

ORDINANCE # 2019-02

AN ORDINANCE PROHIBITING THE SHINING OF ANIMALS FROM PUBLIC ROADWAYS IN THE TOWN OF LIBERTY LOCATED IN VERNON COUNTY, WISCONSIN.

The Town of Liberty Board hereby ordains as follows:

1. DEFINITION. As used in this ordinance:
 - a. "Flashlight" means a battery operated light designed to be carried and held by hand.
 - b. "Light" includes flashlights, automobile lights, spotlights and other lights.
 - c. "Peace officer" has the meaning designated under statute 929.22 (22).
 - d. "Shining" means the casting of rays of light on a field, forest or other area for the purpose of illuminating, locating or attempting to illuminate or locate wild animals.
2. PRESUMPTION. A person casting rays of light on a field, forest or other area, which is frequented by wild animals, is presumed to be shining wild animals. A person may introduce evidence to rebut this presumption.
3. SHINING WILD ANIMALS FROM ROADWAYS PROHIBITED.
 - a. Prohibition. No person may use or possess with intent to use a light for shining wild animals from a highway, or from a vehicle, as defined in Wisconsin Statue 340.01 (22).
 - b. Exceptions. This subsection does not apply:
 - i. To a peace officer on official business, an employee of the Wisconsin Department of Natural Resources on official business or a person authorized by the department to conduct a game census.

- ii. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot raccoons, foxes or other unprotected animals during the open season for the animals hunted.
- iii. To a person who possesses a flashlight or how uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes or other unprotected animals.
- iv. If rules promulgated by the Wisconsin Department of Natural Resources specifically permit a person to use or possess a light for shining wild animals in a manner otherwise prohibited by this ordinance.

4. PENALTIES: A person who violates sub. (3) shall forfeit no more than \$500.00.

Dated this 10th day of June, 2019.

TOWN OF LIBERTY BOARD

BY: _____
Chairman, Terry Theis

Supervisor, Nicole Rakobitsch

Supervisor, Adrian Amelse

Clerk, Lori Polhamus

WISCONSIN STATUTES REFERENCED IN ORDINANCE NO: 2019-02
PROHIBITING THE SHINING OF ANIMALS

939.22 (22)

(22) "Peace officer" means any person vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.

340.01 (22)

(22) "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in statute 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (46).

115.01 (1)

115.01 Classifications. In chapters 115 to 121:

(1) PUBLIC SCHOOLS. Public schools are the elementary and high schools supported by public taxation.

115.01 (46)

(46) "Private road or driveway" is every way or place in private ownership and used for vehicular travel only by the owner and those have express or implied permission from the owner and every road or driveway upon the grounds of public institutions other than

public schools, as defined in statute 115.01 (1), and intuitions under the jurisdiction of the county board of supervisors.