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City Clerk

 Gen. Ord. No. 33-19-20. By Alderpersons Donohue, Ackley, Felde,
Savaglio, and Sorenson.
November 4, 2019.

AN ORDINANCE amending Section 70-251 of the Municipal Code so as to
ban the carry, possession, or control of any firearm, facsimile firearm,
or concealed weapon in City buildings upon which such ban is posted and to
provide certain definitions of terms contained in the ordinance.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Division 2 of Article VII of Chapter 70 of the Municipal
Code entitled "Weapons" is hereby repealed and recreated so as to read as
follows:

"Sec. 70-251. - Discharging and Carrying Weapons.

(a) *Definitions.*

- (1) *Firearm* means a weapon that acts by force of gunpowder.
- (2) *Facsimile firearm* means any replica, toy, starter pistol,
or other object that bears a reasonable resemblance to or
that reasonably can be perceived to be an actual firearm,
but is not an actual firearm.
- (3) *Law enforcement officer* means a person who is employed by a
law enforcement agency as defined in §175.49(1)(f), Wis.
Stats., for the purpose of engaging in, or supervising
others engaging in, the prevention, detection,
investigation or prosecution of, or the incarceration of
any person for, any violation of law and who has statutory
powers of arrest.
- (4) *Weapon* means a handgun, an electronic weapon as defined in
§941.295 (1c)(a), Wis. Stats., a knife, or a billy club.

(b) *Prohibited.* No person, except an authorized police officer,
shall discharge any firearm, spring gun, or air gun within the
City. This prohibition shall not apply to a shotgun, muzzle
loader, bow, crossbow, or other like weapons or instruments, air
rifle, pellet gun, or like instruments, provided the use thereof
complies with the requirements of subsections (e)(1) through (3)
below.

(c) *Permitted.* Any person may possess, carry, or bear any weapon,
firearm or facsimile firearm, or have under his or her control

any weapon, firearm or facsimile firearm, on any public street, sidewalk, boulevard, boardwalk, alley, public parking lot, or park if he or she complies with this section or the Wisconsin Statutes and Administrative Code sections specifically adopted under this section, with the exception of the following:

- (1) In addition to the provisions of §175.60(16), Wis. Stats., enumerating places where the carrying of a weapon or firearm is prohibited, including exceptions thereto, no person other than a law enforcement officer may possess, carry, or have under his or her control any firearm, facsimile firearm, or concealed weapon within any posted building or portion of a posted building owned, occupied, or controlled by the City. Signs meeting the requirements of §943.13(2)(b)1, Wis. Stats., shall be posted in prominent places near all entrances of such buildings regarding such restriction.
- (2) The City Administrator shall cause all buildings or portions of buildings owned, occupied, or controlled by the City to be posted pursuant to this subsection; except that he or she may determine that particular buildings or portions of building should not be posted. The City Administrator shall maintain a list of all non-posted buildings or portions of buildings, and shall report to the common council his or her determination that a building or portion of a building not be posted.
- (3) Any person who enters or remains in any City building contrary to subsection (1) above shall be considered a trespasser, subject to penalty as proscribed under sec. 70-183 of this Code. If the individual refuses to leave the building, the individual may be removed against his or her will.
- (4) No person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under his or her control any weapon, knife, firearm, or facsimile firearm within any public building or athletic field owned by the Sheboygan Area School District, unless such person is permitted to do so pursuant to the provisions and exceptions contained in §948.605, Wis. Stats., and §948.61, Wis. Stats.
- (5) No person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under his or her control any weapon, firearm, or facsimile firearm within any premises for which a Class "B" or "Class B" license or permit has

been issued by the City pursuant to Ch. 125, Wis. Stats. This subsection shall not apply to a peace officer, a Wisconsin CCW licensee, a qualified out-of-state licensee, a qualified out-of-state law enforcement officer, or other person specifically excepted by the provisions of §941.237(3), Wis. Stats., so long as said person does not consume alcohol on the Class "B" or "Class B" premises. Active and former officers may consume alcohol on Class "B" or "Class B" premises if they are not under the influence and if the premise is not posted otherwise.

