



IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN

ORDINANCE #2011-8

An Ordinance to Amend: Section 232-1 Park regulations; 237-1 Offenses against state laws subject to forfeiture; Section 237-2 Firearms and explosives; and to Repeal Section 237-3 Carrying concealed weapons; certain weapons prohibited of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, all relating to carrying concealed weapons.

WHEREAS, 2011 Wisconsin Act 35 relating to the carrying of concealed weapons within the State of Wisconsin (the "Concealed Carry Act") was signed into law on July 8, 2011;

WHEREAS, the Concealed Carry Act goes into statewide effect on November 1, 2011; and

WHEREAS, Wisconsin Statute Sec. 66.0409(2) authorizes the Town to enact ordinances regulating the use, keeping, possession, bearing, transportation, licensing and permitting of a firearm;

NOW, THEREFORE, BE IT ORDAINED, that the Town Board of the Town of Cedarburg do ordain as follows:

Section 232-1 Park regulations., B. Specific regulations., (15) Firearms., [§ 232-1, B.(15)] of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

**(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).**

(15) Firearms.

(a) Within a Town park it shall be unlawful for any person to have in his possession or under his control:

[1] Any firearm or airgun as defined in the Wisconsin Statutes, ~~except for licensed law enforcement officials.~~ unless the firearm is unloaded and enclosed within a carrying case. This subsection does not apply to a licensee or out-of-state licensee, as defined in § 175.60(1), Wis. Stats., if the firearm is a weapon as defined in § 175.60(1)(j), Wis. Stats., or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer as defined in and subject to the conditions contained in § 941.23, Wis. Stats.

[2] Any bow, unless the same is unstrung or enclosed in a carrying case or unless written permission has first been granted by the Town Administrator to use a bow in a specific,

supervised sport or activity, and then only within a designated area; provided, however, that it shall be unlawful to engage in any sport or activity involving a strung bow that constitutes a safety hazard in the judgment of any law officer or Town Administrator personnel.

(b) Hunting is prohibited in all Town parks and recreational areas.

(c) Use of paintball guns is prohibited in all Town parks.

Section 237-1. Offenses against state laws subject to forfeiture., of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:. [Note. Town Code Section 237-4. Safe use and transportation of firearms and bows is deleted under this Ordinance and Town Code Section 237-1 adopts by reference **Wis. Stats. Section 167.31 Safe use and transportation of firearms and bows**, which contains many amendments pursuant to 2011 Wisconsin Act 35.]

(The text modified with an underline shall be added).
(All existing in-between text not appearing as “...” shall remain unchanged)

§ 237-1. Offenses against state laws subject to forfeiture.

The following statutes 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 that the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of Chapter 1, § 1-3 of this Code. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code.

§ 118.07	Safety requirements
...	...
§ 167.10	Fireworks regulated
<u>§ 167.31</u>	<u>Safe use and transportation of firearms and bows</u>
§ 173.10	Investigation of animal cruelty complaints
...	...
§ 951.15	Animals, neglected or abandoned; police powers

Section 237-2. Firearms and explosives., B. Discharge of firearms restricted., (1)., [§237-2. B. (1)] of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).

B. Discharge of firearms restricted.

(1) No person, except a property owner or his or her designee and when the property owner is present, shall discharge any firearm as above defined within the Town of Cedarburg, except when he or she has in his/her possession a copy of a written permit (upon forms provided and available in the office of the Town Clerk), signed by the owner of the land, permitting the discharge of firearms upon the premises actually owned or occupied. This subsection does not apply and may not be enforced if the person's conduct was justified or, had it been subject to a criminal penalty, would have been subject to a defense described in § 939.45, Wis. Stats.

Section 237-3. Carrying concealed weapons; certain weapons prohibited., of the Town of Cedarburg Code of Ordinances is hereby deleted. [Note. Town Code Section 237-1 adopts by reference **Wis. Stats. Section 941.23 Carrying concealed weapon**, which contains many amendments pursuant to 2011 Wisconsin Act 35.]

(The text modified with a strikethrough shall be deleted).

~~§ 237-3. Carrying concealed weapons; certain weapons prohibited.~~

~~A. Concealed weapons prohibited. No person shall within the Town wear or in any manner carry under his/her clothes or conceal upon or about his/her person any deadly or dangerous weapon, provided that this subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons. "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.~~

~~B. Concealed weapons in public establishments. No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public, except a bona fide weapons repair, display or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This subsection shall not apply to peace officers or others duly authorized by law acting within the scope of their duties. This subsection shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell or trade firearms to or from a retailer.~~

~~C. Specific concealed weapons prohibited. No person, except a Sheriff, Constable, police officer or other law enforcement officer acting within the scope of his duties, shall carry or wear concealed about his person any pistol, revolver, firearm, slingshot, cross knuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the Town.~~

~~D. Possession, sale and manufacture of certain weapons prohibited.~~

~~(1) No person shall sell, manufacture, purchase, possess or carry a numchuk (also called a "nunchaku") or a churkin or a sucbai or similar weapon within the Town of Cedarburg.~~

~~(2) For the purpose of this section, the following definitions shall apply:~~

~~**CHURKIN**~~

~~A round-throwing knife consisting of several sharp points protruding from a rounded disc.~~

~~**NUMCHUK or NUNCHAKU**~~

~~An instrument consisting of two or more sticks, clubs or rods connected by a rope, cord, wire or chain.~~

~~**SUCBAI**~~

~~A short length of wood or metal or similar material which when gripped in the hand protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short, pointed protrusions from either end.~~

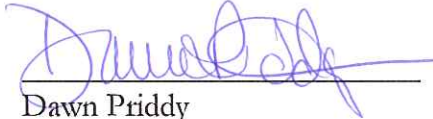
~~(3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratories for destruction.~~

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this ^{2nd} day of November, 2011.



David M. Valentine
Town Chairman



Dawn Priddy
Town Clerk