



MAYOR AND COUNCIL COMMUNICATION

DATE: 7/19/2016

CONSENT

ITEM #: 20

AGENDA ITEM: Hunting Ordinance
SUBMITTED BY: Stephen Wensman, Planning Director
THROUGH: Kristina Handt, City Administrator
REVIEWED BY: Sarah Sonsalla, City Attorney
Washington County Sheriff's Department

BACKGROUND:

In fall of 2015, City staff received numerous complaint calls about illegal or perceived illegal hunting. In response, Planning Staff drafted an amendment to the Weapons Ordinance, Section 130.15 and held a public hearing at the January 11, 2016 Planning Commission meeting. No member of the public spoke at that public hearing, but the Planning Commission raised a number of issues including wanting to know how the changes related to the MN conceal and carry legislation. Because of the complexities of this Statute, Planning Staff had the City Attorney draft the Ordinance Amendment attached to this report.

The City Attorney has informed Planning Staff that the public hearing was not necessary because the Ordinance is not part of the City's zoning code.

ISSUE BEFORE COUNCIL:

The Council should consider approval of the new hunting ordinance and map.

PROPOSAL DETAILS/ANALYSIS:

Ordinance

Hunting is presently addressed by the Weapons Ordinance, Section 130.15. Section 130.15 prohibits hunting as follows:

(B) *Unlawful acts.* Except as otherwise provided in this section, it shall be unlawful for any person:

(1) To fire, discharge, release, throw, or in any other manner propel a weapon within 500 feet of a residence, whether or not inhabited, or any other structure or building or within 500 feet of any platted area in the city and , except on an approved target range;

The average resident is not likely to know the differences between platted and unplatted property, making self-enforcement difficult.

The new Hunting Ordinance is an amendment of the Weapons Ordinance, Section 130.15. The ordinance allows hunting in areas designated on a hunting map established by Council Resolution each year. This allows the City to adjust allowed hunting areas as the City grows and develops. The ordinance references a hunting map which will be updated by City staff from time to time as needed. The hunting map will be posted on the City's website and at City Hall and will enable residents a greater ability to determine where hunting is allowed and prohibited.

In addition to hunting, the amendment also amends Section 130.15B to align with conceal and carry law, MN Statute 624.714. Since the enactment of this statute, the City Attorney believes it is unlawful for the City of Lake Elmo to require a person carrying a loaded weapon to obtain written permission from a property owner in order to carry the weapon on the property. The Statute does allow the city to require written permission from a property owner for another to hunting on the property.

Approved Hunting Areas Map

The proposed ordinance was modeled after Minnetrista's Hunting Ordinance, which designates both areas in which hunting with a bow and arrow or handgun is allowed and areas in which hunting with a bow and arrow only are allowed. The proposed hunting ordinance for Lake Elmo states that a map will be provided to designate these two areas as well. Currently, the proposed Approved Hunting Areas Map shows areas that have been found to be at least 500 feet away from a structure (as viewed from the Washington County Property Viewer website aerial view) and not located in a Public Facilities zoning district. This reflects the specific language in the ordinance that prohibits the discharge of any weapon within 500 feet of a platted area or structure. The map does not designate areas in which hunting with a bow and arrow only are allowed. If the Council wishes to establish areas in which hunting with a bow and arrow only are allowed, it needs to determine what criteria needs to be met in order to allow this so that the map can be properly amended to reflect this criteria.

As previously mentioned, the proposed Approved Hunting Areas Map shows areas that were found to be appropriately zoned and not shown to be located within at least 500 feet of a structure. Minnetrista's Hunting Zones Map, attached, does not designate specific areas that are at least 500 feet away from structures, but instead restricts hunting in more dense areas (Residential, R-1, R-2, etc.), allows hunting with a bow and arrow in areas with bigger lots and more open space, and allows hunting with a shotgun or bow and arrow in areas that are agriculturally zoned with parcels upwards of 40 acres in area. The Council should decide if it chooses to adopt a map that specifically shows areas that are appropriately zoned and not within 500 feet of a structure or a map that simply designates areas in which hunting would be appropriate with the stipulation that hunting with a shotgun within 500 feet of a structure inhabited by a human or livestock is prohibited unless authorized by written permission of the property owner as state statute dictates.

