

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**

**131. DRUG-RELATED OFFENSES**

**132. DANGEROUS WEAPONS**



## CHAPTER 130: GENERAL OFFENSES

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### § 130.01 DISORDERLY CONDUCT.

It is unlawful for any person, in a public or private place, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger or disturb others or provoke any assault or breach of the peace, to do the following:

- (A) Engage in brawling or fighting; or
- (B) Disturb an assembly or meeting, not unlawful in its character; or
- (C) Engage in offensive, obscene or abusive language or in boisterous and noisy conduct inherently likely to provoke a violent reaction or tending to incite an immediate breach of the peace; or
- (D) Willfully and lewdly expose his or her person or the private parts thereof or procure another to so expose himself or herself; and any open or gross lewdness or lascivious behavior, or any act of public indecency; or
- (E) Whether or not posted with signs so prohibiting, voluntarily enter the water of any river or public swimming pool at any time when the waters are not properly supervised by trained life saving personnel in attendance for that purpose or enter the waters without being garbed in a bathing suit sufficient to cover his or her person and equal to the standards generally adopted and accepted by the public; or

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(F) Urinate or defecate in a place other than:

(1) If on public property then in a plumbing fixture provided for that purpose; or

(2) If on the private property of another then in a plumbing fixture provided for that purpose;

or

(3) If on private property not owned or controlled by another, then within a building; or

(G) Cause the making or production of an unnecessary noise by shouting or by any other means or mechanism, including the blowing of an automobile or other vehicle horn; or

(H) Use a sound amplifier upon streets and public property without prior written permission from the city; or

(I) Use a flash or spotlight in a manner so as to annoy or endanger others; or

(J) Cause defacement, destruction or otherwise damage to any premises or any property located thereon; or

(K) Strew, scatter, litter, throw, dispose of or deposit any refuse, garbage, or rubbish onto any premises except into receptacles provided for such purpose; or

(L) Enter any motor vehicle of another without the consent of the owner or operator; or

(M) Fail or refuse to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of the premises involved nor to any law enforcement or other government official who may be present thereon at that time as part of his or her official duty, nor shall it include the wife, children, employee or tenant of such owner or occupier.

(1981 Code, § 9.27) (Ord. 9, 3<sup>rd</sup> Series, eff. 6-6-1981; Am. Ord. 161, 3<sup>rd</sup> Series, eff. 12-24-1993)  
Penalty, see § 130.99

### § 130.02 CURFEW.

(A) *Purpose.* The curfew for minors established by this section is maintained for 4 primary reasons:

(1) To protect the public from illegal acts of minors committed during the curfew hours;

(2) To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs;

- (3) To protect minors from criminal activity that occurs during the curfew hours; and
- (4) To help parents control their minor children.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***EMERGENCY ERRAND.*** A task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor's household. The term shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or fire department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or human-made calamity.

***OFFICIAL CITY TIME.*** The time of day as determined by reference to the master clock used by the Police Department.

***PLACES OF AMUSEMENT, ENTERTAINMENT OR REFRESHMENT.*** Those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants, and pool halls.

***PRIMARY CARE*** or ***PRIMARY CUSTODY.*** The person who is responsible for providing food, clothing, shelter, and other basic necessities to the minor. The person providing primary care or custody to the minor shall not be another minor.

***SCHOOL ACTIVITY.*** An event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

(C) *Hours.*

(1) *Minors under the age of 16 years.* No minor under the age of 16 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 10:30 p.m. and 5:00 a.m. the following day, official city time.

(2) *Minors ages 16 years to 18 years.* No minor of the ages of 16 or 17 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 12 midnight and 5:00 a.m. the following day, official city time.

(D) *Effect on control by adult responsible for minor.* Nothing in this section shall be construed to give a minor the right to stay out until the curfew hours designated in this section if otherwise directed by a parent, guardian, or other adult person having the primary care and custody of the minor; nor shall this section be construed to diminish or impair the control of the adult person having the primary care or custody of the minor.

