

## **Bowhunting in Brookfield**

On December 14, 2013, 2013 Wisconsin Act 71 took effect by action of the Wisconsin legislature. Both Mayor Ponto and Police Chief Tushaus strongly opposed this legislation on behalf of the City. This Act abolished the rights of municipalities to forbid hunting with bows and arrows and crossbows within municipal boundaries. The Act only permits local governments to prohibit Bowhunting on City-owned or leased land, to regulate hunting within 100 yards of an occupied dwelling, and to require arrows and crossbow bolts to be discharged “toward the ground”. **Bows and arrows as well as crossbows may now legally be used to hunt all game animals in Brookfield and throughout Wisconsin, e.g. deer, turkeys, squirrels, rabbits, raccoons, foxes, bobcats, etc.** All other Department of Natural Resources (DNR) hunting regulations must also be observed, e.g. proper hunting license (deer, small game, turkey, etc.), hunting season and hours, hunting zones, duty to pursue wounded game animals, etc.

**BOWHUNTING DURING THE DNR-SANCTIONED SEASONS IS ONLY PERMITTED ON PRIVATE PROPERTY AND ONLY WITH THE PRIOR WRITTEN PERMISSION OF THE PROPERTY OWNER. NO BOWHUNTING IS PERMITTED ON CITY-OWNED/LEASED PROPERTY, E.G. PARKS, CONSERVANCY LAND, OR CITY-OWNED MARSHLAND WHETHER SUCH PROPERTIES ARE POSTER OR NOT. Violators found hunting on City-owned property are subject to a citation and/or a full-custody arrest.**

Due to this new State statute, the City of Brookfield, like many other municipalities throughout Wisconsin, was required to repeal its existing ban on Bowhunting. As permitted by the new State statute, the City of Brookfield has created City Ordinance 9.28.030 which prohibits shooting and Bowhunting on all City-owned or leased land whether posted ‘no hunting’ or not so posted. It also forbids the discharge of an arrow or crossbow bolt on or across any city owned or leased property. This includes City parks as well as City-owned wetlands and conservancy lands. (This ordinance does not apply to designated archery areas in City parks.) Citations for violations of this ordinance carry a deposit amount of \$691.00. Waukesha County has its own Ordinance (14-158) prohibiting hunting in Foxbrook Park. County ordinances are enforced by the Waukesha County Sheriff’s Office.

As further permitted by the new State statute, the City of Brookfield also created Ordinance 9.28.040 which forbids shooting and hunting within 100 yards of a building used for human occupancy. This ordinance allows bowhunting within the specified distance of such a building only with the prior written permission of the building owner. Ordinance 9.28.050 requires that the hunter discharge the arrow or crossbow bolt “toward the ground”. Violation of either ordinance may result in a citation with a deposit amount of \$691.00 and/or an in-custody arrest. The City littering Ordinance 9.12.030 was amended to include animal “entrails and offal” as materials considered “litter” which may not be deposited on City

property/right of way, in any body of water within the City, or on private property not owned by the hunter. The citation for littering has a deposit amount of \$313.00.

**As a result of this state law, residents can expect to see some animals/turkeys with arrows or bolts embedded within them during the various hunting seasons.** According to the DNR hunting pamphlets, the bowhunter “must make every reasonable effort to retrieve all game that is killed or crippled....This rule does not allow you to trespass without permission of the landowner nor to shoot game beyond established shooting hours.” According to a DNR warden, once a bowhunter has retrieved a wounded animal, it must dispatch it in an effective and humane manner. **As disconcerting as such a sight may be, such actions are legally permissible and may not result in police action.**

Persons concerned about any person trespassing on their property can contact Waukesha County Communications at 262-787-3700 to have an officer investigate the circumstances. Before any enforcement action can occur for a Trespassing violation, the trespasser must have received prior written or verbal notice not to enter or remain upon the property of another. Trespassing ordinance violations have a citation deposit amount of \$313.00.

This change in State law is a major departure from Brookfield’s previous total prohibition of hunting in our community. As the various hunting seasons proceed throughout the year, residents will begin to see an increasing number of persons equipped with bows or crossbows. **(The deer bowhunting season begins September 17, 2016, and closes on January 8, 2017. The small game bowhunting season begins October 15, 2016, and closes on February 28, 2017. For other hunting seasons, please consult the DNR website.)** Such observations will probably result in an increased number of calls to our Police Department. As always, we will respond to these calls with sensitivity to the possibility that people will not agree with the change in the State law. Nonetheless, as a professional law enforcement agency, we must abide by our solemn oath to enforce the laws as they are written by our elected representatives in the State legislature.