

CHAPTER 97: FIREARMS

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§ 97.01 DEFINITIONS.

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

BODILY HARM. Physical pain or injury, illness or any impairment of physical condition.

BOWS AND ARROWS or **BOW AND ARROW.** 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.

DANGEROUS WEAPON. 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.

FIREARM. 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. (Ord. 486, passed 10-21-21)

§ 97.02 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 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.

(Ord. 486, passed 10-21-21)

§ 97.03 DISCHARGE AND USES PROHIBITED.

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

(B) *Bow or archery activity.*

(1) For the purpose of this section, ***BOW OR ARCHERY ACTIVITY*** means a weapon or act of using a weapon for shooting arrows, typically made of a curved material whose ends are joined by a taut string.

(2) Bow or archery activity is permitted subject to the below hunting program specific conditions:

(a) The location and boundaries of the lands within city limits where the taking of deer or other animals with the use of archery hunting techniques under the program is permitted. Minimum parcel size of ten contiguous acres is required for archery hunting activities. Archery hunting may not occur within 500 feet of any building not on the owner's property. Archery hunting is restricted to the R-1 Single Family Residential Zoning District;

(b) Notwithstanding division (a) above, an individual may allow and permit the use of a firearm or shoot an arrow from a bow at a facility designed for shooting and target practice; provided, the facility complies with state rules and regulations and has been approved by the city to conduct such business;

(c) The days and hours during which the taking of deer or other animals is permitted under the program matches state regulation for hunting activities as published by the DNR. No taking of a big game animal from, on or across a road right-of-way is permitted. If land adjacent to private property is posted, one cannot legally retrieve their deer without permission from the landowner;

(d) Hunters must make every effort to make a quick and clean harvest and recovery;

(e) Hunting on private property requires written permission from the landowner;

(f) Landowners are required to obtain an archery hunt permit from the city. Hunters must keep the archery hunt permit in their possession with the DNR license while hunting. Proof of a DNR hunting license will be required;

(g) Hunting on private property is allowed. Hunters are not otherwise restricted from such activities by state statute or ordinance;

(h) Persons permitted to participate in the program must follow all applicable state hunting and conservation regulations; and

(i) Bows and archery activity is permitted on properties identified and qualified under division (2)(a) above, at the City of Milaca archery range, or on school grounds in connection with an organized school event or class provided that the arrows used shall be equipped with blunt tips (also known as "field points" or "target arrows"). It shall be unlawful for any person under the age of 15 years, unless accompanied by a parent or legal guardian, to use a bow and arrow at the City of Milaca archery range. 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 15 years.

(3) Certain firearms, limited to shotguns, muzzle loaders, bow and arrow and crossbow may be discharged on any approved firearms range or other location approved by the Chief of Police.

(4) Except for discharge, this section intends neither to further restrict nor to permit what is restricted in M.S. §§ 624.711 through 624.7192.

(5) 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.

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

(7) 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.

(Ord. 486, passed 10-21-21)

§ 97.04 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 a muzzle loading firearm with percussion ignition is fully unloaded if it has no percussion cap on any nipple.

(Ord. 486, passed 10-21-21)

§ 97.05 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 her control any firearm.

(B) This section shall not apply to any person between the ages of 14 years and 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.

(Ord. 486, passed 10-21-21)

§ 97.06 EXCEPTION.

This chapter 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.

(Ord. 486, passed 10-21-21)

§ 97.99 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor, gross misdemeanor or a felony as authorized by law.

(Ord. 486, passed 10-21-21)