If the Council feels that the proposed Approved Hunting Areas Map is appropriate, it should adopt it by resolution by approving the attached Resolution 2016-142. If this is so determined, the Council should also consider adopting the attached Alternative Ordinance 08-142 (the redlined version of the ordinance) so that the ordinance does not lead one to believe that there are areas in the city in which one cannot hunt with a shotgun but can hunt with a bow and arrow only.

FISCAL IMPACT:

The proposed hunting ordinance will likely lessen the number of complaints taken by City Staff pertaining to illegal hunting and may eliminate costs associated to enforcement.

OPTIONS:

The City Council may approve or deny approval to the hunting ordinance.

RECOMMENDATION:

Staff respectfully requests, as part of tonight's consent agenda, that the Council approve Ordinance 08-142 as it pertains to hunting in the City of Lake Elmo, Section 300.15; Resolution 2016-55, approving summary publishing of the ordinance; and Resolution 2016-____, adopting the Approved Hunting Areas Map. If removed from the Consent Agenda, the recommended action can be completed through the following motions:

1. *"Move to approve Ordinance 08-142 as it pertains to hunting in the City of Lake Elmo, Section 300.15."*
2. *"Move to approve Resolution 2016-55 approving the summary publishing of Ordinance 08-142."*
3. *"Move to approve Resolution 2016-____ adopting the Approved Hunting Areas Map."*

ATTACHMENTS:

- 1) Ordinance 08-142.
- 2) Alternative Ordinance 08-142 (redlined version).
- 3) Draft Approved Hunting Areas Map.
- 4) Resolution 2016-55 approving the summary publishing of ordinance 08-142.
- 5) Resolution 2016-____ adopting the Approved Hunting Areas Map.
- 6) Minnetrista Hunting Ordinance and Map

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 142

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING SECTION 130 OF THE CITY CODE WHICH REGULATES WEAPONS**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Section 130.15, paragraph (B) of the City Code by adding the double underlined language and deleting the ~~stricken~~ language as follows:

§ 130.15 POSSESSION, DISCHARGE, OR SALE OF WEAPONS

(B) *Unlawful acts.* Except as otherwise provided in this section, it shall be unlawful for any person:

(1) To fire, discharge, release, throw, or in any other manner propel a weapon within 500 feet of any residence, whether or not inhabited, or any other structure or building or within 500 feet of any platted area in the city, except on an approved target range;

(2) To ~~wear or carry a loaded weapon for hunting or other purposes~~ hunt on land not owned by the person ~~wearing or carrying the weapon,~~ hunting in the city, without specific written and dated permission of the owner of the land. The writing containing the permission shall also describe with reasonable accuracy the boundaries of the land owned by the owner giving the permission except on an approved target range.

SECTION 2. The City Council of the City of Lake Elmo hereby amends the City Code by inserting the following new sections in Section 130 of the Code as follows:

§ 130.16 RESTRICTIONS ON THE DISCHARGE OF FIREARMS; HUNTING.

No person may discharge any firearm or bow and arrow, or engage in hunting of any game birds or other animals by any means within the corporate limits of 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 duties.

§ 130.17 HUNTING REGULATIONS.

(A) Hunting with a shotgun or with a bow and arrow as authorized by the Minnesota Department of Natural Resources, state laws pertaining to trespass, and by landowner permission, is allowed but only in the areas established by the city council. No other firearms, including long

guns or hand guns, or any other weapon, except a bow and arrow, are permitted to be used for hunting within the city.

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

§ 130.18 HUNTING TO MANAGE WILDLIFE

Notwithstanding anything herein to the contrary, the city's law enforcement agency 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 by law enforcement that such hunting will not pose an undue risk to public health and safety.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 5. Adoption Date. This Ordinance No. 142 was adopted on this ____ day of _____, 2016, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-142 was published on the ____ day of _____, 2016.

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-142

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING SECTION 130 OF THE CITY CODE WHICH REGULATES WEAPONS**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Section 130.15, paragraph (B) of the City Code by adding the double underlined language and deleting the ~~stricken~~ language as follows:

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(B) *Unlawful acts.* Except as otherwise provided in this section, it shall be unlawful for any person:

(1) To fire, discharge, release, throw, or in any other manner propel a weapon within 500 feet of any residence, whether or not inhabited, or any other structure or building or within 500 feet of any platted area in the city, except on an approved target range;

(2) To ~~wear or carry a loaded weapon for hunting or other purposes~~ hunt on land not owned by the person ~~wearing or carrying the weapon,~~ hunting in the city, without specific written and dated permission of the owner of the land. The writing containing the permission shall also describe with reasonable accuracy the boundaries of the land owned by the owner giving the permission except on an approved target range.

