Written by Mark Jaegar
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Police chief's proposed ordinance change criticized by firearms advocates

A simple ordinance change regulating where firearms can be carried in the village proved to be anything but routine during a meeting of the Village of Saukville's Public Safety Committee last week.

Police Chief Bill Meloy introduced the topic by telling the committee his intention was to clean up language in the village code governing firearms.

A similar change was adopted by the village four years ago, dropping a prohibition against hunting within the village.

"At that time, I was told we can't regulate hunting. That is something only the Department of Natural Resources controls," Meloy said.

"What we can do is regulate the discharge of firearms in the village as long as it is not in a more restrictive manner than is allowed by state statute."

Meloy said that since the adoption of a 1998 amendment to the state Constitution, municipalities have little leeway in regulating the carrying of firearms.

The deficiency in the village ordinance was brought to Meloy's attention through e-mail correspondence from gun rights advocates Aron Sky and Geodfry Fahl.

Village Attorney Gerald Antoine was asked to draft an ordinance amendment stating that firearms are prohibited in village parks and recreation areas. The wording is intended to mimic language used in state statutes that restricts the carrying of guns in state parks
outside of hunting season.

Drawing on research by the League of Wisconsin Municipalities, Antoine sent Meloy an e-mail saying the proposed restriction appeared valid.

"There is a state statute that, with a limited exception for persons hunting with a valid permit in an authorized area, prohibits a person from possessing or controlling a firearm on land located within a state park or fish hatchery unless the firearm is unloaded and enclosed in a carrying case," he wrote.

“It is the League attorney’s opinion that an ordinance prohibiting a person from possessing or controlling a firearm on land located in municipal parks ... is permissible since it is similar to and not more stringent than state law.”

That view was challenged by Sky and Fahl at the committee meeting.

Fahl told the committee state law does not allow the village to place any restriction on hunting or fishing.

“I feel the amendment you are proposing is more restrictive than state law permits. You cannot regulate carrying firearms in parks and recreation areas,” Fahl said.

He said the village’s ordinance does not meet the standard of state statutes allowing the open carrying of firearms.

Meloy said not having any regulation on where guns are allowed would only be inviting trouble.

“The open carrying of firearms has not been a problem in the village, but I see a potential for people pushing the envelope to see if they are tested just to prove a point,” he said.

“If you think there is something wrong with our ordinances, you bring it to the attention of a village official, which is how this is being handled.”

Meloy said the ordinance would clarify where guns are allowed, ensuring public safety in parks. He said the ordinance amendment is intended as a routine housekeeping matter.

“We are not the State of Wisconsin where it takes 17 years to correct something and still not get it right,” he said.

Concerned that the proposed ordinance change could be challenged, the committee tabled the issue and asked Hall to put his objections in writing. Those comments will be shared with the village attorney before the committee takes action on the ordinance.