

TOWN OF TREMPEALEAU SCARE GUN ORDINANCE. 2013 -001

The Town Board of the Town of Trempealeau, Trempealeau County, Wisconsin does ordain as follows:

SECTION 1 – TITLE/PURPOSE

The title of this Ordinance is the “Town of Trempealeau Scare Gun Ordinance.” The purpose of this Ordinance is to authorize the Town of Trempealeau, or its designees, to regulate and control the use of Scare Guns within the Town of Trempealeau and to provide for the issuance of permits for Scare Gun use. The Town Board finds that it is in the interest of public health, safety, welfare and convenience to regulate and control the use of Scare Guns.

SECTION 2 – AUTHORITY

The Town Board of the Town of Trempealeau (hereinafter “Town Board”) has adopted village powers pursuant to *Wis. Stat. § 60.10(22)(c)*. As such, The Town Board has village powers under *Wis. Stat. § 60.22*. The Town Board has the specific authority under *Wis Stat. §§ 61.34(1), 66.0101* and *66.0113* to adopt this Ordinance.

SECTION 3 – ADOPTION OF ORDINANCE

The Town Board, by this Ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the Town Board present and voting has adopted this ordinance.

SECTION 4 – DEFINITION

The term “*Scare Gun*,” as used in this Ordinance shall mean any device that is used to frighten birds and animals and which does so by producing a noise at regular or irregular intervals.

SECTION 5 – PERMIT REQUIRED

Any person wishing to use or operate a Scare Gun must apply to the Town Board for a permit to do so. The permit application must be in writing and describe the property on which each Scare Gun will be placed, the direction in which it will be pointed, and the hours during which it will be operated. The annual permit fee is five dollars (\$5). If the permittee does not violate any conditions of the permit, the five dollar (\$5) permit fee may be waived the following year and in subsequent years at the sole discretion of the Town Board. If a permittee violates any terms or conditions of the permit, said permit will be forfeited for that year and a forfeiture imposed as provided in Town of Trempealeau Ordinance No. 2005-003. Operation or use of a Scare Gun without a permit is a violation of this Ordinance.

SECTION 6 – PERMIT CONDITIONS

All permits issued under this Ordinance shall be subject to the following conditions of this Section 6:

1. Only operate the Scare Guns between the hours of 6 a.m. and 8 p.m. and between July 1 and October 1 of a given year.

2. Scare Guns shall be operated no closer than three-hundred (300) feet from any nearby residences not owned or occupied by the permittee, unless the occupants of that residence consent, in advance and in writing, to a different distance.

3. All Scare Guns must be operated in a manner so that they are pointed at a minimum of a 45-degree angle away from the property line of any adjacent property not owned or occupied by the permittee. In no circumstances shall a Scare Gun be pointed at a nearby residence, unless the occupants thereof consent in advance and in writing.

Failure to comply with this Ordinance shall result in the revocation of the permit and a forfeiture imposed as provided in Town of Trempealeau Ordinance No. 2005-003.

SECTION 7 – EXEMPTION

The Town Board may grant an exemption to exempt a permittee under this Ordinance from any and all of the terms and conditions under Section 6 of this Ordinance. A request for an exemption must be in writing, stating the reasons why not granting an exemption would cause undue hardship on the permittee.

SECTION 9 – SEVERABILITY

If any provisions of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are severable.

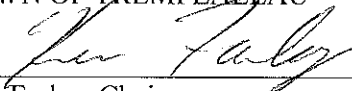
SECTION 10 – EFFECTIVE DATE

This Ordinance shall be effective upon publication as required under *Wis. Stat. § 60.80*.

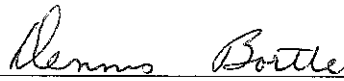
Adopted this 11th day of July, 2013

Adopted : July 11, 2013
Published: July 31, 2013
Effective: August 1, 2013

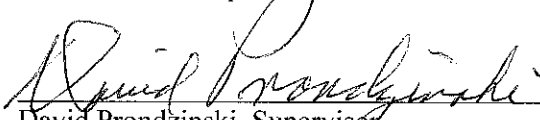
TOWN OF TREMPLEALEAU



Ken Farley, Chairman



Dennis Bortle, Supervisor



David Prondzinski, Supervisor

Attest:



Doris Dahl, Clerk/Treasurer