

ORDINANCE NO. 220-B

AN ORDINANCE RELATING TO WEAPONS AND REGULATING SHOOTING AND CARRYING FIREARMS IN THE TOWNSHIP OF EMPIRE, DAKOTA COUNTY, MINNESOTA.

The Board Supervisors of Empire Township, Dakota County, Minnesota, ordains as follows:

SECTION 1. DEFINITIONS

Subdivision 1. Assault Weapons shall mean any weapon other than firearms having personal assault characteristics including, but not limited to dagger, switchblade knife, stiletto, dirk, spring blade knife, push-button knife, blackjack, sand club, pipe club, chair club, brass knuckles, Molotov cocktails, grenades and explosive devices.

Subdivision 2. Carrying shall mean the actual physical transportation of a firearm on or about one's person, concealed or otherwise, but not to include the transportation of a firearm to and from the place of business of a Federally licensed dealer and not to include any Federally licensed dealer or his agent while actually engaged in normal business activity.

Subdivision 3. Expressed Invitation shall mean actual written notice signed by the landowner with said landowner's name, address, and telephone clearly imprinted on same, and carried on the person of at least one specifically named individual on said notice in any group or party shooting on said lands, said notice to also include an effective date and a date of expiration.

Subdivision 4. Firearm shall mean a weapon that propels a bullet or missile by an explosive or compressed air.

Subdivision 5. Firearm, Dismantled shall mean any firearm which is dismantled in such a manner as to make shooting impossible, or any weapon with vital parts missing so to render it inoperable.

Subdivision 6. Firearm, Cased shall mean an unloaded firearm closed and secured in a case without any portion of the firearm exposed.

Subdivision 7. Hand Gun shall mean any firearm without a shoulder stock and designed to be fired from the hand.

Subdivision 8. Landowner shall mean any person, group, firm, or corporation owning, leasing or legally controlling any lands within the territorial limits of the Town of Empire.

Subdivision 9. Person shall mean any individual regardless of age or residence.

Subdivision 10. Shooting shall mean the firing of firearms of any kind whatsoever regardless of the method of propulsion of the ammunition, and shall include but not be limited to the firing of shotgun, rifles, pistols, air rifles, B.B. guns, slingshots and bows propelling pointed arrows.

Subdivision 11. Shooting Range shall mean a practice facility or target range permitted and regulated by the Township for the discharge of firearms.

SECTION 2. WEAPONS AND FIREARMS REGULATIONS

Subdivision 1. Shooting Firearms Prohibited. No shooting of firearms shall be permitted within the territorial limits of the Town of Empire by any person under any circumstances whatsoever except:

- A. By a landowner or his guest by expressed invitation upon lands owned by him may shoot or carry a firearm provided that no shot, bullet, or ammunition component used shall pass beyond the boundaries of his property, nor shall any discharge of a firearm by a guest occur within 500 feet or by the landowner occur within 50 feet of any building on adjoining property or occupied residence nor in any event create a nuisance or danger to other persons.
- B. By law enforcement or military personnel while in the course of their duties.
- C. By any person shooting at a Shooting Range, which holds a valid permit from the Township, during the time and under the regulations specified by the Shooting Range for shooting.
- D. A handgun carried in compliance with Minnesota Statutes 624.714 and 624.715.
- E. A user of public land that is managed for public hunting or is using public hunting as a method of wildlife management provided the user is participating in legal hunting activities that are sanctioned by the land administrator and Department of Natural Resources Rules and Regulations, and provided that shot, bullet or ammunition component used shall not pass beyond the boundaries of the property.

All other shooting of firearms in the Township of Empire is prohibited.

Subdivision 2. Firearm Possession Prohibited. It shall be unlawful for any person within the Township of Empire to own, possess, carry or have in his custody or control any firearms or ammunition unless such person:

- A. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Natural Resources or be enrolled in a program to qualify for said certificate or if under 18 years of age is accompanied by his parent or guardian or by an adult who has written permission from the minor's parent or guardian.
- B. Shall not within the previous five years have been:

1. Convicted of a felony under the laws of this state or any other jurisdiction, or a violation of this Ordinance or any other law relating to weapons.
2. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug, or alcoholic condition.

It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of alcohol or hallucinatory chemical, or narcotics, or other similar drugs or influences.

Subdivision 3. Transportation of Firearms.

A. A person may not transport a firearm in a motor vehicle unless the firearm is:

1. Unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;
2. Unloaded and in the closed trunk of a motor vehicle; or
3. A handgun carried in compliance with Minnesota Statutes 624.714 and 624.715.

B. The restrictions in subsection A. do not apply to a disabled person if:

1. The person possesses a permit under Minnesota Statutes 97B.055, subdivision 3;
2. The person is participating in a hunt sponsored by a nonprofit organization under a permit from the commissioner or is hunting on property owned or leased by the person; and
3. The firearm is not loaded in the chamber until the vehicle is stationary, or is a hinge action firearm with the action open until the vehicle is stationary.

Subdivision 4. Possession And Transporting Of Assault Weapons. It shall be unlawful for any person within the Township of Empire to carry on his person or to transport by any means any assault weapon for any purpose whatever except by law enforcement officers or military personnel in the course of their duties.

Subdivision 5. Hunting with Firearms in Certain Areas.

A. A person may not hunt or take a wild animal with a firearm within 500 feet of a building occupied by a human or livestock without the written permission of the owner, occupant, or lessee:

1. on another person's private land; or
2. on a public right-of-way.

B. A person may not take a wild animal with a firearm without the permission of the owner, occupant, or lessee, within 500 feet of a stockade or corral containing livestock.

C. A person may not take a wild animal on any land where the person is prohibited from entering.

SECTION 3. SHOOTING RANGE

The Township may grant a permit for a Shooting Range upon compliance with this Section and applicable requirements in the Empire Township Zoning Ordinance. An application shall be filed with the Township Clerk in the same manner as for a conditional use permit. Applicable fees shall be paid at the time of the application for a conditional use permit, with the same notice and public hearing requirements. After the public hearing before the Planning Commission, the Town Board may grant a permit for a Shooting Range with such conditions as the Township deems necessary for the protection of the public health and welfare of its residents. These conditions may include, but are not limited to:

- A. Time of operation.
- B. Dates of operation.
- C. Number of shooters permitted at any time.
- D. Insurance requirements.
- E. Fencing and parking
- F. Noise control.
- G. The permit may be limited to the shooting of shotguns, rifles or handguns, or any combination thereof.

SECTION 4. PENALTY

Any person violating this ordinance or any portion thereof shall be deemed guilty of a petty misdemeanor and upon conviction thereof, may be subject to the maximum fine and imprisonment allowed by State law. Each such violation shall constitute a separate offense punishable to the maximum extent of the law.

SECTION 5. REPEALER.

Ordinance No. 220, Ordinance No.220-A, Ordinance No. 1015, and all prior amendments thereto are hereby repealed upon the effective date of this Ordinance.

SECTION 6. EFFECTIVE DATE.

Ordinance No. 220-B shall take effect upon its adoption and publication according to law. Adopted this 23rd day of July, 2013.

ATTEST:

Terry L. Holmes, Chair

Kathleen B. Krippner, Clerk-Treasurer

Published in the Farmington Independent on August 1, 2013.