

CHAPTER 9

PEACE AND ORDER

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9.29.288 to 9.951.16 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. (Am. MSC '90) The following statutes following the prefix "9" defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Town, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under §25.04 of this General Code:

9.29.288	Throwing Refuse in Waters/Abandoning Vehicles in Waters
9.50.58	Careless Smoking
9.134.71(1)	Violations by Secondhand Dealers
9.144.42(6)	Pollution by Motor Vehicle/Tampering With Pollution Control System
9.161.41(2m)	Unlawful Manufacture/Delivery of Controlled Substance
9.161.41(3)	Possession of Marijuana
9.175.25	Illegal Storage of Junked Vehicles
9.939.22	Words and Phrases Defined
9.940.19(1)	Battery
9.941.10	Negligent Handling of Burning Material
9.941.12(2), (3)	Interfering with Fire Fighting
9.941.13	False Alarms
9.941.20(1)	Reckless Use of Weapons
9.941.22	Person Selling, Giving, Etc., Pistol to Minor
9.941.23	Carrying Concealed Weapon
9.941.24	Possession of Switchblade Knife
9.943.01(1)	Criminal Damage to Property (Less Than \$1,000)
9.943.07(1), (2), (3)	Criminal Damage to Railroad
9.943.13	Trespass to Land
9.943.14	Criminal Trespass to Dwelling
9.943.20	Theft (\$500 or Less)
9.943.50	Retail Theft (Shoplifting)
9.951.01 - 9.951.18	Crimes Against Animals

9.01 REGULATING HUNTING AND DISCHARGE OF FIREARMS AND OTHER WEAPONS. (1) DEFINITIONS. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Firearm* means a rifle of any caliber, air rifle, shotgun of any gauge, pistol, or revolver of any caliber.

(b) *Handgun* means a firearm (such as a revolver or pistol) that is designed to be held and fired with one hand.

(c) *Rifle* means any firearm other than a handgun having a grooved (i.e. rifled) barrel that, upon discharge, projects a round or elongated projectile. Muzzleloaders and shotguns of 10-gauge, 12-gauge, 16-gauge, 20-gauge, 28-gauge or 410-gauge being operated with a rifled barrel for the discharge of shotgun slugs shall not be considered a rifle under this Section.

(d) *Sport shooting range* means an area designed and operated for the practice of weapons used in hunting, skeet shooting and similar sport shooting.

(e) *Transmission facility* means any pipe, pipeline, duct, wire, cable, line, conduit, pole, tower, equipment, or other structure used to transmit or distribute utilities to or for the public or to transmit or distribute communications or data to or from the public.

(2) DISCHARGE NEAR SUBDIVISION.

(a) No person shall discharge any firearm in any recorded subdivision in the Town or within 100 yards thereof.

(b) The provisions of subsection (2)(a) above, shall not prohibit the discharge of a firearm on a recorded subdivision lot that is 40 acres or more in size where such discharge is not otherwise prohibited under this Section 9.01 or any applicable State law.

(3) DISCHARGE NEAR RESIDENCE, BUILDING, HIGHWAY, OR PUBLIC PARK.

(a) No person shall discharge, or cause the discharge of, any firearm within 100 yards of any residence, building or public highway in the Town; across a highway; or within 50 feet of the center of a roadway in the Town.

(b) No person shall discharge or cause the discharge of any firearm within 660 feet of any public park, square, or enclosure owned or controlled by any municipality.

(4) DISCHARGE AT TRANSMISSION FACILITY. Except as provided in Wis. Stat. § 167.31(4)(b) and (h), no person may intentionally discharge a firearm in the direction of a transmission facility.

(5) REPEALED BY ORDINANCE 5-15, ADOPTED 07/13/15.

(6) HUNTING AND DISCHARGE OF WEAPONS PROHIBITED ON PROPERTY OWNED BY THE TOWN.

(a) Hunting of any form or nature is hereby prohibited on any property owned by the Town of Ottawa.

(b) No person may fire or discharge any firearm, gun, weapon, or bow and arrow on any property owned by the Town of Ottawa.

(7) EXCEPTIONS. Unless otherwise indicated, the prohibitions of this Section shall not apply to:

(a) Any peace officer in the performance of their duties.

(b) Any member of the U.S. armed forces or the national guard in the performance of their duties.

(c) Any private security person as defined in Section 440.26(1m)(h) of the Wisconsin Statutes who meets all of the requirements under Section 167.31(4)(a)(4) of the Wisconsin Statutes.

(d) Activities upon any bona fide sport shooting range.

(e) Any property owner or adult occupant of any real estate within the Town may use and discharge any rifle, air rifle, pistol or revolver upon the premises owned or occupied as aforesaid, and may use and discharge a shotgun on such lands even though prohibited in Sections 9.01(2) through 9.01(6) of this Section, provided such use is for the sole purpose of protection of life, subject to Wis. Stats. § 939.48, and property, subject to Wis. Stats. § 939.49.

(f) Notwithstanding the provisions of Sections 9.01(2) and 9.01(3), an adult owner or adult occupant of any land within the Town may, while on their own property and subject to all applicable State restrictions and regulations, discharge an air rifle or shotgun:

- i. for the sole purpose of controlling rodents that are not protected species; or
- ii. for the purpose of controlling skunks, opossum and/or raccoons that:
 1. are causing damage; or
 2. are about to cause damage; or

3. may constitute a health hazard or other nuisance.

No shotgun may be discharged by any person under this Section while loaded with a slug or with any shot with a larger diameter than #6. The adult owner or adult occupant shall be responsible to ensure that the discharge from any air rifle or shotgun cannot end up onto any adjacent property.

(8) NO HUNTING WITHOUT PERMISSION. Except as otherwise prohibited under Sections 9.01(2) through 9.01(6) of this Ordinance, hunting may be permitted by the owner or adult occupant of land within the Town provided such hunting is by use of a shotgun or other devices not prohibited in 9.01(5) of this Ordinance, and further provided that the discharge shall not be above or into another's land or across a traveled roadway.

(9) PARENTAL RESPONSIBILITY. If a minor shall violate this Section, the parent or guardian shall be responsible for such violation in the same manner as if such parent or guardian had violated this Section, and ignorance of such violation shall not be a defense; prosecution of such parent or guardian shall not be a bar to prosecution of such minor.

(10) PENALTY. Any person who shall violate, neglect or refuse to comply with any of the provisions of this Section shall, upon conviction thereof, forfeit or pay a fine of not less than \$200.00, nor more than \$500.00, together with costs of prosecution, and in default of payment thereof, shall be imprisoned in the county jail for a period not to exceed 30 days or until such forfeiture and subsequent costs have been paid.

9.02 THROWING OR SHOOTING MISSILES AND PROJECTIONS. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Town.

9.03 SALE AND DISCHARGE OF FIREWORKS RESTRICTED. Section 167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this chapter as though set forth in full.

9.04 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED. No person shall stand, sit, loaf, loiter, or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Town in such manner as to prevent or obstruct the free passage of pedestrian or vehicular

traffic thereon, or to prevent or hinder free ingress to or egress from any place of business or amusement or any church, public hall or meeting place.

9.05 LOUD AND UNNECESSARY NOISE PROHIBITED. (1) No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.

(2) No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires, excessive acceleration of engine or by emitting unnecessary and loud muffler noises.

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