

CHAPTER 9 – LICENSE AND BUSINESS REGULATIONS

ARTICLE 7. REGULATING THE SELLING, GIVING AWAY, OWNING, POSSESSING AND DISCHARGE OF WEAPONS AND EXPLOSIVES WITHIN THE CITY OF PEQUOT LAKES

Section 9-7.1. STATE LAW REFERENCE

Local regulation relating to the selling, giving away, owning, possessing and discharge of weapons and explosives within the City of Pequot Lakes shall be in compliance with Minn. Stat. c. 624 and Minn. Stat. § 471.633 and 471.635.

Section 9-7.2. INCORPORATION OF STATE LAW

The provisions of Minn. Stat. c. 97B, as amended, are incorporated herein by reference.

Section 9-7.3. DEFINITIONS.

For purposes of this Chapter, the following terms shall have the following meaning, unless the context clearly indicates otherwise.

1. Bow and Arrow. All long bows, including crossbows, used for target and hunting as regulated and defined in Minn. Stat. c. 97B, as amended.
2. Dangerous Weapon. As provided in Minn. Stat. § 609.02, subd. 6, means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm.

Dangerous weapon includes the following.

- A. All firearms, whether loaded or unloaded;
- B. Bows and arrows, when arrows are pointed tipped;
- C. All instruments used to expel, by means of explosives, gas or compressed air, springs or elastic materials, a hard, solid missile or projectile, bullet or pellet of any kind, but not limited to B-B guns and air rifles;
- D. Sand clubs, slingshots or blackjacks;
- E. Metal knuckles;
- F. Daggers, dirks, bowie knife, switch blade knife, spring blade knife, push

button knife, or figure or disc with sharpened points or edges commonly referred to as a “throwing star;” and

- G. Any dangerous article or substance designed for the purpose of being used as a weapon and capable of producing death or great bodily harm; any combustible or flammable liquid or other device or instrumentally that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm; or any incendiary device or fire that is used to produce death or great bodily harm.
3. Firearms. Guns, pistols, rifles, shotguns, antique firearms and Saturday night specials, as defined in Minn. Stat. § 624.712, or any other device capable of discharging a single projectile or multiple projectiles by means of controlled explosion of chemical compounds, a gas, or pneumatic pressure.
 4. Park Zone. An area within the City of Pequot Lakes that has been designated as a public park.
 5. Public Building. Any building, together with the immediate grounds upon which it is located, owned or occupied by a public or governmental entity, including, but not limited to, the City of Pequot Lakes, County of Crow Wing, State of Minnesota and the federal government.
 6. Public Event. An activity that is sponsored by a governmental entity, or an activity for which a permit is issued by the City, including, but not limited to, block parties, neighborhood festivals, parades or dances.
 7. School Zone. Pursuant to Minn. Stat. § 152.01, subd. 14a, as amended, school zone means:
 - A. Any property owned, leased, or controlled by a school district or an organization operating a nonpublic school, as defined in section 123B.41, subdivision 9, where an elementary, middle, secondary school, secondary vocational center or other school providing educational services in grade one through grade 12 is located, or used for educational purposes, or where extracurricular or co-curricular activities are regularly provided;
 - B. The area surrounding school property as described in clause (A) to a distance of 300 feet or one city block, whichever distance is greater, beyond the school property; and
 - C. The area within a school bus when that bus is being used to transport one or more elementary or secondary school students.

Section 9-7.4. EXEMPTIONS

The provisions of this Article shall not apply to:

1. Any police officer, sheriff or any officer of the United States or the State of Minnesota or any of its counties, or any other authorized personnel, when using dangerous weapons, firearms or other weapons in the regular course and scope of performing their duties.
2. A licensed firearms dealer testing a weapon in a controlled situation, such as a “snail” or other appliance designed to accept the discharge of a firearm in the ordinary course of business at a licensed location.

Wildlife conservation or animal control officers or other authorized representatives of the City, county, state or federal government who in the course of their duties, or pursuant to a permit issued under this Article use a firearm or dangerous weapon to restrain the free movement of any animal, wildlife or birds for humane or other authorized purposes or when acting under valid licenses and permits issued by the State Department of Natural Resources and United States Fish and Wildlife Service.

3. Members of authorized veterans and law enforcement Honor Guards discharging a rifle volley as an honorary salute at a cemetery located within the City.
4. The use of a starter’s pistol to start races as part of an official track and field event.
5. The discharge of firearms, air rifles, air guns or BB guns in those areas that are licensed as rifle ranges, trap shooting ranges, or target ranges pursuant to the terms of this code or other applicable law.
6. The use of bows and arrows on official City Park and Recreation Department archery ranges or on target ranges licensed for archery purposes under City Code, provided that persons using such ranges must obey all regulations as set forth by the Park and Recreation Department and the Chief of Police.
7. The discharge of any dangerous weapon in the lawful defense of person or property.
8. The possession and display of unloaded antique firearms as defined by Minn. Stat. § 624.712, subd. 3, as the same may be amended from time to time, by museums or collectors of art or for other lawful purposes of public exhibition.
9. The use of any dangerous weapon under the terms and conditions of a valid permit issued pursuant to Section 9-7.6.

