Ordinance except when the context clearly indicates otherwise.

- A. Words used in the present tense shall include the future, and words used in the singular number shall include the plural and the plural the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.

Section Five: Definitions.

The following words and phrases and their definitions are hereby created and incorporated in this Ordinance.

- A. Firearm. "Firearm" means a device from which shot, a bullet, or a pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring, or other similar mechanical device, or by gunpowder. Bow and arrow is an exception.
- B. Hunting. "Hunting" includes shooting, shooting at, pursuing, taking, capturing, or killing or attempting to capture or kill any wild animal.

Section Six: Prohibition.

- A. No person, except a police officer, sheriff, sheriff's deputy, or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm within the Evergreen Hills Subdivision, more particularly described as follows: PRT of SWNE; PRT of SENW; W1/2 SE; E1/2 SW, Section 36, Town 22, Range 10 East, Portage County as defined on the attached map.
- B. No person, except a police officer, sheriff, sheriff's deputy, or other law enforcement officer in the performance of an official duty, shall, within the Evergreen Hills Subdivision more particularly described as follows: PRT of SWNE; PRT of SENW; W1/2 SE; E1/2 SW, Section 36, Town 22 Range 10 East, Portage County as defined on the attached map, have any firearm in their possession or under their control unless it is unloaded and enclosed or encased within a carrying case or other container as is required by applicable state law.
- C. No person shall, in the property adjacent to the Evergreen Hills Subdivision discharge a projectile from any firearm, rifle, spring gun, air gun, or pneumatic pellet gun of any description in such a manner that said projectile enters the Evergreen Hills Subdivision.
- D. Gun hunting is prohibited within the Evergreen Hills Subdivision.

Section Seven: Exceptions.

The provisions of Section Six shall not prohibit any person from carrying out cleaning and maintenance to or for his or her firearm, rifle, spring or air gun, of any description, or bow and arrow, upon his or her private property.

Section Eight: Penalty.

A. Whoever violates the provisions of Section Six of this Ordinance, by discharging a firearm within the Evergreen Hills Subdivision shall pay a forfeiture of not more than \$200 and in lieu of such payment assessed, be imprisoned for a period of not more than sixty (60) days in the county jail.

Section Nine: Issuance of Citations.

- A. As authorized by Section 66.119 of the Wisconsin State Statutes, the use of a citation is authorized to be issued for violations of ordinances of the Town of Lanark. The form of the citation for the violation of this Ordinance shall be as set forth in Exhibit A attached hereto.
- B. The Town of Lanark shall employ or hire an "Enforcement Officer" for the purpose of issuing citations to persons for violations of the terms and provisions of this Ordinance.

Section Ten: Bond Schedule.

The amount of the deposit for the alleged violation of the terms of Section Six of this Ordinance is as follows:

Forfeiture	Penalty Assessment	Jail Assessment	Court Administrative Fee	Court Costs	Total
\$200	\$44	\$10	\$23	\$20	\$297

Section Eleven: Severability.

If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section Twelve: Repeal.

All other ordinances or parts of ordinances of the Town of Lanark inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

Section Thirteen: Signage.

Reflective, metal signs, (minimum size 12" x 12"), shall notice the Town of Lanark Weapon Control Ordinance, state no firearms allowed and refer to the Ordinance number. Such signs shall be placed at the entrances to the Evergreen Hills Subdivision on Evergreen Drive East and Evergreen Drive West. The signs shall also be placed facing outward every 660' along the perimeter of the Evergreen Hills Subdivision and the four major subdivision corners denoted with signs facing outwards in two directions.

Section Fourteen: Effective Date.

This Ordinance shall be effective after adoption by the Town Board and publication or posting as provided by law.

Passed and Approved: August 19, 2002
Recorded: August 19, 2002