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 - a. General Penalty, Town Actions/Citation/Administrative Appeal
2. Amend to add Chapter 12 to read:

II. **Firearm Discharge** **105**

CHAPTER 12 FIREARM DISCHARGE

SECTION 1

TITLE AND PURPOSE: The Town Board of Johnson has determined that the health, safety and general welfare of a person is threatened when a person discharges a firearm within those areas of the Town used for residential or commercial purpose, or within one hundred (100) yards therefrom. The Town Board, therefore, establishes an Ordinance regulating the discharge of firearms for certain areas within the Town consistent with Wisconsin State Statutes, including §66.0409, §167.31, §895.527, §941.20 and §948.605.

SECTION 2

AUTHORITY: The Town Board has the specific authority granted under the Village Powers of the Town Board, pursuant to Sec. §60.10(2)(c), §60.22 of the Wisconsin Statutes, and pursuant to Sec. §60.23 of the Wisconsin Statutes.

SECTION 3

ADOPTION: This Ordinance adopted by a majority vote of the Town Board on roll call vote with a quorum present and voting, and proper notice having been given, provides for the imposition of an Ordinance restricting the discharge of firearms within certain areas in the Town of Johnson (hereinafter Town), Marathon County.

SECTION 4

DEFINITIONS:

1. **Residential Purpose:** Any area within the Town where there is located a dwelling used or usable for human occupancy.
2. **Commercial Purpose:** Any area within the Town where there is located a structure and its appurtenances, used or usable for the purpose of carrying on any trade, industry or business, except for such areas which are twenty (20) acres or more in size, which are used for agricultural purposes, and which are more than one hundred (100) yards from a residential or commercial area.
3. **Firearms:** Any weapon such as a cannon, shotgun, muzzleloader, pistol, hand gun, or rifle.
4. **Sport Shooting Range:** An area in the Town designed and operated for the practice of weapons used in hunting, skeet shooting and similar sport shooting.

SECTION 5:

RESTRICTIONS ORDINANCE: No person shall fire or discharge a firearm, as defined in this Ordinance, within those areas of the Town used for a residential or commercial purpose, or within one hundred (100) yards therefrom, unless otherwise permitted by law, or without first obtaining a Permit from the Town Chair under this Ordinance.

SECTION 6

EXCEPTIONS:

- (a) If person is on owned property and is one hundred (100) yards from any non-owned dwelling used or useable for human occupancy,
- (b) No outdoor sport shooting may operate in the Town between 11:00 p.m. and 6:00 a.m. without a written Permit issued by the Town Chair. This operation restriction does not apply to persons noted in 895.527(6) Wis Stats. §895.527(7) Wis Stats states A person who is shooting in the customary or a generally acceptable manner at a sport shooting range between the hours of 6:00 a.m. and 11:00 p.m. is presumed to not be engaging in disorderly conduct merely because of the noise caused by the shooting.
- (c) If a person is discharging a firearm at a sport shooting range located in the Town.
 - (b1) No outdoor sport shooting may operate in the Town between 11:00 P.M. and 6:00 A.M. without a written permit issued by the Town Chairman. This operation restriction does not apply to persons noted §895.527(6) Wis. Stats .
 - (b2) Pursuant to §895:527(7) Wis. Stats. A person who is shooting in the customary or a generally acceptable manner at an outdoor sport shooting range between the hours of 6:00 A.M. and 11:00 P.M. is presumed to not be engaging in disorderly conduct merely because of the noise caused by the shooting.

SECTION 7

PERMIT: The Town Chairman shall be authorized to grant written Permits where special circumstances exist which require the discharge of firearms within the areas prohibited hereby. Such Permit shall be limited to time and place.

SECTION 8

SEVERABILITY CLAUSE: If any provision of this Ordinance, or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are severable.

SECTION 9

PENALTY PROVISION: Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, pay a forfeiture of not less than four hundred dollars (\$400), plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this Ordinance. In addition, the Town Board may seek injunctive relief from a Court of Record to enjoin further violations.

SECTION 10

EFFECTIVE DATE: The Ordinance is effective on publication.

The Town Clerk shall properly publish this Ordinance as required under Sec. 60.80(5) of Wis. Statutes as a Class I Notice in a local newspaper.

3. Amend to add the following Ordinance

III. Chapter 3 Town Actions/Citation/Administrative Appeal

Chapter 12 Firearm Discharge

Section 9 \$250 First Offense
 \$400 Second offense and thereafter