



LEGAL SERVICES DEPARTMENT

Office of the City Attorney

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TO: Members of the Safety and Licensing Committee

FROM: Stacy Doucette, Assistant City Attorney

DATE: January 23, 2014

RE: Bow Hunting within the City Limits

On December 12, 2013, Assembly Bill 8 was enacted. The Assembly Bill amended Wis. State Statute § 29.038(3)(b). The amended statute now states that a local governmental unit may not enact or adopt a restriction that prohibits a person from hunting with a bow and arrow or crossbow within the jurisdiction of that local governmental unit. However, the local governmental unit may prohibit a person from hunting within 100 yards of a permanent structure used for human occupancy on another person's land unless the person has permission from the person who owns the land on which the building is located and the governmental unit may also require the hunter to discharge the arrow or bolt from the weapon towards the ground.

As a result of this amendment, the City's ordinance must be amended to comply with the amended state statute. Attached is a draft of the recommended language. The previous permitting process must be eliminated. In addition, the recommended ordinance does contain both prohibitions that are allowed by the amended state statute; however, these prohibitions can be eliminated or the distance from the buildings can be modified. However, the distance can't exceed 100 yards.

Please feel free to contact me at 832-1580 if you have any questions or comments prior to the next Safety and Licensing meeting.

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City Attorney

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Deputy City Attorney

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Sec. 10-2. Discharge of dangerous weapons.

A. It is unlawful for any person, except a sheriff, constable, police officer or their deputies, to fire or discharge any firearm, rifle, spring or air gun of any description or tipped arrow within the City, ~~or to have any firearm, rifle, spring or air gun in his possession or under his control unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container.~~

B. Exceptions. Subsection A shall not apply to any of the following:

1. The maintenance and use of duly supervised rifle or pistol ranges or shooting galleries or archery ranges approved by the Chief of Police.
 - ~~2. Any person who receives a permit from the Chief of Police allowing or permitting the person to hunt deer in a NC Nature Conservancy District.~~
2. Hunting with a Bow and Arrow or Crossbow.
 - (a) Hunting is not permitted within the City of Appleton except with a bow and arrow or crossbow. Hunting does not include target practice.
 - (b) It shall be unlawful for a person to hunt with a bow and arrow or crossbow within a distance of one hundred (100) yards from any permanent structure used for human occupancy on another person's land. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or crossbow within the specified distance of the building.
 - (c) When hunting with a bow and arrow or crossbow, a person shall shoot or discharge the arrow or bolt from the respective weapon toward the ground.
 - (d) When hunting with a bow and arrow or crossbow, no person shall shoot or discharge the arrow or bolt from the respective weapon in a manner that may endanger the life, limb or property of another or will traverse any part of any street, alley, trail, public grounds or parks.
 - (e) It shall be unlawful for a person to hunt on any portion of land owned or leased by the City of Appleton.
 - (f) When hunting with a bow and arrow or crossbow, a person shall follow all Wisconsin state statute and DNR regulations pertaining to bow hunting.

~~B. Hunting within the City Limits.~~

~~1. Permits.~~

- ~~i. The Chief of Police or designee is authorized to issue hunting permits.~~
- ~~ii. Only the owner of the designated property or persons with the owner's written permission shall be eligible to receive a permit to hunt.~~
- ~~iii. Permits under this subsection shall only apply to the hunting of deer.~~
- ~~iv. Permits shall only be issued for hunting with a bow and arrow. Crossbows are allowed according to Wis. State Statute 29.171.~~
- ~~v. A copy of a state archery license, valid deer tag, a certificate of archery proficiency and a \$30.00 application fee shall accompany the application for a permit.~~

- ~~vi. Hunting shall only be by the person listed on the permit.~~
- ~~vii. Permits are not transferable.~~
- ~~viii. No permits shall be issued to any person under the age of eighteen (18).~~
- ~~ix. Permits shall be issued for the same time period established by the Department of Natural Resources (DNR) for the bow hunting deer season.~~
- ~~x. The police department may immediately revoke a permit if a hunter violates any part of this ordinance. Upon revocation of the permit, the permittee may appeal the decision to the Safety and Licensing Committee.~~

~~2. Requirements:~~

- ~~a. When hunting, persons shall at all times carry valid photo identification, a copy of the City permit and the state archery license.~~
- ~~b. No arrow or other object used to hunt deer pursuant to the City permit may be discharged or projected at such an angle or distance as to land on public or private property not described in the permit.~~
- ~~c. No arrow or other object may be discharged from or projected onto or over any park, bicycle trail or hiking trail within a NC Nature Conservancy District.~~
- ~~d. The person shall follow all state statute and DNR regulations pertaining to bow hunting.~~

C. Penalties.

Any person that violates any of the provisions of this section may be subject to a forfeiture of no more than five hundred dollars for the first offense and no more than one thousand dollars for the second and subsequent offenses. Each day that a violation occurs shall be considered a separate offense.