

Section 1125 – Weapons

1125.01. Definitions.

Terms used in this section, unless expressly defined in this subsection, will have the meaning prescribed by Minnesota Statutes, chapter 609 for the same terms. The following terms will have the following meaning:

Club means any group of persons having a regular membership and improved or permanent facilities for target or trap and skeet shooting.

Concealed manner means having the object on the person in such a manner so that it is not completely visible to any other person. Having a knife in a sheath will be considered as having the knife concealed, irrespective of the position of the sheath on the person.

Firearms mean any device from which is propelled any projectile or bullet by means of explosions or gas.

Military type weapon means any firearm or other weapon such as bazookas, machine guns, mortars or grenades.

Nunchucks mean any device constructed of two solid cylindrical objects joined together on one end by a chain, rope, thong or other such material.

Person means any natural individual, firm, partnership, trust, estate, club, association or corporation.

Public place means any building or establishment, place, or public street or highway, where the business, social or governmental activity ordinarily conducted is generally held open to the public; specifically including, but not limited to, such locations as governmental buildings, meeting halls, centers for art and culture, places of amusement, liquor or beer establishments, and restaurants. It must also include any private residence, which is the site of unlawful activity. *Public place* will not include:

- (a) A dwelling place or residence when a person is present with the permission of its lawful possessor, or one's own place of business;
- (b) Business premises at which the buying, selling, repair, or trade in weapons or firearms is regularly conducted;
- (c) Places at which an event or activity is conducted involving the exhibition, display, or carrying of a weapon, done in a manner not intended or calculated to result in or lead to the unlawful use of the weapon, including, but not limited to, educational or training programs, weapons or collectors'

shows or exhibitions, or religious, artistic, educational, or cultural events;
or

(d) Parades or other public events when the use or display of weapons is specifically authorized by the city for such events;

(e) Places at which the weapon is used in a lawful manner for hunting, fishing, recreation, or agricultural purposes.

Secured container means a closed and fastened case, box or securely tied package having no mechanical features designed for immediate weapons removal or use and containing no other nonrelated objects. A sheath or scabbard alone will not constitute a *secured container*.

Unlawful use means, with respect to a weapon or a firearm, to brandish, assault with, threaten with, or otherwise employ in a manner calculated and likely to cause death, great bodily harm, or substantial bodily harm, or the reasonable and immediate fear thereof.

Weapon means any firearm, whether loaded or unloaded, or device designed as a weapon and capable of producing death, great bodily harm, or substantial bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death, great bodily harm, or substantial bodily harm, or the reasonable and immediate fear thereof. *Weapon* includes but is not limited to any bow and arrow, bayonet, blackjack, chain club, Chinese stars, dagger, dirk, firearm, folding knife with a blade in excess of four inches, fixed blade knife carried in a concealed manner or within reach of any person in a motor vehicle, gravity knife, machete, nunchucks, pipe club, push-button knife, sand club, slingshot, stiletto, or switchblade.

[Revised 5-18-15, Ordinance 429]

1125.03. Carrying weapons.

Except as otherwise provided for herein or by state law, it is unlawful for any person within the limits of the city to carry on that person in a public place or transport in any vehicle in a public place any weapon, except that:

(a) Any weapon may be transported by a person not in a vehicle directly to or from any place or activity referred to in subsection 1125.01 under the definition of *public place* or to or from person's vehicle and the places, gatherings or activities set forth therein, in a secured container; or

(b) Any weapon may be transported in a motor vehicle in a secured container or in the locked trunk of such vehicle.

The provisions of this subsection will not be applicable to the transport of weapons

by persons who are regularly engaged in the lawful manufacture, distribution, or sale at retail or wholesale of weapons, or the agents of any of them while engaged in such business; to the carrying or transport of weapons by licensed police officers, law enforcement officers or military personnel while in the course of their duties; to any officer of a state adult correctional facility when on guard duty or otherwise engaged in an assigned duty; to an owner or agent while owner or agent is present at a business place operated by owner or agent, except a business which is the site of unlawful activity; or to persons holding a permit to carry a weapon while acting within the scope of such permit.

[Revised 5-18-15, Ordinance 429]

1125.05. Target shooting.

Annual permits authorizing the use of firearms may be granted for target shooting or trap and skeet shooting to clubs if the city determines that such use is not contrary to the public safety or welfare and if the use of the firearms would not constitute a hazard to persons or property or would not create a nuisance. The applicant must be responsible for meeting all conditions imposed by the city and provide a detailed application that demonstrates that issuance of a permit would not be contrary to the provisions in this section.