Section 9-7.5. RESTRICTED USE

The discharge of any firearm or bow and arrow shall only be permitted on properties in the former rural service district of Sibley Township, as depicted on the map attached hereto as Exhibit A, with the following restrictions.

1. It shall be unlawful to discharge any firearm, as defined herein within 500 feet, or a bow and arrow within 200 feet, of any building commonly occupied by a human being or livestock without written permission of the owner, occupant, or lessee. Said restricted use shall include hunting, target practice, and firearms or archery ranges.
2. It shall be unlawful to hunt with either firearm or bow and arrow on City-owned property.
3. Target practice for bow and arrow and firearm shall only be allowed on private property.
4. Target practice for bow and arrow and firearm on private property must comply with the provisions of this section and must have an impenetrable backstop extending from the ground to at least two feet above and two feet beyond either side of the target, with a minimum outside to outside distance of four feet and a minimum height from the ground of at least four feet. These restrictions shall not apply to target practice within a fully enclosed structure approved by the City.

Section 9-7.6. SPECIAL PERMITS

1. The Chief of Police or the Chief's designee is authorized to issue to eligible persons written permits for the use of dangerous weapons contrary to the provisions of section 9-7.5 if he or she determines that the proposed use is for lawful purposes and will be carried out in a safe manner. Examples of situations in which a special permit might issue include without limitation: the possession and display of dangerous weapons for artistic purposes during theatrical productions; the use of firearms by authorized participants in an alternative deer control program; and the use of explosive devices or other dangerous weapons for research, educational or scientific purposes. The Chief of Police or Chief's designee may impose conditions to ensure the lawful and safe use of the special permit and may specify the type of dangerous weapon to be used and the times, places, duration and other circumstances of use. A special permit issued under this section is for the person, location and dates specified in the approved permit application and is not transferable from person to person or place to place. A permit issued under this section, in order to be valid, must be in the possession of the person to whom it issued at all times during the permit holder's use of a dangerous weapon. The permit application must be in writing and include at least the following information:
 - A. The applicant's full name and date of birth;
 - B. The applicant's residential address;
 - C. The period of time for which the permit is desired;
 - D. The proposed use of the dangerous weapon;
 - E. The exact location(s) of the proposed use;
 - F. The type of dangerous weapon for which a permit is desired; and
 - G. Any other information the Chief of Police or the Chief's designee deems useful to review the application.

2. Ineligible Persons. A permit under this section will not be issued if the Chief of Police or the Chief's designee determines that the applicant is one of the following categories of people:
 - A. Those listed in Minn. Stat. § 624.713, as the same may be amended from time to time;
 - B. A person who presently has a court restraining order against him or her issued as a result of assaultive, aggressive or other threatening behavior;
 - C. A person who is presently on court-ordered probation as a result of a criminal conviction involving assault, disorderly conduct or any crime of violence as defined by state law; and
 - D. A person who has previously been convicted of violating this article of city code or state or federal laws restricting the possession, control, use or handling of dangerous weapons, including firearms.

3. Revocation of Permit.
 - A. A permit issued under this Article may be revoked if the Chief of Police or Chief's designee determines that:
 - i. The terms and conditions of the permit are being or have been violated;
 - ii. The continued use of the permit is, or may pose, a danger to public safety or any property;
 - iii. The permit holder has used the permit to violate any law;
 - iv. The permit holder falsified any information or omitted material information in the application; and
 - v. The permit holder is or has become one of the persons listed in this Section.

 - B. The revocation notice must be issued in writing and shall be effective upon delivery or three days after the date of mailing to the address of the permit holder as set forth on the approved application.

Section 9-7.7. MISUSE, MANUFACTURE, TRANSFER, SALE AND POSSESSION RESTRICTED

1. Acts Prohibited. It is unlawful for any person to:
 - A. Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another.

 - B. Possess a dangerous weapon in a public place except as permitted under the Minnesota Citizen's Personal Protection Act (MCPA), M.S. §§ 624.714 through 624.719, as the same may be amended from time to time;

