
ORDINANCE NO. 2516**ORDINANCE TO AMEND SECTION 121-1 AND SECTION 184-11 OF THE MUNICIPAL CODE OF THE CITY OF NEW BERLIN REGARDING THE REGULATION OF BOW HUNTING**

WHEREAS, the legislature has amended its standards for the local regulation of bow hunting through 2013 Wisconsin Act 71; and

WHEREAS, the City is desirous of amending its Ordinances to be in compliance with these new standards;

NOW THEREFORE, the Common Council of the City of New Berlin do ordain as follows:

SECTION I

The introductory paragraph to Ordinance Section 121-1 of the Municipal Code of the City of New Berlin is amended to read as follows:

No person shall fire or discharge any firearm, air rifle, spring gun or air gun of any description or fire or discharge any instrument, slingshot or other weapon capable of discharging a missile within One Hundred Feet (100') of the City of New Berlin except this Section shall not apply to the following:

SECTION II

Section 121-1(E) of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

The use of bow and arrow, crossbow or a shotgun for the purpose of destroying wild animals or birds causing damage to growing agricultural crops, providing the shells discharged from a shotgun are for shot of a size not larger than number seven and one-half (7 ½) and provided further that a permit has been issued to the person using such shotgun as provided in Section 12.15 and 12.16 of the Wisconsin Administrative Code and further following issuance of a permit by the Chief of Police or his designee. The permit issued under this Section shall be an annual permit beginning on the first of each year and ending on the last day of each year.

SECTION III

Section 121-1(F)(2) of the Municipal Code of the City of New Berlin is hereby repealed and recreated to read as follows:

To preserve the general health, safety and welfare of the citizens of New Berlin, the use of a bow and arrow or crossbow for the purposes of hunting under this Section shall not be permitted in City parks or parkways, on school property and City or Federal property.

- (a) Anyone engaged in hunting in the City of New Berlin must receive prior permission from the landowner.
- (b) Persons hunting with a bow and arrow or crossbow must discharge the arrow or bow from

the respective weapon into the ground.

- (c) Hunting with a bow and arrow or crossbow is prohibited within One Hundred (100) yards of a building. This restriction shall 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. For purposes of this Section, "building" means permanent structure used for human occupancy and includes a manufactured home as defined in Wisconsin Statute Section 101.91(2)(d). Violation of any provision of this Section shall subject violators to the penalties set forth in the general penalty section of this code.

SECTION IV

Section 184-11 of the Municipal Code of the City of New Berlin is hereby repealed and recreated to read as follows:

No person shall discharge any firearm in any park or parkway. No person except an authorized representative of this Commission, shall fire any fireworks in any park or parkway. No person shall engage in trapping, nor shall any person hunt with any bow and arrow or crossbow within any park or parkway. Fire arm includes an air gun.

SECTION V

All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

SECTION VI

This ordinance shall take effect upon passage and publication as approved by law.

SECTION VII

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

PASSED AND ADOPTED by the Common Council this _____ day of _____
2014.

APPROVED:

David A. Ament, Mayor

Countersigned:

Kari Morgan, City Clerk

ATTENTION: THOSE REQUESTING A HUNTING PERMIT

The State Legislature recently passed Act 71 which became effective December 13, 2013.

Act 71 significantly restricts local governments' ability to regulate bow and arrow or crossbow hunting within their jurisdictions, and only if the primary purpose of the regulation is to further public health or safety.

According to Act 71 local governments may:

1. Prohibit hunting with a bow and arrow or crossbow within 100 yards of a building located on another person's land. This restriction does not apply if the person who owns the land on which the building is located allows the hunter to hunt within that distance. (A building according to Act 71 means a permanent structure used for human occupancy and includes a manufactured home as defined in s. 101.91(2).
2. Require a person who hunts with a bow and arrow or crossbow to discharge the arrow or bolt from the respective weapon toward the ground.

Beginning immediately we will end our practice of requiring permits, collecting a fee and running background checks on bow and arrow or crossbow hunters.

Those who wish to use a bow and arrow or crossbow to hunt in the City must have the necessary licenses from the DNR as well as follow all hunting rules and regulations. They must also have permission from the landowner whose land they wish to hunt upon or they will be subject to fines/arrest for trespassing. ***Hunting is not permitted on City property, including all parks and parkways, and school property.***

Chief Rieder
12/27/2013