



To: Members of the Common Council

From: Chief Tim Styka

Date: March 12, 2014

RE: Questions on Ordinance Change O-4-14, Throwing or Shooting of Arrows,  
Stones and Other Missiles Prohibited (Includes Hunting)

## **BACKGROUND**

During the Common Council meeting on March 3, 2014 there were some questions as to how the change in ordinance would impact hunting, should it be needed or desired on City owned property. In addition, there were questions as to how this change would impact bow fishing within the City.

## **ANALYSIS**

Hunting, fishing, or trapping on City land does not change under the new State Law (2013 Act 71) or the proposed City Code ordinance change; it would still be illegal. Under State Statute 29.038 (2)(b), a municipality can restrict hunting, fishing, or trapping on any land it owns or leases. Under Menasha Code of Ordinances 12-1-1 these activities are illegal. Trapping can be allowed with specific written permission from the Park Board, and shooting of bow and arrow/crossbow could be allowed if there was a designated area, which currently does not exist.

The issue of using a bow and arrow as it relates to fishing did branch into a few different questions during the March 3<sup>rd</sup> meeting. In contacting DNR Warden, Thomas Sturdivant, he was able to clarify one of the main issues. Bow fishing is not hunting and is not changed by Act 71. Therefore, under the proposed change in the ordinance, this activity would continue to be illegal within the City. However, what remains unclear is the applicability of this ordinance on a boat in a waterway within the City. This question has been referred to another representative at the DNR for further information. At this point, I have not heard back from the DNR, but I will provide an update, if one is available, at the meeting on Monday night.

## **FISCAL IMPACT**

This discussion and the approval of the ordinance change have no fiscal impact.

## **RECOMMENDATION**

Staff recommends the ordinance be approved as presented.

ORDINANCE O-4-14

AN ORDINANCE AMENDING TITLE 11, CHAPTER 2 OF THE  
CODE OF ORDINANCES

(Throwing or Shooting of Arrows, Stones and Other Missiles Prohibited. Includes Hunting.)

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.11-2-3 (a) and (b) 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. 11-2-3 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED.**

- (a) It shall be unlawful for any person to discharge or throw by any means any dangerous missile, object, arrow or bolt, stone, snowball or other missile within the City of Menasha, provided, however, upon written application to the Chief of Police and Common Council, a person may be granted permission by the Common Council to construct and maintain supervised archery ranges if, in the opinion of the Common Council, the construction or maintenance of such ranges will not endanger the public health and safety.
- (b) **HUNTING.** This section shall not prevent a person from hunting with a bow and arrow or crossbow in the following circumstances:
- (1) If the person is hunting in accordance with Wisconsin Department of Natural Resources regulations; and
  - (2) The discharge is greater than 100 yards from a building, used for human occupancy, unless the person who owns the land on which the building is located allows the hunter to hunt within 100 yards of the building; and
  - (3) The discharge of the arrow or bolt from the respective weapon is toward the ground.

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

Passed and approved this        day of March, 2014.

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Donald Merkes, Mayor

ATTEST:

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Deborah A. Galeazzi, City Clerk