SECTION 2. The City Council of the City of Lake Elmo hereby amends the City Code by inserting the following new sections in Section 130 of the Code as follows:

§ 130.16 RESTRICTIONS ON THE DISCHARGE OF FIREARMS; HUNTING.

No person may discharge any firearm or bow and arrow, or engage in hunting of any game birds or other animals by any means within the corporate limits of 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 duties.

§ 130.17 HUNTING REGULATIONS.

(A) Hunting with a shotgun or with a bow and arrow as authorized by the Minnesota Department of Natural Resources, state laws pertaining to trespass, and by landowner permission, is allowed but only in the areas established by the city council. No other ~~firearms, including long~~

~~guns or hand guns, or any other weapon, except a bow and arrow,~~ weapons except for a bow and arrow or shotgun are permitted to be used for hunting within the city.

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

§ 130.18 HUNTING TO MANAGE WILDLIFE

Notwithstanding anything herein to the contrary, the city's law enforcement agency 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 by law enforcement that such hunting will not pose an undue risk to public health and safety.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 5. Adoption Date. This Ordinance No. ____ was adopted on this ____ day of _____, 2016, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

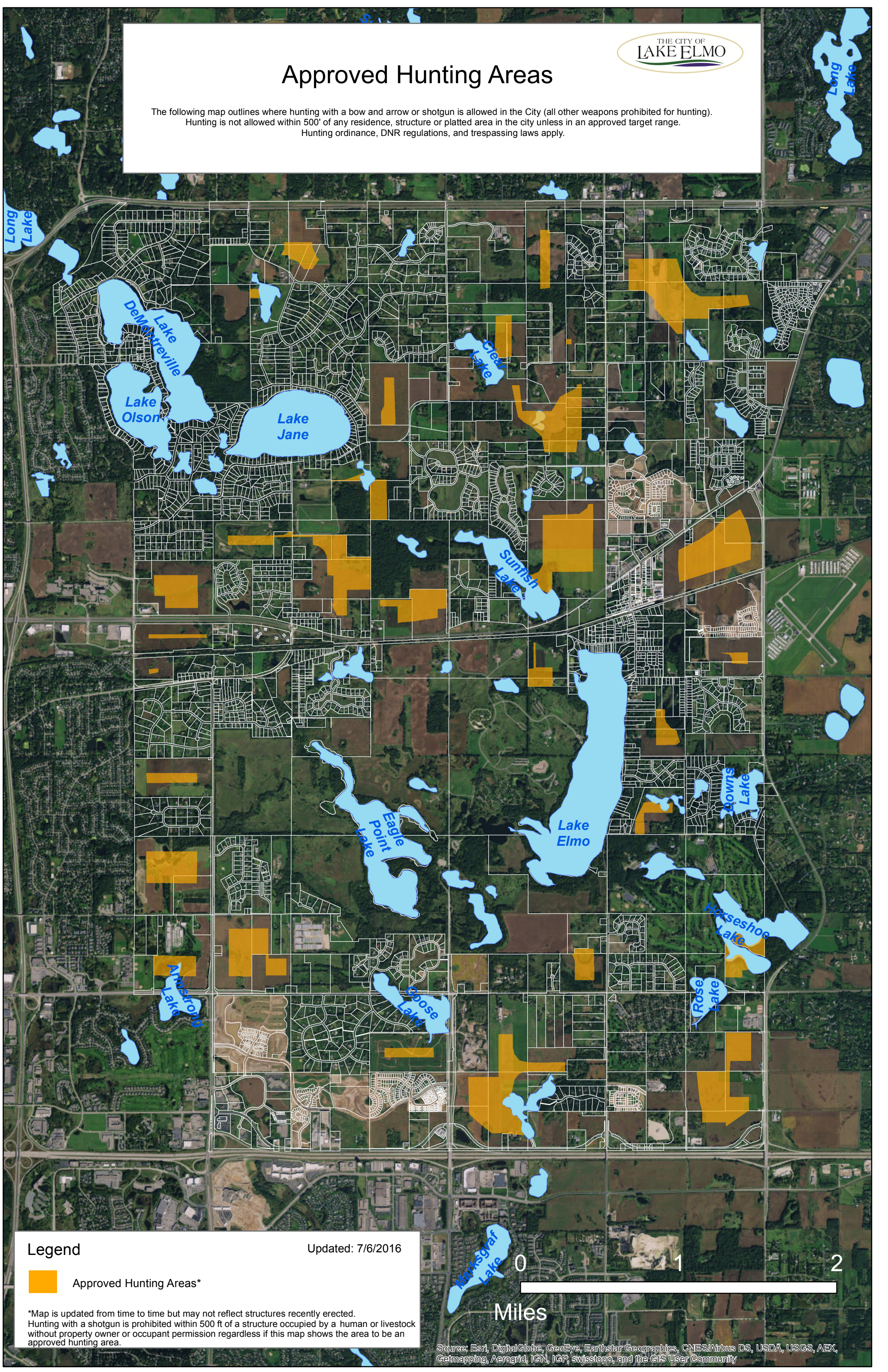
ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-142 was published on the ____ day of _____, 2016.

