



ORDINANCE 557
VILLAGE OF ELKHART LAKE
SHEBOYGAN COUNTY, WISCONSIN

REVISING ORDINANCE 8.24 REGULATING FIREARMS AND DANGEROUS WEAPONS IN REGARDS TO BANNING CONCEALED WEAPONS IN MUNICIPAL BUILDINGS

WHEREAS, in response to a new State of Wisconsin law, the Board of Trustees of the Village of Elkhart Lake has decided that language concerning the banning of conceal carry weapons in Village-owned buildings needs to be added to Chapter 8.24 of the Village Ordinance, and

NOW THEREFORE, BE IT RESOLVED, that Board of Trustees of the Village of Elkhart Lake after having three readings on the ordinance and in accordance with Wisconsin State Statutes and Municipal Code does hereby ordain as follows:

- 1) That Chapter 8 Section 24 be hereby revised to read as follows:

CHAPTER 8.24
REGULATION FIREARMS AND DANGEROUS WEAPONS

(1) DEFINITIONS.

- a. "Firearm." Any weapon which acts by force or by gunpowder.
- b. "Dangerous weapons." Any firearm which is loaded or unloaded, 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 in which it is used or intended to be used, is calculated or likely to produce death or great bodily harm.
- c. "Public Building." Any building owned by the Village, the county, or the school district.

(2) RESTRICTIONS.

- a. *Possession Of Firearms In Village Owned-Buildings.* No person, other than a law enforcement officer licensed to carry a firearm, may enter into or remain in any Village-owned building while carrying a firearm or dangerous weapon.
 - i. This subsection does not apply to a vehicle driven or parked in a Village-owned parking facility.
 - ii. The Chief of Police may grant written exemptions to the prohibition in this subsection. To the furthest extent allowable by law, the Village shall be immune from liability for any decision to grant or not grant an exemption.

- iii. Signs providing notice of the prohibition in this subsection shall be posted in prominent locations near all entrances to all Village-owned building so that individuals entering the buildings can be reasonably expected to see them. Signs shall be at least 5" x 7" in size.
- b. *Discharge Of Firearms Regulated.* No person except an authorized police officer shall discharge any firearm within the Village.
- c. *Possession Of Dangerous Weapons.* No person other than an authorized police officer shall wear or carry any slingshot, cross knuckles of lead, brass or other metal, switchblade knife, or any other dangerous or deadly weapon within the Village limits, except in conformance with the restricts and requirements of section 167.31 of Wisconsin Statutes.
- d. *Use Of Other Dangerous Weapons.* No person shall shoot or discharge any dangerous weapon anywhere in the Village, except by permission of the Chief of Police, granted for special occasions, except in proper position for firing salutes or by command of a proper military or police officer in the performance of official duty, or in a licenses shooting range, on game farms or hunting preserves. This section does not apply to any person engaged in otherwise lawful activities on the premises of an established bow and arrow target range or other premises where the physical layout and circumstances are such that the health and safety of other persons is not endangered.
- e. *Hunting Within Village.* No person shall engage in hunting activities using a firearm or bow within the corporate limits of the Village.

(3) PENALTIES.

- a. Any firearms or dangerous weapons used or possessed in violation of this ordinance shall be forfeited to the Village of Elkhart Lake.
- b. Any person who violates subsection (2) shall forfeit not less than \$250.00 nor more than \$500.00, together with costs of prosecution, including attorneys' fees, and may be ordered to pay restitution and complete community service.

(4) SEVERABILITY.

- a. In the event that any provision in this Section is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Section shall be deemed separate, distinct, and independent provisions of the Section and all remaining provisions of the Section shall remain in full force and effect.

BE IT FURTHER RESOLVED, that this ordinance will become effective upon its publication and posting.

Ordinance 557

Page 3

Attest:

Approved and Adopted this

3rd of October, 2011

Alan S. Rudnick, President

Jeanette L. Moioffer, Clerk

Steven Kapellen, Trustee