

TOWN OF BYRON
FOND DU LAC COUNTY, WISCONSIN

Resolution Opposing 2013 Assembly Bill 7

Recitals

A. Zoning is intended to secure safety from fire, panic, and other dangers; promote public health and the general welfare; ensure suitability of particular land uses to their location; and encourage the most appropriate uses of land throughout a town. Wis. Stat. § 62.23(7)(c).

B. Wis. Stat. § 895.527 limits town zoning authority over “sport shooting ranges.”

C. It has been held by at least one Wisconsin court that “sport shooting range” does not include bird hunting preserves.

D. 2013 Assembly Bill 7 was introduced on February 1, 2013. It would amend Wis. Stat. § 895.527 to include bird hunting preserves licensed under Wis. Stat. § 169.19 in the definition of “sport shooting range.”

E. 2013 Assembly Bill 7 would extend Wis. Stat. § 895.527 to eliminate zoning oversight over the expansion of all bird hunting preserves in Wisconsin that were in existence on June 18, 2010.

F. As of July 31, 2012, there were 424 bird hunting preserves licensed under Wis. Stat. § 169.19 in Wisconsin, many of which were in existence on June 18, 2010.

G. If 2013 Assembly Bill 7 is passed, each of them could expand by adding additional shooting facilities such as target practice stations, skeet or trap shooting courses, and other shooting infrastructure of any size or intensity without town zoning approval.

H. By way of example, a bird hunting preserve in the Town of Byron has proposed to expand its current operation at which patrons shoot approximately 2,800 clays per year into a shooting course at which patrons would shoot up to 2,500 shots per hour. The Town has denied this expansion. If 2013 Assembly Bill 7 is passed, the preserve will be allowed to expand notwithstanding the Town’s denial.

I. 2013 Assembly Bill 7 would prohibit towns from using their zoning authority to ensure the public health and safety by considering the unique circumstances of each operation – environmental hazards, adjacent property uses (including adjacent residential uses), safety risks – to determine whether expansion would be appropriate.

J. If 2013 Assembly Bill 7 is passed, hundreds of bird hunting preserves could expand to become large shooting operations like the one proposed in the Town of Byron without any zoning oversight and without any town authority to protect nearby residents who may be affected by the expanded operations.

K. 2011 Assembly Bill 231 attempted to make the same change to Wis. Stat. § 895.527 but failed to pass.

L. The Wisconsin Towns Association opposed 2011 Assembly Bill 231.

NOW, THEREFORE, IT IS RESOLVED as follows:

1. That the Town of Byron opposes 2013 Assembly Bill 7.
2. That the Town of Byron urges the Wisconsin Towns Association to oppose 2013 Assembly Bill 7.
3. That the Town of Byron urges other municipalities to oppose 2013 Assembly Bill 7.
4. That the Town of Byron urges the Committee on Natural Resources and Sporting Heritage to oppose 2013 Assembly Bill 7.
5. That this Resolution shall be submitted to the Wisconsin Towns Association, appropriate members of the Legislature, and other members of the public who would benefit from learning of the potential impact of 2013 Assembly Bill 7.

Dated this _____ day of February, 2013.

TOWN OF BYRON

By: _____
Bob Simon, Chairperson

By: _____
Lowell Boelk, Supervisor

By: _____
David Whitty, Supervisor

Attest:

Kay Oestreich, Clerk