

## Chapter 134

### FIREARMS, EXPLOSIVES AND OTHER WEAPONS

**§134-1. Regulation of firearms, explosives and other missiles.**

**§134-2. Concealed weapons and other prohibited weapons.**

**§134-3. Safe use and transportation of firearms and bows.**

**§134-4. Sale and discharge of fireworks restricted.**

**§134-5. Violations and penalties.**

---

[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Secs. 11-2-1 through 11-2-4 of the 1992 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Fireworks -- See Ch. 140.

Parks and navigable waters -- See Ch. 198, §198-1B(4) and (21).

#### **§134-1. Regulation of firearms, explosives and other missiles.**

A. Discharge of firearms regulated. No person, except a police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description in his possession or under his control within the Village of Albany, provided that this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board or the firing or safe discharging of BB guns upon private premises by persons over 16 or under the direct personal supervision of a parent or guardian.<sup>1</sup>

B. Hunting prohibited. Hunting within the village is prohibited, but the Chief of Police may issue written permits to owners or occupants of private premises to hunt or shoot on such premises if he finds such privileges necessary for the protection of life or property, and subject to such safeguards as he may impose for the safety of the lives and property of other persons within the Village of Albany.

C. Shooting into village limits. No person shall in the territory adjacent to the village discharge any firearm in such manner that the discharge shall enter or fall within the village.

D. Shooting ranges. This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Village Board, upon the recommendation of the Chief of Police, where proper safety precautions are taken.

E. Explosive devices. No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the village without first obtaining a permit to do so from the Village Board.

---

<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

F. Throwing of stones or other missiles prohibited.<sup>2</sup>

(1) Shooting of arrows is prohibited with the exception of safe target practice on private property or a school supervised function.

(2) It shall be unlawful for any person to discharge or cause the discharge of any dangerous missile from any slingshot, bow and arrow or other means within 300 feet of any inhabited dwelling or building or any public park, square or enclosure.

(3) This subsection shall not apply:

(a) To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.

(b) To a supervised archery range approved by the Village Board.

(c) Within the interior of a single-family dwelling.

G. Definitions. As used in this section, the following terms shall have the meanings indicated:

FIREARM -- Any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device or gunpowder.

**§134-2. Concealed weapons and other prohibited weapons.**

A. Concealed weapons prohibited.

(1) Prohibition. No person shall, within the village, wear or in any manner carry under his clothes or conceal upon or about his person any deadly or dangerous weapon, provided that this subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons.

(2) Dangerous weapon defined. "Dangerous weapon" means any firearm, whether loaded or unloaded, or 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 it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

B. Concealed weapons in public establishments. No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This subsection shall not apply to peace officers or others duly authorized by law acting within their duties. This subsection shall not be construed to prohibit the sale or purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law nor to hinder a prospective customer from attempting to buy, sell or trade firearms to or from a retailer.

C. Specific concealed weapons prohibited. No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of his duties, shall carry or

<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

wear concealed about his person any pistol, revolver, firearm, slingshot, crossknuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the village.

D. Possession, sale and manufacture of certain weapons prohibited.

(1) No person shall sell, manufacture, purchase, possess or carry metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, a "numchuk" (also called a "nunchaku") or any similar weapon, a "cestus" or similar material weighted with metal or other substance and worn on the hand, a "churkin" (also called a "suriken") or any similar object intended to injure a person when thrown, a "sucbai" or similar weapon, a "manrikigusari" or a similar length of chain having weighted ends, or any other martial arts device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce injury or death to another person within the Village of Albany.

(2) For the purpose of this subsection, the following definitions shall apply:

CHURKIN -- A round throwing knife consisting of several sharp points protruding from a rounded disc.

NUMCHUK or NUNCHAKU -- An instrument consisting of two or more sticks, clubs or rods connected by a rope, cord, wire or chain.

SUCBAI -- A short length of wood or metal or similar material which protrudes on either side of the fist. Such may or may not have spikes or a short, pointed end.

(3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

E. Reckless use of weapons.

(1) Acts prohibited.

(a) No person shall endanger another's safety by reckless conduct in the operation or handling of a firearm, air gun, knife or bow and arrow.

(b) No person shall operate or go armed with a firearm, air gun, knife or bow and arrow while he is under the influence of an intoxicant.

(c) No person shall intentionally point a firearm, air gun, knife or bow and arrow at or toward another person.

(2) Reckless conduct defined. "Reckless conduct" consists of an act which creates a situation of unreasonable risk and high probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another and a willingness to take chances of perpetrating an injury.

**§134-3. Safe use and transportation of firearms and bows.**

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

AIRCRAFT -- Has the meaning given under W.S.A. s. 114.002(3).

ENCASED -- Enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.

FIREARM -- A weapon that acts by force of gunpowder.

HIGHWAY -- Has the meaning given under W.S.A. s. 340.01(22).

MOTORBOAT -- Has the meaning given under W.S.A. s. 30.50(6).

ROADWAY -- Has the mean given under W.S.A. s. 340.01(54).

UNLOADED -- Any of the following:

(1) Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.

(2) In the case of a cap lock muzzle-loading firearm, having the cap removed.

(3) In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.

VEHICLE -- Has the meaning given under W.S.A. s. 340.01(74) and includes a snowmobile, as defined under W.S.A. s. 340.01(58a).

B. Prohibitions; motorboats and vehicles; highways and roadways.

(1) Except as provided in Subsection C, no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(2) Except as provided in Subsection C, no person may place, possess or transport a firearm bow or crossbow in or on a vehicle unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(3) Except as provided in Subsection C, no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

(4) Except as provided in Subsection C, no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet from the center of a road.

(5) A person who violates Subsections B(1) through (4) above is subject to a forfeiture pursuant to Chapter 1, General Provisions, §1-19.

C. Exceptions.

(1) Subsection B does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or

aircraft or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within 50 feet of the center of a roadway:

- (a) A peace officer, as defined under W.S.A. s. 939.22(22).
- (b) A member of the United States Armed Forces.
- (c) A member of the National Guard.

(2) Subsection B(1), (2) and (3) do not apply to the holder of a scientific collector permit under W.S.A. s. 29.17 who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.

(3) Subsection B(2) and (3) do not apply to the holder of a permit under W.S.A. s. 29.09 who is hunting from a standing automobile in accordance with that subsection.

#### **§134-4. Sale and discharge of fireworks restricted.**

No person shall sell, expose or offer for sale, use, keep, possess, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the village unless he shall be authorized by a fireworks permit as provided in Chapter 140, Fireworks. The term "fireworks" as used in this section shall be defined as provided in W.S.A. s. 167.10(1) and shall be deemed to include all fireworks, rockets or similar missiles containing explosive fuel.

#### **§134-5. Violations and penalties.**

##### **A. Attempt.**

(1) Whoever attempts to commit an act prohibited by this chapter may be required to forfeit amounts not to exceed 1/2 the maximum penalty for the completed act.

(2) An attempt to commit an act prohibited by this chapter requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of this chapter and that he does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

##### **B. Parties to acts prohibited.**

(1) Whoever is concerned in the commission of an act prohibited by this chapter is a principle and may be charged with and convicted of the commission of said act although he did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other act prohibited by this chapter.

(2) A person is concerned in the commission of an act prohibited by this chapter if he:

- (a) Directly commits the act;
- (b) Intentionally aids and abets the commission of it; or

(c) Is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This subsection does not apply to a person who voluntarily changes his mind and no longer desires that the act be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.