

## ORDINANCE NO. 5

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

The Town Board of the Township of Eureka, County of Dakota, State of Minnesota, ordains as follows:

#### **Section 1 - DEFINITIONS**

Subdivision 1. 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 shotguns, rifles, pistols, air rifles, B.B. guns, slingshots and bows propelling pointed arrows.

Subdivision 2. PERSON shall mean any individual, regardless of age or residence.

Subdivision 3. LAND OWNER shall mean any person, group, firm, or corporation owning, leasing or legally controlling any lands within the territorial limits of the Town of Eureka.

Subdivision 4. ENCASED FIREARM shall mean any weapon included in the above definitions of "SHOOTING" placed in a case in such manner as to prevent shooting of the same.

Subdivision 5. 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 6. HAND GUN shall mean any firearm designed to be fired from the hand.

Subdivision 7. DISMANTLED FIREARM shall mean any weapon included in the above definition of "SHOOTING" 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 8. CARRYING shall mean the actual physical transportation of a firearm as defined in “SHOOTING” above, 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 9. EXPRESS INVITATION shall mean actual written notice signed by the “LANDOWNER” with said “LANDOWNER’S” name, address, and telephone number clearly imprinted on same, and carried on the person of at least (1) 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.

## **Section 2 - PROHIBITION**

Subdivision 1. SHOOTING AND UNENCASED FIREARMS PROHIBITED No shooting or carrying of firearms which are not encased shall be permitted within the territorial limits of the Town of Eureka by any person under any circumstances whatever, except:

- A. A landowner or his guest by express 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 occur within 500 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 where such firearm is unloaded and carried or transported in a locked vehicle trunk or in a vehicle without trunk, where such firearm is so placed so to be Out of reach of the driver and all passengers.

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

Subdivision 2. PERSONS PROHIBITED. It shall be unlawful for any person within the Township of Eureka 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 Conservation 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.
- C. 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, narcotics, or other drugs.

Subdivision 3. POSSESSION AND TRANSPORTING OF ASSAULT WEAPONS. It shall be unlawful for any person within the Township of Eureka 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 4. HAND GUN. It shall be unlawful for any person within the Township of Eureka to carry on his person at any place other than his residence, or to transport in any vehicle, any hand gun except:

- A. By law enforcement or military personnel during the course of duty.
- B. While unloaded and being transported in an automobile or truck, such hand gun shall be locked in the trunk of such automobile or truck and if such automobile or truck does not have a trunk, the hand gun shall be secured in the furthest rear portion of the vehicle but in an area not normally occupied by the driver or passenger(s) and shall be encased or dismantled.

### **Section 3 - EXCEPTIONS**

Subdivision 1. Nothing in this Ordinance shall be construed to embrace the tiring of any gun, pistol or other firearm when done in the lawful defense of person, family, or property, or in necessary enforcement of law.

Subdivision 2. Nothing in this Ordinance shall be construed to embrace or restrict the owner or operator of land from shooting predators or varmints on land owned or operated by him.

**Section 4 - PENALTY**

Any person violating this Ordinance or any portion thereof shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one-hundred-dollars (\$100.00) or by imprisonment in the County jail for a period not exceeding ninety (90) days. Each such violation shall constitute a separate offense punishable as aforesaid.

**Section 5 - EFFECTIVE DATE**

This Ordinance shall take effect upon its adoption and publication according to law.

ATTEST:

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Albert .J. Wachter  
Eureka Town Chairman

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H.O. Leine  
Eureka Town Clerk

Passed by the Eureka Town Board the 12th day of June, 1972.

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