

USE OF FIREARMS AND HUNTING REGULATIONS

AN ORDINANCE REGULATING GAME AND USE OF FIREARMS AND WEAPONS IN THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

1103.01 Regulation of Game and Fish.

Minnesota Statutes, Chapters 97A, 97B and 97C, known as the Game and Fish Laws of the State of Minnesota, as amended by laws of 1969, is hereby adopted as the Game and Fish Ordinance of the City of Oak Park Heights, Washington County, Minnesota. Every provision contained in the said statute is hereby adopted and made a part of this ordinance by reference as if fully set forth herein.

1103.02 Definitions.

The following terms shall have the following meanings:

- A. "Person" means an individual only if used in reference to issuing licenses to take wild animals, but otherwise means an individual, firm, partnership, joint stock company, association, or public or private corporation.
- B. "Firearm" means any weapon from which is propelled any missile, projectile or bullet, by means of explosives, gas, compressed air or mechanical spring and shall include air and BB guns.
- C. "Long Gun" means any rifle, shotgun or similar gun not designed to be fired from the hand.
- D. "Secured Container" means a locked case having no mechanical features designed for immediate weapons removal or use, and containing no other related objects.

1103.03 Persons Prohibited.

It shall be unlawful for any person within the corporate limits of the City of Oak Park Heights to own, possess, carry, or have in his custody or control, any firearms or ammunition except as provided below:

- A. When upon the land of another, no person shall have in his possession a firearm without the express written and dated permission of the owner or

lessee of such property.

- B. Shall be at least sixteen (16) years of age or shall hold a firearm safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate, except while accompanied by or under any charge of his parent or guardian.
- C. Shall not, within the previous five (5) years, have been convicted of a felony or drug addiction under the laws of this State, or of any other jurisdiction, or a violation of this Ordinance or any other law relating to weapons.
- D. Committed under the statutory procedures of this State or any other jurisdiction, to any institution for treatment of a mental, drug, or alcoholic condition.

1103.04

Places Prohibited.

- A. It shall be unlawful for any person to discharge any firearm within a radius of one-half (1/2) mile of the limits of any platted area within the City of Oak Park Heights.
- B. It shall be unlawful for any person to discharge any firearm in any place, or in any manner such that the person or property of any person is endangered, though no injury actually results.
- C. It shall be unlawful for any person, except law enforcement or military personnel while in the course of their duties, owner, or agent while he is present at a public place operated by him, or private persons with permits who are required by their occupation to be permitted to have in their possession or control any firearm or ammunition, while such person is present at any public place or public gathering within the City.
- D. "Public place" means property owned, leased, or controlled by a governmental unit and private property that is regularly and frequently open to or made available for use by the public in sufficient numbers to give clear notice of the property's current dedication to public use but does not include: a person's dwelling house or premises, the place of business owned or managed by the person, or land possessed by the person; a gun show, gun shop, or hunting or target shooting facility; or the woods, fields, or waters of this state where the person is present lawfully for the purpose of hunting or target shooting or other lawful activity involving firearms.
- E. "Public Gathering" means any demonstration, picketing activity, or group protest on any location, whether out of doors or indoors, including buildings not ordinarily public places which, on the occasion of a gathering, has present ten (10) or more unrelated persons.

- F. "Public Place or Public Gathering" does not include sporting goods outlets or private residences, or the regulated activities of target shooting clubs, sportsmen's clubs or the regulated activities of military or veterans' occasions, or when use or display of firearms is specifically authorized by the City of Oak Park Heights for gun training programs, gun shows, parades, or other public events.

1103.05 Unlawful to Carry Firearms.

It shall be unlawful for any person within the City of Oak Park Heights to carry on his person, or transport in any vehicle, any firearm or ammunition except as provided in this Ordinance, and except:

- A. Any unloaded firearm being transported by a person not in a vehicle, directly to or from his home, place of business, gun dealer, gunsmith or place of target practice, gun club, assembly, or hunting area or any place or gathering, in a secured container without ammunition in said container.
- B. Transportation of an unloaded firearm in the locked trunk of a vehicle or, if such vehicle shall not have a trunk, secured in the farthest rear portion of the vehicle in an area not normally occupied by the driver or passengers.
- C. An unloaded long gun dismantled or transported in the manner required by Minnesota Statutes.

1103.06 Stopping of Persons and Searching for Weapons.

A police officer of the City of Oak Park Heights may stop any person abroad and in a public place whom he reasonably suspects is committing, has committed, or is about to commit a felony or any crime or offense involving the use of a weapon of any kind, and may demand of him his name, address, and an explanation of his actions. When a police officer has stopped a person for questioning, pursuant to this Section, and reasonably suspects that he or anyone else is in danger of life or limb, he may search such person for a dangerous weapon. If a police officer finds such a weapon, or any other thing, the possession of which may constitute a crime or offense, he may take and keep it until the completion of questioning, at which time he shall either return it as lawfully possessed or arrest such person.

1103.07 Penalty.

Any person, firm, partnership, or corporation who shall violate any portion of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, be fined a sum not to exceed Seven Hundred Dollars (\$700.00) or imprisonment for a period not to exceed ninety (90) days, or both.

Amended: Paragraph Subd. B. of Section 1103.02. Passed and adopted October 23, 2007.

