



**Town of Grafton Ordinance No. 2010-2**

**AN ORDINANCE AMENDING  
TITLE 6 CHAPTER 5 (FIREARMS)  
OF THE CODE OF ORDINANCES, TOWN OF GRAFTON, WISCONSIN**

**WHEREAS**, it is deemed to be in the best interest of the Town of Grafton that the Municipal Code of the Town of Grafton be further modified and amended in the manner hereinafter more particularly set forth; and

**WHEREAS**, a Notice of Public Hearing before the Town Board was duly published in the *Ozaukee Press and News Graphic* on May 20, 2010 and June 3, 2010 as required by Title 9.1.11 of the Code of Ordinances, Town of Grafton, Wisconsin; and

**WHEREAS**, a Public Hearing was held before the Town Board on June 9, 2010, regarding the proposed Amendments to the Town's Code of Ordinances; and

**WHEREAS**, based on the above, it is deemed to be in the best interest of the Town of Grafton that the Municipal Code of the Town of Grafton be further modified and amended in the manner hereinafter more particularly set forth below.

**NOW, THEREFORE**, the Town Board of the Town of Grafton does hereby ordain as follows:

## **Section 1**

Section 6.5.1 of the Town of Grafton Code of Ordinances is hereby amended as provided below by adding the underlined language and deleting the language struck out:

### **6.5.1 Purpose.**

The purpose of this ordinance is to regulate, restrict, and prohibit the discharge of firearms ~~and regulate the setting of traps~~ in the Town to protect the safety, health and welfare of the residents the Town of Grafton and their property.

#### **6.5.1.01 Definitions**

(A) Firearms. For purposes of this ordinance the term "firearms" shall mean all weapons used for the purpose of propelling bullets, shot or other missiles, whether from cartridge, shell or other container, by explosives or compressed air, and shall include all forms of shot guns, rifles, revolvers and other similar types of equipment.

(B) Carrying. For purposes of this ordinance the term "carrying" shall mean the possession or control of a firearm on the lands of another without a valid permit as hereinafter defined. The term "carrying" shall not apply to the transportation of firearms to or from areas where discharge of firearms is permitted under the provisions of this ordinance if such firearms are unloaded and completely enclosed in a case, or dismantled so as to be incapable of being discharged.

~~(C) Trap. For purposes of this ordinance the term "trap" shall mean any device, mechanism or contraption that is designed, built or made to close upon, hold fast or otherwise capture a wild animal or animals.~~

#### **6.5.1.02 Described Area**

That area in the Town of Grafton which is densely populated is described as follow: Commencing at the intersection of the center lines of River Bend Road and County Trunk Hwy. "T" (Lakefield Road) then Westerly along the center line of County Trunk Hwy. "T" to the East bank of the Milwaukee River, then Southerly along the East bank of the Milwaukee River to the intersection of the Milwaukee River with the mouth of Cedar Creek, then Westerly along the South bank of Cedar Creek to the Western boundary of the Town of Grafton, then Northerly along this boundary to the Southern jurisdictional limits of the Village of Grafton, then Easterly along these limits to the center line of 17th Avenue, then Southerly along the center line of 17th Avenue to the center line of River Bend Road, then Easterly and Southerly following the center line of River Bend Road to the place of beginning."

#### **6.5.1.03 Prohibitions**

(A) Discharge Prohibited. No person shall carry or discharge, attempt to discharge, or cause to be discharged, any firearm within the Town of Grafton within 150 yards of the residence or dwelling of another or within the area described in Section 6.5.1.02. This prohibition shall not apply to the discharge of

a firearm for the purpose of controlling agricultural pests by the owner or lessee of lands within the Town of Grafton on premises owned or leased by such owner or lessee.

(B) Discharge and Carrying Restrictions. In addition to the prohibition of Section 6.5.1.03(A), no person shall carry or discharge, attempt to discharge, or cause to be discharged any firearm within the corporate limits of the Town of Grafton outside the area described in Section 6.5.1.02, except as otherwise provided in this ordinance.

#### **6.5.1.04 Exceptions**

The following are exceptions to Sections 6.5.1.03(A) and 6.5.1.03(B) of this ordinance:

- (A) When a firearm is being carried or used by a law enforcement officer in the lawful performance of his duty;
- (B) When a firearm is necessary to protect the personal property of one carrying such firearm or the personal property of another, except that such firearm shall not constitute a concealed weapon under the definition of Sec. 941.23, Wis. Stats.;
- (C) When the carrying or discharge of firearms is on navigable waters which are located outside the area described in Section 6.5.1.02.

#### **6.5.1.05 Permits Required**

The owner or lessee of lands located within the Town, members of the owner's or lessee's immediate family, and such persons to whom the owner or lessee may issue written permits, may discharge firearms upon such lands actually owned or leased, provided, that such lands are not within the area described Section 6.5.1.02, and subject to the following restrictions:

(A) That the discharge of firearms shall be so controlled that the bullet, shot or missile propelled there from shall not pass over or on the premises of another or upon the public highway or other public grounds.

(B) That the discharge of firearms shall be controlled so as not to endanger the life or property of another.

(1) The permits described in this section may be granted only by owners or lessees of ~~not less than fifteen (15) contiguous acres~~ of land located within the Town of Grafton. These permits may be purchased at the office of the Town Clerk at a cost determined by the Town Board and must be countersigned by an official of the Town. These permits shall be executed in triplicate, with the original remaining with the Town Clerk, one copy provided to the owner or lessee of the land granting such permit and one copy provided to the person to whom such permit is issued. These permits shall provide for an expiration date not to exceed 120 days from the date of issuance thereof; the permit issued to any person shall be revoked immediately upon a finding that such person has violated any section of this ordinance.

**6.5.1.06 Permit Must Be Carried**

Any person ~~when~~ discharging a firearm on land not owned or leased by such person shall have his or her permit in his or her immediate possession and shall display the same upon demand from any Town official or law enforcement officer.

**6.5.1.07 Penalty**

Anyone violating any provision of this ordinance shall forfeit the sum of Fifty Dollars (\$50.00) for each offense and shall in addition, pay the cost of prosecution. In default of payment of the forfeiture provided in this section, any person who has been found to violate this ordinance shall be confined to the County jail until such forfeiture with costs has been paid; such period of confinement shall not exceed 30 days. (See 1.1.6 TGO)

**Section 2.**

Except as hereinabove specifically modified and amended, the Code of Ordinances, Town of Grafton, Wisconsin, shall remain in full force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

**Section 3.**

This Ordinance shall take effect and be in full force from and after its passage and publication or posting.

Adopted by the Town Board of the Town of Grafton, Ozaukee County, Wisconsin, at its regularly scheduled meeting on this 9<sup>th</sup> day of June, 2010

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Lester A. Bartel, Jr., Town Chairman

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Jessica C. Schmidt, Town Clerk

Posting Date: June 10, 2010