

ORDINANCE NO. 2012 - 10

**AN ORDINANCE AMENDING SECTION 30.64 AND ADDING SECTION 30.65 OF
THE ROGERS CITY CODE RELATING TO HUNTING AND SHOOTING**

The City Council of the City of Rogers ordains:

SECTION 1. Section 30.64 of the Rogers City Code is being amended to read as follows:

Sec. 30-64. - Discharging or exploding of dangerous weapons.

(a) For the purposes of this ordinance, dangerous weapons subject to this ordinance shall consist of the following:

(1) All firearms. The term "firearms" shall mean any device from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive substance; or for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas or vapor.

(2) Bows and arrows when arrowheads are made of all-steel barbless design, and the blade of high carbon steel more than one inch wide for a single two-edge blade and of more than a three-inch circumference for three or more blades with a weight in excess of 110 grains; or when arrowheads are made with blades of mill-tempered spring steel containing a plastic core or ferrule in excess of such dimensions and with a weight in excess of 90 grains; or when arrows are poisoned or have explosive tips.

(3) All instruments used to propel a high-velocity pellet of any kind, including but not limited to air rifles and compressed air guns.

(4) Slingshots.

(5) Any similar type instrument, whether such instrument is called by any name set forth in this definition or any other name.

The term "dangerous weapon" does not include a stud gun or nail gun used in the construction industry or children's popguns or toys.

(b) *Prohibition.* No person shall shoot, discharge or explode any dangerous weapon, ~~including a firearm, cartridges or shell containing an explosive as defined herein,~~ within the corporate limits of the city except as permitted by this section. ~~This section also includes, but is not limited to, air rifles and paintball guns of any type.~~ The provisions of this section do not apply to:

(1) Persons duly authorized to act as law enforcement officers, or members of military forces of the United States or the State in the discharge of their duties;

(2) Persons engaged in target shooting, with inanimate objects as targets, within a building or structure safely enclosed where the sound of the shooting or discharge will not be a nuisance to persons occupying adjacent property;

- (3) Persons engaged in target or trap shooting ~~on target or trap shooting~~ on target or trap shooting ranges licensed as such by the city council as hereinafter provided;
 - (4) Persons engaged in hunting or shooting, including individuals engaged in private, non-commercial target shooting, on their own undeveloped lands pursuant to and within the conditions of this ordinance or of any permits issued by the city as hereinafter provided;
 - (5) Persons acting in self-defense when the use of ~~firearms~~ dangerous weapons for that purpose would not be unlawful under the laws of the state.
- (c) *Generally; written permission required.* Hunting upon land within the city may be conducted with the written permission of the landowner except as prohibited in this section. No permission shall be required for the owner of such land, or members of the owner's immediate family or guests in the company of the owner of the land.
- (d) *Prohibited areas.* The discharge or use of a dangerous weapon shall be prohibited in the following locations:
- (1) On lands zoned RE-2, R2, R3, R3-PUD, R4, SI, PUD, B-1, B-2, B-3, B-C and MU-R, MU-D, MU-N, Fletcher Area District and the AG-PUD District.
 - (2) On lands zoned LI if the parcel or parcels in such zoning district are contiguous on fifty percent (50%) of the parcel(s) perimeter to lands zoned RE-2, R2, R3, R-4, or PUD.
 - (3) Within 500 feet of any building, structure, platted area, public park, public trail, or public/private school.
 - (4) On City property or in City parks.
 - (5) The discharge or use of a dangerous weapon may be allowed in the prohibited areas of subsection (c)(1)—(4) under the following circumstances:
 - a. At an organized gun club or shooting range, as defined by MN Stat. Section 87A.01, as may be amended, for the discharge of shotguns from currently existing shooting pads and target placements, directed away from buildings and platted areas; or
 - b. If an individual is a registered participant at an organized biathlon range in a public park for the discharge of low velocity rifles at an established shooting range directed away from the buildings, other public uses, or platted areas; or
 - c. Archery target practice may occur at a city-permitted archery range within the confines of a city park, as approved by the park commission and city council; or
 - d. A request in writing to hunt in these areas may be approved by the police chief or his designee if the person requesting is either the landowner or has received permission from the landowner, and the hunting can be done in a safe manner. Granted requests require that the hunter(s) be issued a special

permit which shall be displayed at all times while hunting on the permitted property.

- (e) Notwithstanding the provisions of subsection (c) ~~(5)(b)~~ of this section: The discharge or use of BB guns, pellet guns, paintball guns, airsoft guns and slingshots, or other low-velocity items similar to those mentioned above, in a safe manner by adults over the age of 18 years, or by minors under the age of 18 years who are under the direct supervision of their parent or guardian, is permitted upon any land within the city with the written permission of the landowner, except that no permission shall be required for the owner of such land or for members of the owner's immediate family or guests in the company of the owner of the land.
- (f) The operation of shooting ranges of any type is allowed only as authorized in the Rogers Zoning Ordinance and as regulated by Section 30-65.
- (g) No rifles shall be discharged within the city except at ranges which are allowed by the Rogers Zoning Ordinance. For the purposes of this subsection, the term "rifle" does not include .22 caliber rim-fire rifles using .22 caliber short, long, or long rifle bullets; or smooth-bore muzzle loading muskets of .45 caliber or larger and rifled muzzle loading muskets of .40 caliber or larger that are incapable of being loaded at the breech.
- (h) Nothing in this section shall prohibit peace officers from enforcing the provisions of state law applicable to firearms or the hunting of big or small game.
- (i) *Endangering person or property prohibited.* Nothing in this division shall authorize the use of any firearm or air rifle in a manner which will endanger any human being or property, and no permit or license granted hereunder shall in any way relieve the person acting thereunder from civil liability for any damage resulting from such use of any firearm or air rifle.

SECTION 2. The Rogers City Code Section 30 is hereby amended by adding Section 30-65 to read as follows:

Sec. 30-65. - Organized gun clubs.

- (a) The city council may issue, upon application, a special permit to an organized gun club, provided such use is allowed in the Zoning District affecting the property. Such permit shall allow the firing of dangerous weapons on the club grounds, otherwise known as a shooting range as defined by MN Stat. Section 87A.01, only by members and guests subject to such conditions as may be required by the city council to protect the public health, safety and welfare.

- (b) An organized gun club which has received a special permit from the city council may, notwithstanding other provisions of this code, loan or furnish dangerous weapons to minors under the age of 18 years to handle and use weapons, provided that such dangerous weapons may be discharged and used by the minors only on the club grounds and only under the direct supervision of an adult club member or some other adult authorized by the club to supervise minors.

SECTION 3. This ordinance shall have full force and effect upon its passage and publication.

Passed by the City Council of the City of Rogers, Hennepin County, Minnesota, this 9th day of October, 2012.

Jay Bunting, Mayor

ATTEST:

Stacy Doboszanski, City Clerk