Approved Hunting Areas

The following map outlines where hunting with a bow and arrow or shotgun is allowed in the City (all other weapons prohibited for hunting).
Hunting is not allowed within 500' of any residence, structure or platted area in the city unless in an approved target range.
Hunting ordinance, DNR regulations, and trespassing laws apply.



Legend

Updated: 7/6/2016

 Approved Hunting Areas*

*Map is updated from time to time but may not reflect structures recently erected.
Hunting with a shotgun is prohibited within 500 ft of a structure occupied by a human or livestock without property owner or occupant permission regardless if this map shows the area to be an approved hunting area.



**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

RESOLUTION NO. 2016-⁵⁵

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-¹⁴² BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-¹⁴², an ordinance to amend Section 130 of the Lake Elmo City Code which regulates weapons; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-¹⁴² to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-¹⁴², which amends the Chapter 130: General Offenses:

- By amending Section 15: Possession, discharge, or sale of weapons, to replacing language that makes it unlawful to wear or carry a loaded weapon with language that makes it unlawful to hunt on land not owned by the person or without specific written and dated permission of the owner.
- By inserting Section 16: Restrictions on the discharge of firearms; that restricts hunting of any game birds or other animals.
- By inserting Section 17: Hunting regulations, that establishes restrictions on hunting by establishing a map that designates areas in which the discharge of shotguns and the use of a bow and arrow are allowed for hunting.
- By inserting Section 18: Hunting to manage wildlife, that entitles law enforcement to issue permits to hunt in any area of the city to manage wildlife populations.

The full text of Ordinance No. 08-¹⁴² is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: July 19, 2016

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member
_____ and upon vote being taken thereon, the following voted in favor
thereof: _____ and the following voted against
same: _____

Whereupon said resolution was declared duly passed and adopted.

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

RESOLUTION NO. 2016-__

**RESOLUTION ESTABLISHING A MAP DESIGNATING APPROVED HUNTING
AREAS WITHIN THE CITY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-142, an ordinance to amend Section 130 of the Lake Elmo City Code which regulates weapons; and

WHEREAS, Ordinance No. 08-142 states that the City Council shall, by resolution, establish by map or other means the areas in which the discharge of shotguns and the use of a bow and arrow are allowed for hunting; and

WHEREAS, § 130.15: Possession, Discharge, or Sale of Weapons of the Lake Elmo City Code which regulates weapons states that it is unlawful for any person to fire, discharge, release, throw, or in any other manner propel a weapon within 500 feet of any residence, whether or not inhabited, or any other structure or building or within 500 feet of any platted area in the city, except on an approved target range; and

WHEREAS, the City Council, at its meeting on the 19th day of July 2016, considered the areas in which the discharge of shotguns and the use of a bow and arrow are allowed for hunting and found the established map to delineate these areas; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo that the map entitled Approved Hunting Areas, updated on the 6th day of July 2016, which designates areas in which hunting with a shotgun and bow and arrow, is hereby adopted.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the established map at City Hall for public inspection and be placed on the City's website to be made available for public viewing access.

