

# State of Wisconsin



1997 Assembly Bill 646

Date of enactment: April 22, 1998

Date of publication\*: May 6, 1998

## 1997 WISCONSIN ACT 170

AN ACT to amend 29.425 (2) (b), 29.425 (3) (c), 29.427 (2) (c) and 29.427 (3) (e); and to create 29.177 of the statutes; relating to: the regulation of hunting, fishing and trapping and the management of wild animals by local governmental units.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 29.177 of the statutes is created to read:

**29.177 Local regulation of wild animals. (1)** In this section:

(a) "Local governmental unit" has the meaning given in s. 16.97 (7).

(b) "Political subdivision" means a city, village, town or county.

(2) No local governmental unit may enact any ordinance or adopt any regulation, resolution or other restriction for the purpose of regulating the hunting, fishing, trapping or management of wild animals, except as follows:

(a) A local governmental unit may enact an ordinance or adopt any regulation, resolution or other restriction that is authorized under this chapter.

(b) A local governmental unit may enact an ordinance or adopt any regulation, resolution or other restriction that restricts or prohibits access for hunting, fishing or trapping in any portion of land that it owns or leases.

(3) A local governmental unit may enact an ordinance or adopt a regulation, resolution or other restriction that has an incidental effect on hunting, fishing or trapping, but only if the primary purpose is to further public health or safety.

(4) If the department determines that an ordinance, regulation, resolution or other restriction enacted or adopted by a local governmental unit exceeds the authority granted to local governmental units in this section, the department may issue a notice to the local governmental unit of the department's intent to issue an order under this subsection. The department shall hold an informal hearing on the matter if a hearing is requested by the local governmental unit within 30 days after it receives the notice. The informal hearing is not a contested case under ch. 227. Following the hearing or following the failure of the local governmental unit to request a hearing within 30 days after it receives the notice, the department may issue an order declaring the ordinance, regulation, resolution or other restriction void.

**SECTION 2.** 29.425 (2) (b) of the statutes is amended to read:

29.425 (2) (b) *Local prohibition.* ~~The Notwithstanding par. (a),~~ the governing body of any county, city, village or town may, by ordinance, prohibit a person from possessing any live game animal or fur-bearing animal.

**SECTION 3.** 29.425 (3) (c) of the statutes is amended to read:

29.425 (3) (c) *Local prohibition.* ~~The Notwithstanding par. (a),~~ the governing body of any county, city, village or town may, by ordinance, prohibit the sale of any live game animal or fur-bearing animal.

\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**SECTION 4.** 29.427 (2) (c) of the statutes is amended to read:

29.427 (2) (c) *Local prohibition.* ~~The Notwithstanding par. (a),~~ the governing body of any county, city, village or town may, by ordinance, prohibit a person from possessing any live wild or domestic skunk.

**SECTION 5.** 29.427 (3) (e) of the statutes is amended to read:

29.427 (3) (e) *Local prohibition.* ~~The Notwithstanding par. (a),~~ the governing body of a county, city, village or town may, by ordinance, prohibit the sale of any live skunk.

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