

CHAPTER 3**POLICE REGULATION****320. FIREARMS, DEADLY WEAPONS AND FIREWORKS**

Section 320.01. Definitions. For the purposes of this ordinance, the following terms shall have the meanings given to them:

Subd. 1. "Administrative hunting rules" means the rules and regulations regarding hunting in the sensitive hunting area which may be adopted by the city council by resolution from time to time.

Subd. 2. "Deadly weapon" means any device or instrument designed or intended to cause bodily injury or death to humans or animals, including bows and arrows, slingshots, metal knuckles, daggers, stilettos, switch-blade knives and similar instruments, but not including firearms or high powered firearms.

Subd. 3. "Firearm" means any gun from which shot, a projectile, a shotgun shell or a shotgun slug is discharged by means of explosive gas or compressed air.

Subd. 4. "Fireworks" means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers except as specified below, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks. The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture. The term also does not include wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 500 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

Subd. 5. "High powered firearm" means any gun from which any projectile other than a shotgun shell or shotgun slug is discharged by means of explosive gas or compressed air.

Subd. 6. "Hunting" means taking birds or mammals, or stalking or being in possession of a firearm or deadly weapon for the purpose of taking birds or mammals.

Subd. 7. "Immediate family" means the landowner's spouse, parents, siblings, children and grandchildren.

Subd. 8. "Minor" means a person under 18 years of age.

Subd. 9. "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Subd. 10. "Street or highway" means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

Subd. 11. "Rural areas" means property within the city which is undeveloped or developed for residential use at rural densities and which is not served by the public sanitary sewer or water supply systems.

Subd. 12. "Sensitive hunting area" means that area of the city, as designated by the city council by resolution from time to time, in which the administrative hunting rules apply.

Subd. 13. "Trail" means a paved or unpaved pathway designed or apparently used for foot traffic, bicycles, skateboards, roller skates, skiing, snowmobiling or other similar use.

Subd. 14. "Trap" means a device designed for or capable of capturing, confining, or injuring animals that does not require the immediate presence of a person to activate.

Subd. 15. "Urban areas" means property within the city which is served by the public sanitary sewer or water supply systems.

Section 320.03. Aiming of Deadly Weapon Prohibited. The aiming or pointing of a deadly weapon at or toward any human being is prohibited, except as authorized by Minnesota law in defense of a person or arrest.

Section 320.05. Deadly Weapons and Minors. The selling, giving, loaning or furnishing in any way of a deadly weapon to a minor without the written consent of the minor's parent or guardian, or of a police officer or magistrate is prohibited. No minor under 12 years of age may handle or have any deadly weapon in his or her possession or under his or her control, except while accompanied by or under the immediate charge of the minor's parent or guardian. No minor under 12 years of age may discharge any firearm except while accompanied or under the immediate charge of the minor's parent or guardian.

Section 320.07. Discharge of High Powered Firearm Prohibited. The discharge of a high powered firearm within the city is prohibited. Notwithstanding the above, a landowner, members of the landowner's immediate family or guests of the landowner accompanied by the landowner may use a firearm or a high powered firearm of up to .22 caliber rim fire on the landowner's land for the purpose of destroying a predator or nuisance non-game animal within the rural areas of the city.

Section 320.09. Discharge of Firearm Prohibited. The discharge of a firearm within the city is prohibited except within the rural areas. No discharge of a firearm anywhere within the city is permitted except in conformance with this ordinance.

Section 320.11. Discharge of Firearm Near Dwelling, Animals or Property Lines. No person may discharge any firearm within 500 feet of any dwelling or within 500 feet of livestock or horses, any firearm discharging a shotgun slug within 500 feet of any property line, or any firearm discharging a shotgun shell within 300 feet of any property line, except under the following circumstances:

- (a) the dwelling or animals are located on the same property from which the firearm is discharged and the person discharging the firearm has a right under this ordinance to discharge firearms from said property;
- (b) the dwelling or animals are located on a different property and the person discharging the firearm has obtained the written permission of the owner of the other property to discharge firearms within 500 feet of the dwelling or animals thereon; or
- (c) the person discharging the firearm has obtained the written permission of the adjoining landowner to discharge a firearm discharging a shotgun slug within 500 feet or a firearm discharging a shotgun shell within 300 feet of the property line.

Section 320.13. Permits.

Subd. 1. Permit Required. No person may discharge a firearm or use a deadly weapon or hunt on any private or public property without a permit issued pursuant to this ordinance, except that no permit shall be required for the owner of such land, the owner's immediate family, or guests on the owner's land when accompanied by the owner. The chief of police may issue permits for hunting, the discharge of firearms or the use of deadly weapons on rural land, but such permits shall be issued only after first obtaining the written consent of the owner of such land. A condition of every such permit shall be that the hunter have in his or her possession all required state and federal hunting licenses while hunting.

