

TOWN OF MANITOWOC RAPIDS  
MANITOWOC COUNTY, WISCONSIN

ORDINANCE NO. 2016 – 5

AN ORDINANCE TO REPEAL SECTION 9.01 AND  
TO REPEAL AND RECREATE SECTION 9.02  
OF THE CODE OF ORDINANCES

The Town Board of the Town of Manitowoc Rapids pursuant to Section 60.22, Wis. Stat., and its village powers pursuant to Section 60.10 (2)(c), Wis. Stat., do ordain as follows:

**Section 1.** Section 9.01 FIREARMS GENERALLY of the Code of Ordinances is repealed.

**Section 2.** Section 9.02 REGULATION OF HANDGUNS of the Code of Ordinances is repealed and recreated as follows:

**9.02 REGULATION OF HANDGUNS**

(1) **Purpose.** It is the purpose of this ordinance to restrict and regulate the presence of handguns within the Town of Manitowoc Rapids, Manitowoc County, WI in the interest of public safety in strict conformity with the Wisconsin Statutes and the statewide regulation of handguns, exclusive of the provisions relating to penalties to be imposed.

(2) **Definition of Handgun.** “Handgun” means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore. “Handgun” does not include a machine gun, a short-barreled rifle, or a short-barreled shotgun as defined in Wisconsin Statutes. See Section 175.60 (1)(bm), Wis. Stat.

(3) **Regulation.** The following sections of the Wisconsin Statutes, and as may be amended from time to time, exclusive of any provisions therein relating to penalties to be imposed, are incorporated herein by reference:

Sec. 175.35 Waiting period for purchase of handguns.

Sec. 175.60 License to carry a concealed weapon.

Sec. 941.237 Carrying handgun where alcohol beverages may be sold and consumed.

**Section 3. Penalties.** Any person found guilty of violating this Section or any part thereof shall, upon conviction, be subject to the penalty provision set forth in Section 25.04 of the Code of Ordinances.

**Section 4. Severability.** If any portion of this Ordinance is found to be void or unenforceable by a court of competent jurisdiction, such finding shall not affect the remaining portions of the Ordinance, which shall continue in full force and effect.

**Section 5. Effective Date.** This Ordinance shall be effective upon adoption and publication according to law.

Dated: October 12, 2016.

TOWN OF MANITOWOC RAPIDS TOWN BOARD

By: Joshua Stradal  
Joshua Stradal, Chairperson

ATTEST:

By: Jessica Backus  
Jessica Backus, Clerk/Treasurer

**INFORMATION STATEMENT OF TOWN BOARD REGARDING SEC. 9.01  
DISCHARGE OF FIREARMS ORDINANCE  
TOWN OF MANITOWOC RAPIDS, MANITOWOC COUNTY, WISCONSIN**

The Town of Manitowoc Rapids currently has ordinance Sec. 9.01 adopted in June, 1985, which makes it unlawful for any person to shoot, fire or discharge a firearm or pellet gun in Sections 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 23, 34 and 35 of the Town of Manitowoc Rapids. Those sections are generally the areas of the town closest to the City of Manitowoc and the populated areas surrounding the City of Manitowoc.

The ordinance is consistent with the authority of the Town Board with Village Powers to enact an ordinance that restricts the discharge of a firearm under Section 66.0409, Wisconsin Statutes.

“Firearm” is defined in Sec. 9.01 to include any gun, rifle, pistol, air gun, shotgun, spring gun, canon or other device or type of firearms which expels a missile or missiles by some means or element.

The Town Board is considering whether or not to repeal the ordinance, and is interested in receiving input from the town residents.

If the ordinance were repealed, then no areas in the town would be restricted by the town from the discharge of firearms. Those areas would continue to be subject to any other county or state regulations and would also be subject to the decision of the individual property owner.

If the ordinance were repealed, there would no longer be a readily available notice to the public of what land is not available for the discharge of firearms. Any interested party would still need to contact the individual land owner directly to determine permission to discharge firearms on the land.

If the ordinance remains and is not repealed, it will continue to provide certainty to the residents of the Town of Manitowoc Rapids, property owners, and outside third parties as to where the discharge of firearms is definitely not allowed in the Town of Manitowoc Rapids. There is a reference by section to the lands affected. Likewise, it does not allow an individual property owner within those sections to allow the discharge of firearms, even if the property owner wanted to do so.