(E) *Exceptions.* The provisions of this section shall not apply in the following situations:

(1) To a minor accompanied by his or her parent or guardian, or other adult person having the primary care and custody of the minor;

(2) To a minor who is upon an emergency errand at the direction of his or her parent, guardian, or other adult person having the primary care and custody of the minor;

(3) To a minor who is in any of the places described in this section if in connection with or as required by an employer engaged in a lawful business, trade, profession, or occupation; or to a minor traveling directly to or from the location of the business trade, profession, or occupation and the minor's residence. Minors who fall within the scope of this exception shall carry written proof of employment and proof of the hours the employer requires the minor's presence at work.

(4) To a minor who is participating in or traveling directly to or from an event which has been officially designated as a school activity by public or parochial school authorities; or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the city, a civic organization, school, religious institution, or similar entity that takes responsibility for the minor and with the permission of the minor's parent, guardian, or other adult person having the primary care and custody of the minor.

(5) To a minor who is passing through the city in the course of interstate travel during the hours of curfew.

(6) To a minor who is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or freedom of religion.

(7) To minors on the sidewalk abutting his or her residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the city's designated law enforcement provider about the minor's presence.

(8) To a minor who is married or has been married, or is otherwise legally emancipated.

(F) *Duties of person legally responsible for minor.* No parent, guardian, or other adult having the primary care or custody of any minor shall permit any violation of the requirements of this section by the minor.

(G) *Duties of other persons.* No person operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor to enter or remain in his or her place of business during the hours prohibited by this section unless the minor is accompanied by his or her parent, guardian or other adult person having primary care or custody of the minor, or unless 1 of the exceptions to this section apply.

(H) *Defense.* It shall be a defense to prosecution under this section that the owner, operator, or employee of an establishment promptly notified the city's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave. Penalty, see § 130.99

(I) *Penalty.*

(1) *Minors.* Any minor found to be in violation of this section may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. § 260.185, as it may be amended from time to time.

(2) *Adults.* Any adult person found to be in violation of this section shall be guilty of a misdemeanor.

**§ 130.03 NOISY PARTIES.**

(A) It is unlawful for any person or persons to congregate on any private lands because of, or participate in, any party or gathering of people from which noise emanates of a sufficient volume or of such nature as to disturb the peace, quiet or repose of other persons. Any owner or tenant of the private lands who has knowledge of the disturbance and fails to immediately abate the disturbance shall be guilty of a violation of this section.

(B) It is unlawful for any person or persons to congregate on any private lands of another because of, or participate in, any party or gathering of people in the absence of the owner of the private lands being present, without first having obtained written permission from the land owner. The written permission shall at all times be in the possession of 1 or more persons at the site of the congregation. The document containing the written permission must bear the signature of the land owner and date of the permitted use. Failure to display written permission upon request shall be considered prima facie evidence of an absence of permission from the owner or tenant.  
(Ord. 45, 3<sup>rd</sup> Series, eff. 6-1-1984)

(C) A violation of divisions (A) or (B) of this section shall give a police officer the authority to order all persons present other than persons identifying themselves as the land owner or owners to immediately disperse. Any person who shall refuse to leave after being ordered to do so by the police officer shall be guilty of a violation of this section.  
(Ord. 9, 3<sup>rd</sup> Series, eff. 6-1-1981)  
(1981 Code, § 9.33) Penalty, see § 130.99

**§ 130.04 ROLLER BLADES, ROLLER SKATES, AND SKATEBOARDS.**

(A) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***OPERATE.*** To ride on or upon or control the operation of roller blades, roller skates, or a skateboard.

***OPERATOR.*** Every person who operates or is in actual physical control of roller blades, roller skates, or a skateboard.

***ROLLER BLADES/ROLLER SKATES.*** A shoe with wheels attached or a device with wheels which is designed to be attached to a shoe.

***SKATEBOARD.*** A device for riding upon, usually while standing, consisting of an oblong piece of wood, or of other composition, mounted on skate wheels.

(B) It is unlawful for any person to operate roller blades, roller skates, or a skateboard under the circumstances set forth hereafter:

(1) On private property of another without the express permission to do so by the owner or occupant of the property;

(2) In any careless, reckless, or negligent manner so as to endanger or be likely to endanger the safety of another person or property of any other person.

(C) Any person operating roller blades, roller skates, or a skateboard shall yield the right-of-way to all pedestrians and all vehicles at all times.

(D) It is unlawful for any person operating roller blades, roller skates, or a skateboard to attach the same, or the person of the operator, to any vehicle upon the roadway.

(E) Every person operating roller blades, roller skates, or a skateboard upon a roadway shall ride as close as possible to the right-hand curb or edge of the roadway.

(F) It is unlawful for any person to use roller blades, roller skates, or a skateboard upon a public street, sidewalk, parking lot, or other public roadway between sunset and sunrise, except on private property with express permission of the owner.

(G) A person apprehended by a police officer in violation of the provisions of this section does by his or her use of the public sidewalks, streets, and public parking lots consent to the impoundment by a police officer of the roller blades, roller skates, or skateboard for a period of 3 days upon first offense, a week upon second offense, and 30 days upon a third or additional offense. Any operator aggrieved

by the impoundment of the operator's roller blades, roller skates, or skateboard may petition the Council for a hearing thereon at the next regular Council meeting following impoundment. This provision is in addition to the provisions for fines and penalties as set forth in § 130.99.  
(1981 Code, § 9.36) (Ord. 157, 3<sup>rd</sup> Series, eff. 6-4-1993) Penalty, see § 130.99

**§ 130.05 OPEN PITS, BASEMENTS, AND OTHER EXCAVATIONS.**

It is unlawful for any person owning or in control of real estate to have any pit, basement, well, septic tank, cesspool or other excavation on the premises open and without protection for the public.

(A) If the excavation is open for 72 hours or less, it shall be protected by use of flares or lights at night and a railing or other temporary protection during the day.

(B) If it shall be permanently installed, it shall be protected with a chain link fence at least 48 inches high, night and day.  
(1981 Code, § 9.70) Penalty, see § 130.99

**§ 130.06 HOUSEHOLD FURNISHINGS AND APPLIANCES STORED ON PRIVATE PROPERTY.**

It is unlawful to store any household furnishings or appliances on private property, unless housed within a lawfully erected building, and any violation is declared to be a nuisance. The city may, where there is a violation of this section, remove material constituting the offense, dispose of the material, and certify all costs thereof to the County Auditor to be entered upon the tax records of the offending party as a special assessment.  
(1981 Code, § 9.83) (Ord. 138, 3<sup>rd</sup> Series, eff. 9-11-1992) Penalty, see § 130.99

**§ 130.07 ANTI-SCAVENGING.**

Ownership of all trash, garbage, refuse, recyclables and separated materials set out for collection by the city or its assignees shall be vested in the city. It is unlawful for any person, firm, or corporation to pick up the materials for their or its own use, except the owner, lessee or occupant of a residential dwelling may take back materials set out at that particular dwelling.  
(1981 Code, § 9.90) (Ord. 166, 3<sup>rd</sup> Series, eff. 5-1-1994) Penalty, see § 130.99

**§ 130.99 PENALTY.**

(A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(B) Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

(C) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(D) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.

(E) In addition to any penalties provided for in this section or in § 10.98, if any person, firm or corporation fails to comply with any provision of this code, the Council or any city official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.

## CHAPTER 131: DRUG-RELATED OFFENSES

### Section

#### *General Provisions*

- 131.01 Unlawful use and furnishing of tobacco
- 131.02 Tobacco and minors

#### *Drug Paraphernalia*

- 131.20 Purpose and intent
- 131.21 Definitions
- 131.22 Unlawful acts
- 131.23 Evidence
- 131.24 Offenses
- 131.25 Civil forfeiture

### **GENERAL PROVISIONS**

#### **§ 131.01 UNLAWFUL USE AND FURNISHING OF TOBACCO.**

(A) It is unlawful for any person, under the age of 18 years, to use tobacco in any form.

(B) It is unlawful for any person to furnish tobacco, by any manner or means and in any form, to any person under the age of 18 years.

(1981 Code, § 9.35) (Ord. 118, 3<sup>rd</sup> Series, eff. 5-4-1990) Penalty, see § 130.99

#### **§ 131.02 TOBACCO AND MINORS.**

(A) *Minor defined.* **MINOR** means any natural person who has not yet reached the age of 18 years.

(B) *Possession by minor.* It is unlawful for any minor to have in his or her possession any tobacco, tobacco products, or tobacco related device. This division shall not apply to minors lawfully involved in a compliance check on behalf of the city.

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(C) *Use by minor.* It is unlawful for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco related device.

(D) *Procurement by or for minor.* It is unlawful:

(1) For any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco products, or tobacco related device;

(2) For any person to purchase or otherwise obtain such items on behalf of a minor;

(3) For any person to sell or otherwise provide any tobacco, tobacco product, or tobacco related device to any minor; and

(4) For any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco related device;

(5) This subdivision shall not apply to minors lawfully involved in a compliance check on behalf of the city.

(E) *False identification.* It is unlawful for any minor to attempt to disguise their true age by the use of a false form of identification, whether the identification is that of another person or 1 in which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

(F) *Exceptions and defenses.* Nothing in this section shall prevent the providing of tobacco, tobacco products, or tobacco related devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It is an affirmative defense to the violation of this section for a person to have reasonably relied on proof of age as described by state law.

(G) *Penalty.* Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, or tobacco related devices shall be directed to participate in counseling or other remedial programs as set forth and determined by the Council by resolution.

(Ord. 264, 3<sup>rd</sup> Series, passed 1-7-2003) Penalty, see § 130.99

***DRUG PARAPHERNALIA***

**§ 131.20 PURPOSE AND INTENT.**

The purpose of this section is to regulate the possession, manufacture, advertisement and delivery of drug paraphernalia and thereby deter the use of controlled substances in the city by controlling certain kinds of equipment and paraphernalia indigenously associated with the abuse of prohibited drugs and controlled substances. This section is not intended to allow what the Minnesota Statutes prohibit nor to prohibit what the Minnesota Statutes expressly allow. They are intended to prevent drug abuses. (1981 Code, § 9.34, Subd. 1) (Ord. 20, 3<sup>rd</sup> Series, eff. 6-13-1982)

**§ 131.21 DEFINITIONS.**

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

***DRUG PARAPHERNALIA.***

(A) All equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Minnesota Statutes or this section. It includes, but is not limited to:

- (1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

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(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose used, intended for use, or designed for use in cutting controlled substances;

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;

(8) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(9) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

(11) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injected controlled substances into the human body;

(12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Roach clips meaning objects used to hold burning material such as a marijuana cigarette which has become too small or too short to be held in the hand;

(f) Miniature cocaine spoons and cocaine vials;

(g) Chamber pipes;

(h) Carburetor pipes;

(i) Electric pipes;

(j) Air driven pipes;

(k) Chilums;

(l) Bongs;

(m) Ice pipes or chillers.

(B) **DRUG PARAPHERNALIA** does not include the possession, manufacture, delivery, or sale of hypodermic needles or syringes in accordance with M.S. § 151.40, Subd. 2, as it may be amended from time to time.

(1981 Code, § 9.34, Subd. 2) (Ord. 20, 3<sup>rd</sup> Series, eff. 6-13-1982)

### § 131.22 UNLAWFUL ACTS.

It is unlawful for any person to possess, have under his or her control, manufacture, sell, furnish, dispense, or otherwise dispose of hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections, except by persons possessing the same pursuant to an order or direction from a licensed doctor of medicine, acting in the course of his or her practice or employment, or by the following persons when acting in the course of their practice or employment: licensed practitioners, registered pharmacies and their employees or agents, registered pharmacists, licensed doctors of veterinary medicine or their assistants, registered nurses, registered medical technologists, medical interns, registered drug wholesalers, their employees or agents, licensed hospitals, licensed nursing homes, bona fide hospitals where animals are treated, laboratories, persons engaged in bona fide research or education or industrial use of hypodermic syringes and needles, provided such persons cannot use hypodermic syringes and needles for the administration of drugs to human beings unless the drugs are prescribed, dispensed, and administered by a person lawfully authorized to do so, persons who administer drugs pursuant to an order or direction of a licensed doctor of medicine or of a licensed doctor of osteopathy duly licensed to practice medicine.

(1981 Code, § 9.34, Subd. 3) (Ord. 20, 3<sup>rd</sup> Series, eff. 6-13-1982) Penalty, see § 130.99

### § 131.23 EVIDENCE.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(A) Statements by an owner or by anyone in control of the object concerning its use;

(B) Prior convictions, if any, of an owner or anyone in control of the object under state or federal law relating to any controlled substance;

(C) The proximity of the object, in time and space, to a direct violation of this subchapter;

(D) The proximity of the object to controlled substances;

(E) The existence of any residue of controlled substances on the object;

(F) Direct or circumstantial evidence of the intent of an owner or anyone in control of the object to deliver it to persons who he/she knows, or should reasonably know, intend to use the object to facilitate a violation of this subchapter; the innocence of an owner or anyone in control of the object as a direct violation of this subchapter should not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;

(G) Instructions, oral or written, provided with the object concerning its use;

(H) Descriptive materials accompanying the object which explain or depict its use;

(I) National and local advertising concerning its use;

(J) The manner in which the object is displayed for sale;

(K) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(L) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

(M) The existence and scope of legitimate uses for the object in the community;

(N) Expert testimony concerning its use.

(1981 Code, § 9.34, Subd. 4) (Ord. 20, 3<sup>rd</sup> Series, eff. 6-13-1982)

#### § 131.24 OFFENSES.

(A) *Possession.* It is unlawful for any person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this subchapter.

(B) *Manufacture or delivery.* It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this subchapter.

(C) *Minors.* Any person 18 years of age or over who violates division (B) of this section by delivering drug paraphernalia and the delivery is to a person who is under 18 years of age and at least 3 years his or her junior shall also be violating this section.

(D) *Advertisement*. It is unlawful for any person to place in, any newspaper, magazine, handbill, or other publication any advertisement knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(1981 Code, § 9.34, Subd. 5) (Ord. 20, 3<sup>rd</sup> Series, eff. 6-13-1982) Penalty, see § 130.99

**§ 131.25 CIVIL FORFEITURE.**

All drug paraphernalia as hereinbefore defined in § 131.20 is subject to forfeiture, subject to the provisions set forth in M.S. § 152.19, subdivisions 2 and 4, as they may be amended from time to time, in the same manner as if the forfeiture were pursuant to M.S. § 609.5311, as it may be amended from time to time.

(1981 Code, § 9.34, Subd. 6) (Ord. 20, 3<sup>rd</sup> Series, eff. 6-13-1982)



## CHAPTER 132: DANGEROUS WEAPONS

### Section

- 132.01 Definitions
- 132.02 Possession prohibited
- 132.03 Transportation of an assault weapon or firearm
- 132.04 Discharging firearms
- 132.05 Confiscation
- 132.06 Use of bow and arrow

### § 132.01 DEFINITIONS.

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

**ASSAULT WEAPON.** Any of the following objects:

- (1) Dagger, dirk or stiletto;
- (2) Sabre or sword;
- (3) Switchblade knife, spring blade knife or any knife the blade of which can be opened by gravity or a flick of the wrist;
- (4) Blackjack, sand club, sap, pipe club, or bludgeon;
- (5) Chain club or chains assembled or used as an assault weapon;
- (6) Artificial knuckles or other objects designed to be worn over the fist or knuckles;
- (7) Throwing devices with cutting or pointed edges;
- (8) Japanese or other night sticks, nutcracker, nanchaki, chaka, flail, karate stick, morning star;
- (9) Sling shots;
- (10) Spears, lances.

