

## . CHAPTER 2

### Offenses Against Public Safety and Peace

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#### SEC. 11-2-1 REGULATION OF FIREARMS, EXPLOSIVES, AND OTHER MISSILES.

- (a) Discharge of Firearms Regulated. No person., except a 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 Nichols within 300 feet of any building or within 300 feet of the center of a paved road. Further, no person shall possess for transport any firearm, rifle, spring gun, air gun, or pneumatic pellet gun of any description, unless it is unloaded and lawfully enclosed in a proper carrying case. As used in this Section, possess for transport means the movement of any firearm, rifle, spring gun, air gun, or pneumatic pellet gun of any description from one point to another in public within 300 feet of any building or within 300 feet of the center of a paved road This Section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village.
- (b) 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 of Nichols.
- (c) Shooting Ranges. This Section shall not present the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Village Board where proper safety precautions are taken.
- (d) Explosive Devices. No person shall discharge or detonate any dynamite, nitroglycerine or other explosive within the Village without first obtaining a permit to do so from the Village Board.
- (e) Throwing or Shooting of Arrows, Stones, or Other Missiles Prohibited.
  - (1) 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 (other than one owned by such person) or building, or any public park, square or enclosure.

- (2) 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.
- (f) Definitions. For purposes of this Section, a firearm is defined as 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 gun powder.

**SEC. 11-2-2 CARRYING CONCEALED WEAPONS PROHIBITED;  
CERTAIN WEAPONS PROHIBITED.**

**(a) Concealed Weapons Prohibited.**

- (1) Prohibition. No person shall, within the Village of Nichols, wear or in any manner carry under his clothes or conceal upon or about his person any deadly or dangerous weapon, provided 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 the scope of their duties. This Subsection shall not be construed to prohibit the sale, 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 law enforcement officer acting within the scope of their duties, shall carry or wear concealed about his person any pistol, revolver, firearm, sling shot, 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 "sunken") or any similar object intended to injure a person when thrown, a "suchbai" 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 Nichols.

- (2) For the purpose of this Section, the following definitions shall apply:
- a. "Numchuk" or "Nunchaku." An instrument consisting of two (2) or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.
  - b. "Churkin." A round throwing knife consisting of several sharp points protruding from a rounded disc.
  - c. "Sucbai." A short length of wood or metal or similar material which, when gripped in the hand, protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either 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.

**SEC. 11-2-3 SAFE USE AND 'TRANSPORTATION OF FIREARMS AND BOWS.**

**(a) Definitions.** In this Section:

- (1) Aircraft has the meaning given under Sec. 114.002(3), Wis. Stats.
- (2) Encased means 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.
- (3) Firearm means a weapon that acts by force of gunpowder.
- (4) Highway has the meaning given under Sec. 340.01 (22) Wis. Stats.
- (5) Motorboat has the meaning given under Sec. 30.50(6), Wis. Stats.
- (6) Roadway has the meaning given under Sec. 340.01(54), Wis. Stats.
- 7 Unloaded means any of the following:
  - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
  - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.
  - c. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.
- (8) Vehicle has the meaning given under Sec. 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.01(58a), Wis. Stats.

**(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 fifty (50) feet from the center of a road.
- (5) A person who violates Subsections (1) through (4) above is subject to a forfeiture pursuant to Section 1-1-6.

**(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 fifty (50) feet of the center of a roadway:
  - a. A peace officer, as defined under Sec. 939.22(22), Wis. Stats.
  - b. A member of the U.S. armed forces.
  - c. A member of the National Guard.
- (2) Subsections (b)(1), (2) and (3) do not apply to the holder of a scientific collector permit under Sec. 29.17, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
- (3) Subsections (b)(2) and (3) do not apply to the holder of a permit under Sec. 29.09, wis. Stats., who is hunting from a standing automobile in accordance with that Subsection.

**SEC. 11-2-4 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 Title 7, Chapter 6, of this Code of Ordinances. The term "fireworks" as used in this Section shall be defined as provided in Section 167.10(1), Wis. Stats., and shall be deemed to include all fireworks, rockets or similar missiles containing explosive fuel.

**SEC. 11-2-5 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.**

- (a) Obstructing Streets.** No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village of Nichols in such a manner as to:
- (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;