Dated: July 19, 2016

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor
thereof: _____ and the following voted against
same: _____

Whereupon said resolution was declared duly passed and adopted.

Hunting Zones

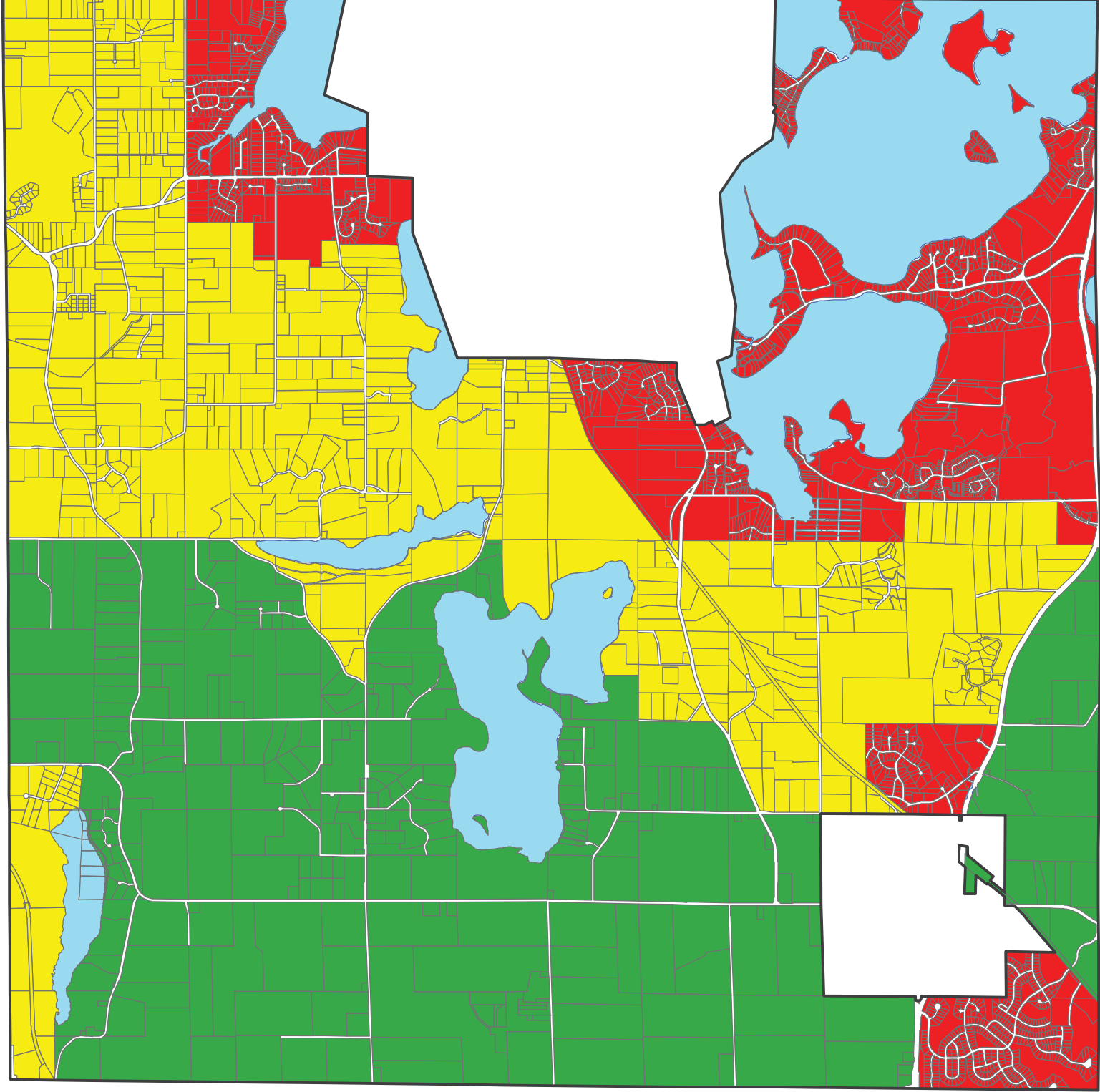


- Permitted - Shotgun and Bow
- Permitted - Bow Only
- Restricted - No Hunting Allowed

Per Section 1125.11
Minnetrista City Code



Date: 8/26/2014



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