

ORDINANCE NO. 2009-11

**CITY OF DAYTON
HENNEPIN AND WRIGHT COUNTIES, MINNESOTA**

AN ORDINANCE AMENDING THE DAYTON CODE REGARDING WEAPONS

**THE CITY COUNCIL OF THE CITY OF DAYTON, MINNESOTA ORDAINS AS
FOLLOWS:**

SECTION 1. AMENDMENT. City Code § 505 shall be amended by repealing in their entirety City Code § 505 and adopting and replacing them with the following:

505. Weapons.

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

- (1) Dangerous Weapon includes, but is not limited to, the following:
 - a. Archery bows, arrows, and crossbows.
 - b. Firearms. Firearms include, but are not limited to, the following:
 - (i) Any device from which may be fired or ejected one or more solid projectiles by means of 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.
 - (ii) Rifles, shotguns, muzzleloaders, and pistols.
 - (iii) All firearms, whether loaded or unloaded.
 - (iv) All instruments used to expel by means of explosives, gas or compressed air, springs or elastic materials, a hard, solid missile or projectile, or bullet or pellet of any kind, including, but not limited to, B-B guns, sling shots, paint ball and air rifles;.
 - (v) Any similar type of instrument, whether such instrument is called by any name set forth herein or any other name.
 - c. High powered firearms, including, but not limited to, any gun from which a shot or projectile other than a shot shell or shotgun slug is discharged by means of explosive gas or compressed air.

505.02.

Prohibited Acts.

- (1) Intent. The intent of this subdivision is to prohibit the discharge of firearms within close proximity of buildings occupied by humans or livestock in the spirit of providing for public safety. In instances where hunting on public lands or waters are impacted by this ordinance, a landowner can give permission for the discharge of firearms closer than 1,000 feet, but not less than the distance mandated by Department of Natural Resources regulations, of a building occupied by humans or livestock, but cannot solely control that section of public land or water for their exclusive use. In such circumstances, the area will be determined as open to all permitted hunters or closed, by the Chief of Police.

- (2) Prohibited Acts. The following actions are prohibited within the corporate limits of the City of Dayton:
 - a. The discharge or use of a firearm within ~~1,000~~ 500 feet of a building occupied by humans or livestock without the written permission of the owner, occupant, or lessee, with the exception of all natural bodies of water including, but limited to, Diamond Lake, Lake Laura, French Lake, Dubai Lake, Grass Lake, unnamed lake on No. Diamond Lake Road, Powers Lake, and Goose Lake and that would remain at 1,000 feet.

 - b. The discharge or use of an archery bow and arrow(s) or crossbow and all instruments used to expel by means of explosives, gas or compressed air, springs or elastic materials, a hard, solid missile or projectile, or bullet or pellet of any kind, including, but not limited to, B-B guns, sling shots, paint ball and air rifles within 300 feet of a building occupied by humans or livestock without the written permission of the owner, occupant, or lessee.

 - c. The reckless handling or use of a Dangerous Weapon so as to endanger the safety of another.

 - d. The aiming of any Dangerous Weapon, whether loaded or not, at or toward any human being.

 - e. The discharge of any Dangerous Weapon upon, over, or across any public road or while within the limits of any public road or railroad right of way.

- (3) Exceptions; Lawful Defense and Law Enforcement. The provisions of this subdivision shall not apply to:
- a. Any police or peace officer, sheriff, or any officer of the United States or the State of Minnesota or any of its counties who may discharge a firearm or gun in the City in the course and scope of his or her duties.
 - b. The discharge of any Dangerous Weapon in the lawful defense of person or property.
 - c. A landowner or a member of a landowner's immediate family may use a firearm for the purpose of protecting livestock from an unprotected predator, destroying nuisance raccoons, and nuisance unprotected birds and animals within rural areas.
 - d. The use of bows and discharge of arrows on official city or county designated archery ranges.
 - e. Minors attending a firearms safety program under the direction of the Commissioner of Natural Resources undertaken with the permission of the minor's parent or guardian.

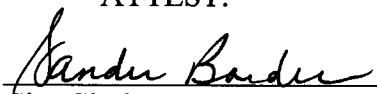
SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from January 1, 2010, and publication as required by law.

ADOPTED by the City Council of Dayton this 13th day of October, 2009.



Mayor

ATTEST:



City Clerk

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