

**CITY OF ELKHORN  
ORDINANCE NO. 13-04**

**AN ORDINANCE REPEALING AND RECREATING PORTIONS OF CHAPTER 9,  
TITLED “PUBLIC PEACE AND GOOD ORDER” OF  
THE ELKHORN MUNICIPAL CODE**

WHEREAS, the City of Elkhorn has previously adopted a code of ordinances; and

WHEREAS, it is necessary that said code be amended in order to ensure compliance with sec. 175.60 Wis. Stats,

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Elkhorn that the Elkhorn Municipal Code Chapter 9, Section 9.02, titled “Discharge of Dangerous Weapons”, Chapter 9, Section 9.025, titled “Transportation of dangerous weapons”, and Chapter 9, Section 9.03 are hereby deleted in their entirety and Chapter 9, Section 9.02 titled “Weapons” is created as follows:

1. Section 9.02 titled “Discharge of Dangerous Weapons” is hereby delete in its entirety and replaced with the Section 9.02 “Weapons” as attached hereto and made part hereof.

THIS ORDINANCE shall be in force from and after its introduction and publication as provided by statutes.

APPROVED AND ADOPTED this 6th day of May, 2013.

Howie Reynolds, Mayor

ATTEST:

Darlene Igl, City Clerk

1st Reading:	April 22, 2013
2nd Reading:	May 6, 2013
Adopted:	May 6, 2013
Published:	May 16, 2013

## 9.02 – Weapons

### 9.02.1 – Definitions

- (1) “Airgun” has the meaning specified in sec. 939.22(2) Wis. Stats.
- (2) “Carry” has the meaning specified in sec. 175.60(1)(ag)
- (3) “Concealed weapon” as referenced in sec. 175.60(1)(j) Wis. Stats., shall be the following items that are carried by a person in a concealed manner, which means hidden from ordinary observation, as opposed to being carried openly or in public view:
  - a. Handgun, as defined in sec. 175.60(1)(bm) Wis. Stats.;
  - b. Electric weapon, as defined in sec. 941.295(1c)(a) Wis. Stats.;
  - c. Knife, other than a switchblade knife prohibited under sec. 941.24, Wis. Stats.;
  - d. Billy club, as referenced in sec. 175.60(1)(j), Wis. Stats.
- (4) “Dangerous weapon” has the meaning specified in sec. 939.22(10) Wis. Stats.
- (5) “Firearm” has the meaning specified in sec. 167.31(1)(c), Wis. Stats.
- (6) “Law enforcement officer” has the meaning specified in sec. 175.49(1)(g), Wis. Stats. and sec. 939.22(22), Wis. Stats.
- (7) “Licensee” means an individual holding a valid license to carry a concealed weapon pursuant to sec. 176.60, Wis. Stats.

### 9.02.2 – Concealed carrying of dangerous weapons.

- (1) No person may carry concealed any dangerous weapon within the City of Elkhorn.
- (2) This section does not apply to any of the following:
  - (a) A law enforcement officer, as referenced in sec. 941.23(2)(a), Wis. Stats.;
  - (b) A qualified out-of-state law enforcement officer, as referenced in sec. 941.23(2)(b), Wis. Stats.
  - (c) A former law enforcement officer, as referenced in sec. 941.23(2)(c), Wis. Stats.;
  - (d) A licensee, as referenced in sec. 941.23(2)(d); and
  - (e) Any other person allowed to carry concealed a dangerous weapon under the laws of the State of Wisconsin and/or the United States of America.

### 9.02.3 – Discharge of weapons.

- (1) No person shall discharge any dangerous weapon or airgun within the City of Elkhorn.

- (2) This section does not apply to any of the following:
- (a) Any law enforcement officer and/or any other person duly authorized by an appropriate governmental body to discharge or fire a firearm or airgun in the performance of his/her official duties;
  - (b) Pursuant to the provisions of sec. 66.0409(3)(b), Wis. Stats., under circumstances where "...the actor's conduct is justified or, had it been subject to a defense described in sec. 939.45 [Wis. Stats.]";
  - (c) Any person that discharges a weapon in the confines of an authorized sport shooting range or indoor gun range; and
  - (d) Any person(s) authorized in writing by the Chief of Police to discharge or fire a dangerous weapon or airgun for a specified purpose and period of time.

9.02.4 – Throwing or shooting of arrows, missiles and projectiles.

- (1) No person shall throw or shoot any object, arrow, stone, or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, school ground, playground, lake, waterway or any other place of public assembly in the City of Elkhorn.
- (2) This section shall not apply to the following:
- (a) Archery activities sponsored, supervised, and sanctioned by a school and conducted on property owned by the school;
  - (b) Any person(s) specified above in sec. 9.02.3(2) of this section.