- (6) No person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under his or her control any weapon, firearm, or facsimile firearm in or on school grounds or within 1,000 feet from the grounds of a school, if doing so is a violation of §948.605, Wis. Stats.
 - (7) No person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under his or her control any weapon, firearm, or facsimile firearm while any such person is under the influence of an intoxicant or a detectable amount of a restricted controlled substance.
 - (8) If the firearm is a facsimile firearm, no person may openly possess, carry, or display any facsimile firearm under circumstances that could reasonably be expected to alarm, intimidate, threaten or terrify another person.
 - (9) Notwithstanding the provisions of this section, no person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under his or her control any weapon, firearm, or facsimile firearm in violation of any state statute.
- (d) *Removal from Property.* If a property owner or tenant objects to any individual carrying a weapon, firearm, or facsimile firearm and does not wish to allow individuals to exercise the right to carry weapons, firearms, or facsimile firearms within his or her establishment, said individual shall be considered a trespasser, subject to penalty as proscribed under sec. 70-183 of this Code. If the property owner or tenant makes a complaint to the Police Department to remove the individual from the property and the individual refuses, the individual may be removed against his or her will.
- (e) *Conditions of Discharge Within the Boundaries of the City.* A shotgun, muzzle loader, bow or crossbow, or other like weapon or

instrument may be discharged within the boundaries of the City, but only under the following conditions and regulations:

- (1) Shotguns, muzzle loaders, or like weapons or instruments designed and used to propel a single slug, multiple pellets or "shot" may only be discharged in the City where not prohibited by this ordinance, and then according to the following regulations. No such weapons or instruments shall be discharged on or onto lands less than 200 yards from the boundary of an adjacent platted subdivision. In addition, no such weapons or instruments shall be discharged within 100 yards from a habitable building on any other adjacent property, unless the owner of such adjacent property or habitable building has given written permission to be closer. In no case shall such weapons or instruments be discharged in a direction that could result in the projectile landing on or flying over any adjacent properties unless the owner(s) of such adjacent properties have given written permission to do so.
 - (2) Bows, crossbows, or other like weapons or instruments designed and used to propel an arrow, dart or other similar missiles may only be discharged in the City where not prohibited by this section, and then only within the following regulations. No such weapons or instruments shall be discharged on or onto land less than 100 yards from the boundary of an adjacent platted subdivision. In addition, no such weapons or instruments shall be discharged within 100 yards from a habitable building on any other adjacent property, unless the owner of such adjacent property or habitable building has given written permission to be closer. In no case shall such weapons or instruments be discharged in a direction that could result in the projectile landing on or flying over any adjacent properties unless the owner(s) of such adjacent properties have given written permission to do so.
 - (3) Prohibited Areas. No instrument referred to in subsections (1) and (2) above shall be discharged on parkland, or on land not owned by the person unless written permission has been obtained.
- (f) *Possession of Firearms and Weapons by Minors Prohibited.* No parent, guardian, or other adult person having legal custody of a child under the age of 16 years shall permit such minor to have in his/her possession and control for use within the City

any firearm or other dangerous weapon as enumerated in subsection (b).

(g) *Sale of Firearms and Weapons.*

(1) *Sale to Minors.* No person shall sell or give away to any child under the age of 16 any sling shot, blow gun, bean shooter, air gun, pellet gun, dart gun, or bow and arrow.

(2) *Records.* Any person selling firearms or other deadly weapons shall keep a record of the sale thereof, and such list shall be open to inspection by the Police Department. Such record shall include the name, address, age and birth date of the purchaser and the article purchased.

(h) *State Provisions Adopted.* The City adopts those provisions of the Wisconsin Statutes and the Administrative Code related to dangerous weapons and concealed weapons, as well as such provisions of the Wisconsin Statutes and the Administrative Code enumerated under and within subsection (b) above, as from time to time amended by the Wisconsin Legislature, together with all definitions of relevant terms and all exceptions contained in such provisions, as if fully set forth at length in this section."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

Beth A. Rose

My Lynne Howland

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 2nd day of December, 2019.

Dated December 4, 2019. Michael J. Duffin City Clerk

Approved December 4, 2019. Michael J. Duffin, Mayor

Published December 7, 2019.

Certified December 4, 2019 to - Atty.; CA.; Muni. Code; Mayor; Police Dept.