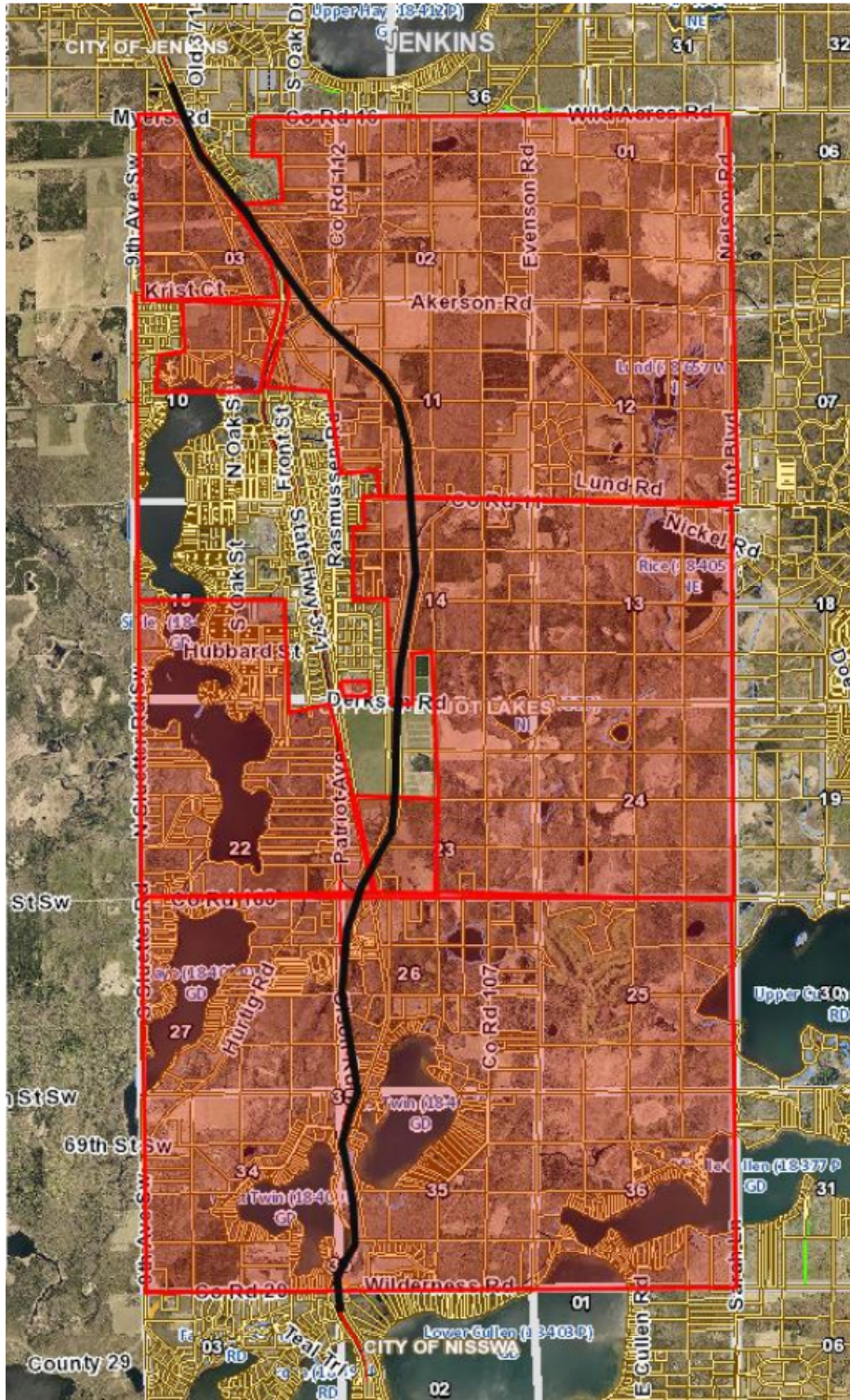
- C. Transport a dangerous weapon in a motorized vehicle, except: (1) in a closed and fastened container or securely tied package, in the locked trunk of a vehicle or if the vehicle does not have a trunk, in the farthest rear portion of the vehicle in an area not normally occupied by the driver or passengers, and while unloaded, disassembled or otherwise rendered incapable of immediate operation; and (2) as permitted under MCPA, M.S. §§ 624.714 through 624.719, as the same may be amended from time to time;
- D. Except as provided in Section 9-7.5, discharge or use a dangerous weapon anywhere within the corporate limits of the city;
- E. Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another.
- F. Manufacture or sell for any unlawful purpose any weapon known as a slingshot or sand club.
- G. Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically.
- H. Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another.
- I. Permit, as a parent or guardian, any child under 14 years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind or any ammunition or explosive.
- J. Furnish a dangerous weapon or ammunition to a minor under the age of 16 years of age to handle, control or use, even temporarily, outside of the parent's or guardian's presence, unless the minor is participating in an organized target shooting program with adult supervision or in a firearms safety program or traveling to and from class, or such other purpose as authorized in Minn. Stat. § 97B.021.
- K. Possess on the person or in a vehicle of any dangerous weapon while under the influence of alcohol or a controlled substance.
- L. It shall be unlawful for any person in the City to have in his or her possession or to shoot, discharge or explode any preparation of potash, mixture of sulfur and saltpeter, nitroglycerin, dynamite, plastic explosive, fireworks; or any other kind of explosive material and all such acts are hereby prohibited, unless specifically authorized by permit issued by the City of Pequot Lakes, department of public safety, or by permit issued by the stated department of conservation.

- M. Shall not keep, carry or have a dangerous weapon or knife in his or her possession in any public building, at any public event, in any park zone, or in any school zone, unless he or she holds a permit to possess the same as a collector's item or for use in officially recognized competition; except for military personnel or peace officers engaged in the course of their duties.

Section 9-7.8. PENALTIES

Violation of any provision of this Chapter shall be a misdemeanor or subject to penalties in accordance with Minnesota Statutes.

EXHIBIT A



LEGEND:
Sibley Township Rural Service District = Red Shaded Area
State Highway 371 = Solid Black Line