



MEMORANDUM

DATE: February 13, 2014

TO: Administration Committee

FROM: ^{pac} Pamela A. Captain, City Attorney/HR Director

Re: 2013 Wisconsin Act 71 (Bow & Arrow/Crossbow)

A recently enacted Wisconsin Act restricts the ability of local governmental units to regulate the use of bow and arrow/crossbow for hunting purposes within the units' corporate limits. A copy of the Act is attached for your reference.

As a result of the enactment of Act 71, Menasha's Code of Ordinances is in need of amendment. Menasha can no longer outright prohibit the discharge of a bow and arrow or crossbow within city limits. With the statutory change, Menasha has authority to prohibit the discharge of a bow and arrow or crossbow, except if a person is hunting. We can, but we do not have to require that any discharge for hunting is directed toward the ground. Finally, we can choose to prohibit hunting with a bow and arrow or crossbow within 100 yards of an occupied building, unless the owner or occupant of the land allows hunting at a lesser distance.

State of Wisconsin



2013 Assembly Bill 8

Date of enactment: December 12, 2013
Date of publication*: December 13, 2013

2013 WISCONSIN ACT 71

AN ACT *to renumber and amend* 29.038 (3); and *to create* 29.038 (3) (b) of the statutes; **relating to:** restrictions imposed by local governmental units on hunting with a bow and arrow or crossbow.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.038 (3) of the statutes is renumbered 29.038 (3) (a) and amended to read:

29.038 (3) (a) ~~A. Except as provided in par. (b), a~~ local governmental unit may enact an ordinance or adopt a regulation, resolution or other restriction that has an incidental effect on hunting, fishing or trapping, but only if the primary purpose is to further public health or safety.

SECTION 2. 29.038 (3) (b) of the statutes is created to read:

29.038 (3) (b) 1. In this paragraph:

a. "Building" means a permanent structure used for human occupancy and includes a manufactured home, as defined in s. 101.91 (2).

b. "Restriction" means an ordinance, regulation, resolution, or other restriction enacted or adopted by a local governmental unit.

2. Except as provided in subd. 3., a local governmental unit may not enact or adopt a restriction that prohibits a person from hunting with a bow and arrow or crossbow within the jurisdiction of that local governmental unit.

3. A local governmental unit may enact or adopt a restriction that does any of the following:

a. Prohibits a person from hunting with a bow and arrow or crossbow within a specified distance, not to exceed 100 yards, from a building located on another person's land. A restriction enacted or adopted under this subd. 3. a. shall provide that the restriction does not apply if the person who owns the land on which the building is located allows the hunter to hunt within the specified distance of the building.

b. Requires a person who hunts with a bow and arrow or crossbow to discharge the arrow or bolt from the respective weapon toward the ground.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

ORDINANCE O-2-14

AN ORDINANCE AMENDING TITLE 11, CHAPTER 2 OF THE
CODE OF ORDINANCES
(Regulation of Firearms and Explosives)

Introduced by Alderman Nichols.

The Common Council of the City of Menasha does hereby ordain as follows:

SECTION 1: Amend Title 11, Chapter 2, Sec.11-2-1(a) of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

Title 11 – Offense and Nuisances

CHAPTER 2

Offenses Against Public Safety and Peace

SEC. 11-2-1 REGULATION OF FIREARMS AND EXPLOSIVES.

- (a) **DISCHARGE OF FIREARMS REGULATED.** No person, except a police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun or pneumatic pellet gun of any description, ~~or bow and arrow~~ within the City. This Section does not apply and may not be enforced if the person's conduct is justified or, had it been subject to a criminal penalty would have been subject to a defense described in §939.45, Wis. Stats.

...

SECTION 2: This amending Ordinance shall take effect upon passage and publication as provided by law.

Passed and approved this day of , 2014.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk