

## Ordinance #500-009

### AN ORDINANCE REGULATING THE CARRYING OR DISCHARGING OF FIREARMS IN THE CITY OF HEWITT

The City Council of the City of Hewitt dose hereby ordains:

SECTION 1: *Definitions*. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A.) “Bodily Harm” means physical pain or injury, illness or any impairment of physical condition.
- B.) “Bows and arrows” or “bow and arrow” means any device or combination of devices designed to propel any arrow from a cord connecting the two ends of a bow by pulling on the cord, thus bending the bow and then releasing the cord; except it shall not mean devices of this type commonly interpreted to be toys.
- C.) “Dangerous weapon” means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing bodily harm, or any other device or instrument which, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm.
- D.) “Firearm” means any device from which is propelled any missile, projectile, bullet or other mass through a barrel by means of explosives, gas, air and/or spring devices, except that any device that discharges blank cartridges for a show or theater, for signal or ceremonial purposes in athletics or sports, or for use as a bird or animal repelling device shall not be considered a “firearm” for purposes of this ordinance.

SECTION 2: *Prohibited Activity*.

- A.) It shall be unlawful to do the following:
  - 1.) Recklessly handle or use a firearm, bow and arrow, dangerous weapon or explosive so as to endanger the safety of another;
  - 2.) Intentionally point a firearm of any kind, whether loaded or unloaded, at or toward another;
  - 3.) Possess any device or weapon known as a slingshot, sand club, metal knuckles, switchblade knife, dagger, stiletto, dirk, blackjack, chain club, pipe club, Molotov cocktail, grenade, throwing star or similar device;
  - 4.) Possess any other dangerous article or substance for the purpose of it being used unlawfully as a weapon against another; and

5.) Sell or have in possession any device designed to silence or muffle the discharge of a firearm.

B.) Division (A.) above shall not apply to the articles mentioned when they are carried or possessed as curiosities for their historical significance or value.

SECTION 3: *Discharge and Uses Prohibited.*

A.) Except in accordance with this ordinance, it shall be unlawful to discharge or use any firearm or bow and arrow within the corporate boundaries of the city.

B.) Bows and arrows may be used on private property, or on school or city property in connection with an organized school or recreational class provided that the arrows used shall be equipped with blunt tips (also known as “field points” or target arrows”)

C.) Certain firearms, limited to shotguns, muzzle loaders, bow and arrow and cross bow may be discharged in the following locations within the City (hereinafter called “Permitted Discharge Areas”);

1.) On any approved firearms range or other location approved by the City Council for a special hunting program operating under a permit issued by the City Council.

2.) Within any county or regional park while participating under a permit or license in a special hunting program established by the county board.

3.) In any unplatted area approved by the City Council in accordance with the procedure described in sub-paragraph 4 of this section and identified by green cross-hatching on the map which is attached hereto and made a part hereof as if fully set out herein.

4.) The City Council shall designate Permitted Discharge Areas by resolution after considering: (a) the proximity of the proposed area to adjacent areas zoned or used for residential or commercial purposes; (b) the proximity of the proposed area to schools, churches, parks and other places where people congregate; (c) the effect of both noise of a discharge and the danger which a discharged projectile may pose to persons living, traveling, or legally present in or in proximity to the proposed area.

5.) Any Property Owner may petition to have his or her property included in, or excluded from the Permitted Discharge Area based upon the criteria described in sub-paragraph 4 of this section.

D.) Except for discharge, this section intends neither to further restrict nor to permit what is restricted in M.S. §624.711 through 624.7181.

E.) Under the conditions for discharge allowed in this section, it shall be unlawful for any person to be under the influence of alcohol, narcotics or any other drug when discharging a firearm or bow and arrow.

F.) Nothing in this section shall be construed to include any discharge of any firearms or bow and arrow when done in the lawful defense of person, family, property or with the basement of a private residence.

G.) Nothing in this section shall be construed to include any discharge of any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition when used for construction purposes.

#### SECTION 4: *Transportation Requirements.*

A.) It shall be unlawful to transport any firearm in a motor vehicle, airplane, snowmobile or boat unless the same is unloaded in both barrels and magazine and completely contained in a gun case expressly made for that purpose which is fully enclosed by being zipped, snapped, buckled, tied or otherwise fastened, with no portion of the firearm exposed, or unless unloaded and contained in the trunk of a car with the trunk door closed, except that pistols and revolvers may be transported when done in accordance with M.S. §§ 624.711 through 624.717.

B.) It shall be unlawful to transport the following in a motor vehicle, airplane, snowmobile or boat:

- 1.) A bow and arrow unless unstrung, completely contained in a case or unless contained in the trunk of a car with the trunk door closed; or
- 2.) A muzzle loading firearm unless fully unloaded and completely contained in a gun case expressly made for that purpose which is fully enclosed by being zipped, snapped, buckled, tied or otherwise fastened with no portion of the firearm exposed, or unless unloaded and contained in the trunk of a car with the trunk door closed. A muzzle loading firearm with a flintlock ignition is fully unloaded if it has no priming powder in any pan and muzzle loading firearm with percussion ignition is fully unloaded if it has no percussion cap on any nipple.

#### SECTION 5: *Possession by Minors.*

A.) Except in accordance with this section, it shall be unlawful for any person under the age of 16 years, unless accompanied by a parent or guardian, to have in his or her possession or under his or her control, any firearm for any purpose. For the purposes of this section, the word "guardian" is defined as legal guardian or any other person over the age of 18 years who has been selected by the parent or legal guardian to supervise the

person under the age of 16 years while he or she has in his or her possession or under his or control any firearm.

B.) This section shall not apply to any person between the ages of 14 years or 16 years who has the certificate provided for in M.S. §97.81, or to any person participating in the course provided by the section to carry a properly encased and unloaded firearm to and from class and to handle the same during the instruction. Also, the person shall be allowed participation in organized target shooting programs conducted under qualified adult supervision.

C.) It shall be unlawful for a parent or guardian to permit a child under 14 years of age to handle or use outside of the parent's or guardian's presence, any firearm, any ammunition or any explosive.

D.) It shall be unlawful for any person to furnish a minor under 18 years of age with any firearm, any ammunition, or any explosive without the written consent of the minor's parent or guardian.

SECTION 6: *Exception.* This Ordinance does not apply to law enforcement officers and members of the armed services of either the United States or the state for use in the course of their duties.

SECTION 7: *Penalty.* Any person who violates any provision of this chapter shall be guilty of a gross misdemeanor or a felony.

SECTION 8: *Effective Date.* This Ordinance shall be in full force and effect from and after passage by the City Council and publication according to law.

Passed and adopted by 4/5ths vote of the City of Council of the City of Hewitt, County of Todd and State of Minnesota, on this 11<sup>th</sup> day of August, 2015.

Reviewed by City Attorney and published September 2, 2015

By: Juanita Mitchell, Mayor

Attest: Tara Greer, City Clerk/Treasurer