

ORDINANCE #126

AN ORDINANCE PROHIBITING THE DISCHARGE OF FIREARMS OR DANGEROUS WEAPONS WITHIN THE CITY LIMITS OF STOCKTON AND PROVIDING PENALTY FOR VIOLATIONS.

The City of Stockton hereby ordains:

Section 1. Intent.

It is the intent of this Section to regulate the carrying, use and shooting of firearms or dangerous weapons in order to safeguard the residents of this Community. It is not the intent of this Section to regulate ownership of firearms or bows by law-abiding citizens.

Section 2. Definitions.

The following terms shall apply in the interpretation and enforcement of this ordinance:

- a. "Bow and arrow" – includes all hand bows, foot bows, or cross bows as defined in MN Statutes Chapter 97B.
- b. "Firearms" – A tool which shoots a projectile by burning gunpowder, and, for the purposes of this ordinance, an air gun using any other propellant, having, or capable of having, a muzzle velocity of 500 feet per second or more.
- c. "Shotgun" – shoulder weapon with smooth-bored barrel or barrels and normally discharging more than one pellet at a time, including when using a single slug.
- d. "Handgun" – a hand held weapon with a rifled barrel.
- e. "Weapon" – all bows and arrows, firearms, shotguns, handguns, wrist rockets, slingshots, or any type of propelled weapon notwithstanding that the projectile of any weapon remains attached to the weapon by wire. Includes all rifles; and weapons using black or smokeless powder, pellet weapons (whether gas, pneumatic, or spring powered).
- f. "Dangerous Weapon" – 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. (Minnesota Statute 609.02)
- g. "Person" – any natural individual, corporation, firm, partnership, trust, estate, club, association or other organization, including members of any such organization.
- h. "Landowner" – any person, group, firm or corporation leasing or legally controlling any lands within the corporate limits of the City of Stockton.

Section 3. Permitted use of Firearms.

The shooting and carrying of firearms or bows which are not encased or dismantled is permitted under the following circumstances unless prohibited by State or Federal law:

Subsection 1. By law enforcement officers in the line of duty or military personnel in the line of duty.

Subsection 2. By any person to resist or prevent an offense that that person reasonably believes exposes himself or another to great bodily harm or death.

Subsection 3. By any person to prevent the commission of a felony in his home.

Subsection 4. By any person in connection with a Department of Natural Resources approved Firearms Safety Program. (Ex.: Firearms Safety Training Instructor)

Subsection 5. Bows may be discharged, only for recreational target practice; provided the projectile does not carry beyond the property line. Discharge shall be directed at a target with a backstop of sufficient strength and density to stop and control the projectile.

Subsection 6. By any person who is the private landowner, or with written private landowner approval on their person in the Agriculture Zoning District within the Corporate Limits of Stockton; provided, however, no discharge passes beyond the boundaries of that property. Discharge shall be directed at a target with a backstop of sufficient strength and density to stop and control the projectile.

Subsection 7. Residents/Landowners may discharge a firearm upon their property for the purpose of slaughtering animals provided the parcel of land is five (5) acres or more in size and the projectile does not carry beyond the property line.

Subsection 8. The possession, transportation or carrying of handguns as specifically allowed by State law.

Section 4. Civil Liability.

This section does not authorize the use of a weapon in a manner that will endanger any human being or property. A permit or license granted hereunder does not relieve the person acting thereunder from civil liability for any damage resulting from such use of the weapon.

Section 5. Prohibited Use of Firearms.

Except as specifically allowed in this Section:

Subsection 1. The carrying of a firearm in a motor vehicle, place or area open to the public or any private place or area unless the private place or area is owned by the person carrying the firearm or with the owner's permission, which is not encased or dismantled, is prohibited.

Subsection 2. The shooting of a firearm is prohibited.

Subsection 3. By any person participating in a special hunting season, which season may not conflict with State Law or regulations, established by the City Council for the purpose of wildlife management. The season shall be determined by the City Council when, based upon competent professional advice such as a conservation officer, a season is needed to reduce an animal population. The discharge of weapons shall be according to the conditions and limitations established by the City Council for that season.

Section 6. Offense by Parents, guardians. It is unlawful for any parent or guardian of any person under the age of the eighteen (18) years knowingly to permit such person to violate any provision of this section.

Section 7. Penalties.

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished according to State Law.

Section 8. Effective Date.

This Ordinance shall be in full force and effect from and after the date of its passage and publication according to law.

Passed and adopted by the City Council of the City of Stockton, Minnesota, this _____ day of _____, 2006.

Jack Roberts, Mayor

ATTEST:

Bethany Winchester, Clerk – Treasurer

(SEAL)