**FIREARM.** Any weapon from which is propelled any missile, projectile, or bullet by means of explosives, gas or compressed air, springs, or elastic material and shall include air and BB guns. This definition does not include handguns or pistols as defined and regulated by statute.

**PUBLIC PLACE.** Any area, building or structure which is open and accessible to the public. (1981 Code, § 9.20, Subd. 1) (Ord. 34, 3<sup>rd</sup> Series, eff. 12-16-1983)

### § 132.02 POSSESSION PROHIBITED.

It is unlawful for any person to have in his or her possession, custody or control in a public place, in the residence of another without their permission, or in the passenger compartment of a motor vehicle within the city any assault weapon or firearm, as hereinbefore defined.

(1981 Code, § 9.20, Subd. 2) (Ord. 34, 3<sup>rd</sup> Series, eff. 12-16-1983) Penalty, see § 130.99

### § 132.03 TRANSPORTATION OF AN ASSAULT WEAPON OR FIREARM.

An assault weapon or firearm may be transported in a motor vehicle if it is:

(A) In a secured container; and

(B) In the locked trunk of the vehicle or, if the vehicle does not have a trunk, in the farther rear portion of the vehicle in an area not normally occupied by the driver or passengers.

(C) A firearm may be transported pursuant to divisions (A) and (B) of this section, if it is unloaded. (1981 Code, § 9.20, Subd. 3) (Ord. 34, 3<sup>rd</sup> Series, eff. 12-16-1983)

### § 132.04 DISCHARGING FIREARMS.

(A) *Shooting upon, over or near a cemetery.* No person shall, without permission from the proper officials, discharge a firearm upon or over a cemetery or within 100 yards thereof, unless the person is upon his or her or her own land.

(B) *Hunting near a city park.* No person shall hunt, shoot, or kill game within ½ mile of a city park unless the City Council has granted permission to kill game not desired within the limits prohibited by this division.

(C) *Discharge of firearms prohibited in certain places.* No person shall discharge a firearm on a lawn, park, playground, orchard, or other ground appurtenant to a school, church, or an inhabited dwelling, the property of another, or a charitable institution. This section does not prevent or prohibit the owner thereof from discharging firearms upon his or her own land.

(D) *Discharging firearms on highways prohibited.* No person shall discharge a firearm upon or over a public road or highway.

(E) *Exceptions.* This section shall not prohibit the firing of a military salute or the firing of weapons by persons of the nation's armed forces acting under military authority, and shall not apply to law enforcement officials in the proper enforcement of the law, or to any person in the proper exercise of the right of self defense, or to any person otherwise lawfully permitted by proper federal, state or local authorities to discharge a firearm in a manner contrary to the provisions of this section.

(F) If any of the above provisions are found to be in conflict with M.S. § 624.717, as it may be amended from time to time, the provisions of that statute shall prevail.

Penalty, see § 130.99

**§ 132.05 CONFISCATION.**

Any assault weapon or firearm duly adjudged by any court of competent jurisdiction to have been worn, carried, possessed, used or handled in violation of any City Code provision or state statute may be confiscated and disposed of by the Chief of Police who may provide for its sale, destruction or other disposition.

(1981 Code, § 9.20, Subd. 5) (Ord. 34, 3<sup>rd</sup> Series, eff. 12-16-1983)

**§ 132.06 USE OF BOW AND ARROW.**

It is unlawful for any person to shoot a bow and arrow except in the Physical Education Program in a school supervised by a member of its faculty, or a community wide supervised class or event specifically authorized by the Chief of Police.

(1981 Code, § 9.20, Subd. 6) (Ord. 34, 3<sup>rd</sup> Series, eff. 12-16-1983) Penalty, see § 130.99