[Revised 5-18-15, Ordinance 429]

1125.07. Training dogs.

Annual permits authorizing the use of firearms may be granted to clubs or individuals for the training of dogs. Such permit will allow this activity on land described in the permit by other persons with the consent of the owner or lessee thereof. Applicants for the training of dogs from April 16th to July 14th must also comply with Minnesota Statutes, section 97B.005. A person carrying a firearm, while training dogs, may only have in possession and discharge blank cartridges and shells.

[Revised 5-18-15, Ordinance 429]

1125.09. Hunting restricted.

Subd. 1. Restrictions.

No person may discharge any firearm or bow and arrow, or engage in hunting of any game birds or animal by any means within the city:

- (a) Except as otherwise provided in this section;
- (b) Unless discharged in lawful defense of person or property; or
- (c) Unless the person is a duly authorized law enforcement officer engaged in the performance of his or her official duty.

Subd. 2. Regulations.

(a) Hunting with shotgun or with bow and arrow as authorized by the Minnesota department of natural resources, state laws pertaining to trespass and by landowner permission is allowed only in the areas established by the city council. No other firearms, including long guns, or hand guns, or other weapons, except bow and arrow, are permitted to be used for hunting within the city.

(b) The city council shall, by resolution, establish by map or by other means the areas in which the discharge of shotguns and the use of bow and arrow are allowed for hunting, and the areas in which only the use of bow and arrow is allowed for hunting. No hunting shall be allowed in other areas of the city.

Subd. 3. Property.

Property owners in areas in which no hunting is allowed may apply for a waiver to hunt by bow and arrow. Property owners in the areas in which only bow and arrow may be used may apply for a waiver to use shotguns to hunt. City staff may administratively grant or deny a waiver on the basis of the following criteria:

(a) The property must be a minimum of 10 acres in size and able to accommodate hunting safely;

(b) Hunting may only be conducted from a fixed location identified by the property owner and which must be 500 feet or more from any residence located on another property;

(c) Hunting locations for deer or turkeys and any discharge of a shotgun slug must be from an elevated platform and shots must be downward in direction;

(d) The property owner must provide prior written notice to the owners of all abutting properties regarding the owner's intent to apply for a waiver; and

(e) The city's public safety department shall conduct a site visit and investigation to verify the application, identify any additional safety concerns and take input from the owners of adjacent properties. The proximity of structures other than residences within 500 feet of the proposed shooting area and other relevant factors may be considered as additional safety concerns.

Application for a waiver must be received at least 30 days prior to the applicable hunting season. Any waiver granted shall only be valid through the end of that hunting season. The city may impose such limitations or restrictions as it deems necessary to ensure the public safety and welfare.

Subd. 4. Bow and Arrow Target Practice Waiver

Property owners may apply for a waiver to allow target practice with a bow and arrow and city staff may administratively grant or deny a waiver on the basis of the following criteria:

- (a) The property must be a minimum of 2 acres and able to accommodate target practice safely.
- (b) Target practice may only be conducted from a fixed location identified by the property owner at a single target.
- (c) Target practice must be from an elevated platform and arrows must be discharged in a downward direction.
- (d) The city's public safety department shall conduct a site visit and investigation to verify the application and identify any additional safety concerns. The proximity of structures and other relevant factors may be considered as additional safety concerns,

Subd. 5. Appeals.

Applications made under subds. 3 or 4 above and denied by staff may be appealed to the city council. The city council shall conduct such hearing as it deems appropriate to review the application, the staff findings, the reasons for denial, input by the applicant, and input by the owners of adjacent properties and shall uphold, reverse or modify the staff's decision regarding the waiver.

Subd. 6. Hunting to Manage Wildlife

Notwithstanding anything herein to the contrary, the city's public safety department shall be entitled to issue permits to hunt in any area of the city to manage wildlife populations upon evidence that all required state permits have been secured and a determination that such hunting will not pose an undue risk to public health and safety.

[Revised 5-18-15, Ordinance 429]

1125.11. Exemption.

Nothing in this section will be construed to restrict firing of any gun, pistol or other species of firearms when done in the lawful defense of persons or property or the necessary enforcement of the law.

[Revised 5-18-15, Ordinance 429]

1125.13. Possession of knives in schools.

It is unlawful for any person to be in possession of, carry, transport, or control any