Subd. 2. Conditions. The permit shall be subject to such conditions as are deemed necessary by the chief of police to protect the health, safety and welfare of residents of the city and that the hunter comply with all administrative hunting rules if hunting in the sensitive hunting area. No permit issued under this subsection shall be deemed valid unless the permit and the written consent of the landowner are in the possession of the person using the permit. The fee for this permit shall be established by ordinance.

Subd. 3. Term. Permits issued pursuant to this section shall be valid until March 31 next following issuance but shall be subject to revocation upon a showing that the permittee has violated any conditions of the permit.

Subd. 4. Age Requirement. All persons 16 years of age or older shall obtain a permit before discharging a firearm or using a deadly weapon on the property of another.

Minors at least 12 but less than 16 years of age shall not be required to obtain a permit to discharge a firearm or use a deadly weapon on the property of another if accompanied by an adult who is in compliance with all city and state hunting regulations.

Subd. 5. Appeals. Any person aggrieved by a decision of the chief of police to deny issuance of a hunting permit or to revoke a hunting permit may appeal such denial or revocation to the city council by submitting a written request and the administrative appeal fee to the city clerk within 15 business days of receipt of notification of denial or revocation. The city council shall hear the appeal at its next regular meeting occurring not sooner than 10 days after receipt of the written appeal by the city.

Section 320.15. Sensitive Hunting Area and Administrative Hunting Rules.

Subd. 1. Hunting in certain rural areas of the city poses greater safety concerns due to their proximity to areas developed more intensely. Such areas will change over time as the city and adjacent communities continue to develop. The city council may by resolution designate and, from time to time, modify areas of the city as sensitive hunting areas in which administrative hunting rules apply.

Subd. 2. The city council may by resolution establish and, from time to time, amend administrative hunting rules which apply in sensitive hunting areas of the city. Permits for hunting within the sensitive hunting areas shall be subject to compliance with the administrative hunting rules and may be revoked by the chief of police for violation thereof.

Section 320.17. Discharge Near Mooney Lake. It shall be unlawful to discharge a firearm on or over the surface of Mooney Lake or on or over any land area within 50 feet of the shoreline of Mooney Lake.

Section 320.19. [Reserved].

Section 320.21. Use of Firearms for Law Enforcement. Nothing in this ordinance shall be construed to prohibit the use or discharge of a firearm, high powered firearm or deadly weapon in the lawful defense of persons or property or in the enforcement of the law by peace officers or other law enforcement personnel.

Section 320.23. Fireworks Prohibited. Minnesota Statutes, sections 624.20 through 624.25, inclusive, as amended, are hereby adopted by reference and made a part of this ordinance as if fully set forth herein. Any violation of state law is a violation of this ordinance.

Section 320.25. Trapping.

Subd. 1. Statement of Purpose. The city council finds that animal traps pose a threat to small children and domestic animals when located on or near streets, highways, trails, private roads or driveways or other areas that may be frequented by persons or domestic animals.

Subd. 2. Prohibition. Trapping shall be prohibited in the following areas:

- (a) on or within 50 feet of a street or highway;
- (b) on or within 50 feet of a private road or driveway;
- (c) on the private property of another without a permit issued under subdivision 3 unless no permit is required; and
- (d) on or within 20 feet of a trail unless appropriately signed.

Subd. 3. Permits. A permit is required for trapping on the property of another except that no permit shall be required for the owner of such land, the owner's immediate family, or guests when accompanied by the owner. Subject to such conditions as are necessary to protect the health, safety and welfare of persons and property, the chief of police may issue permits for trapping on rural land but only after first obtaining the written consent of the owner of such land.

Section 320.27. Civil Liability; Compliance with Other Law.

Subd. 1. Nothing in this ordinance shall be deemed to authorize the use of any firearm, high powered firearm or deadly weapon in a manner which is likely to endanger any person or property and no permit granted hereunder shall in any manner relieve the person acting thereunder from any civil liability for any resulting injury or damage.

Subd. 2. Nothing herein shall be construed as to be contrary to federal or state law regarding the discharge of a firearm or use of a deadly weapon or to authorize the violation of such federal or state law.

Amendment History of this Section

Amended August 19, 1986 (Ord. 232). Added Subsections 320.11, 320.13, 320.15, and amended most other subsections of 320.

Amended April 21, 1992 (Ord. 267). Added Subsection 320.23 regarding trapping, added new definitions and changed the definition of “deadly weapon” in Subsection 320.01. Deleted Subsection 320.03 regarding concealed weapons. Amended Subsections 320.07 and 320. regarding hunting within the City.

Amended August 25, 1993 (Ord. 277). A large-scale revision of Section 320 occurred, and most subsections were amended.

Amended August 16, 2011 (Ord. 509). A large-scale revision of Section 320 occurred, and most subsections were amended including the definitions of “Administrative Hunting Rules” and “Sensitive Hunting Area”.

Amended August 8, 2012 (Ord. 534). Removing Gun Club Licenses from Section 320.19.