

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**

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## CHAPTER 130: GENERAL OFFENSES

Section

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## ***DANGEROUS WEAPONS, ARTICLES, AND FIREWORKS***

### **§ 130.01 ACTS PROHIBITED.**

(A) *Regulations.* It is unlawful for any person to:

(1) Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another;

(2) Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another;

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- (3) Manufacture or sell for any unlawful purpose any weapon known as a sling-shot or sand club;
- (4) Manufacture, transfer, or possess metal knuckles or a switch blade knife opening automatically;
- (5) Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another;
- (6) Sell or have in his or her possession any device designed to silence or muffle the discharge of a firearm;
- (7) Permit, as a parent or guardian, any child under 14 years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive;
- (8) Furnish a minor under 18 years of age with a firearm, air gun, ammunition, or explosive without the written consent of his or her parent or guardian or of the Police Department; or
- (9) Possess, sell, transfer, or have in possession for sale or transfer, any weapon commonly known as a throwing star, nun chuck, sharp stud, or splat gun. For the purposes of this division (A)(9): a **THROWING STAR** means a circular metallic device with any number of points projecting from the edge; a **NUN CHUCK** means a pair of wood sticks or metallic rods separated by chain links attached to one end of each such stick or rod; a **SHARP STUD** means a circular piece of metal attached to a wrist band, glove, belt, or other material which protrudes one-fourth inch, or more, from the material to which it is attached, and with the protruding portion pyramidal in shape, sharp or pointed; and a **SPLAT GUN** means a weapon which, by means of compressed air or gas, emits a projectile containing paint or other substance.

(B) *Exception.* Nothing in division (A) above shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art. (2005 Code, § 10.01) Penalty, see § 130.99

**§ 130.02 DISCHARGE OF FIREARMS AND EXPLOSIVES.**

(A) *Prohibited actions.* It is unlawful for any person to fire or discharge any cannon, gun, pistol, or other firearm, firecracker, sky rocket, or other fireworks, air gun, air rifle, or other similar device commonly referred to as a BB gun. This section shall not apply to the discharge of legal fireworks as defined in § 130.03(B).

(B) *Exception.*

- (1) Nothing in division (A) above shall apply to the following:

(a) A display of fireworks by an organization or group of organizations authorized in writing by the Council;

(b) Firing or discharging firearms when it is an integral part of an entertainment or cultural event and is authorized in writing by the Council. Such authorization shall be granted only on a case by case basis and shall state the conditions under which a permit for the firing or discharging of firearms is to be issued;

(c) To a peace officer in the discharge of his or her duty; and

(d) To a person in the lawful defense of his or her person or family.

(2) This section shall not apply to the discharge of firearms in a range authorized in writing by the Council.

(2005 Code, § 10.01) Penalty, see § 130.99

### § 130.03 POSSESSION AND SALE OF FIREWORKS.

(A) *Sale of fireworks.* It is unlawful to sell fireworks in the city in violation of M.S. §§ 624.20 through 624.25, inclusive, which are adopted by reference. Legal fireworks, as defined in division (B) below, may, however, be sold upon issuance of a license issued by the city.

(B) *Definition.* For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**LEGAL FIREWORKS.** Include wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of chemical mixture per tube or a total of 200-grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

(C) *Application.* The application for a license shall contain the following information: name, address, and telephone number of applicant; the address of the location where fireworks will be sold; the type of legal fireworks to be sold; the estimated quantity of legal fireworks that will be stored on the licensed premises.

(D) *Processing application.* The application must be filed with the City Clerk together with the permit fee. Following an inspection of the premises proposed to be licensed, the city shall issue the permit if the conditions for license approval are satisfied and the location is properly zoned. If the city denies the permit application, the permit applicant may, within ten days, appeal the decision to the City Council.

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(E) *Conditions of license.* The license shall be issued subject to the following conditions:

- (1) The license is non-transferable, either to a different person or location;
- (2) The licensed premises must contain an automatic sprinkler system;
- (3) The license must be publicly displayed on the licensed premises;
- (4) Premises must be posted "NO SMOKING";
- (5) The premises are subject to inspection by city employees including police officers, the Fire Chief, and the Fire Marshal during normal business hours;
- (6) The sale of legal fireworks must be in an allowed area of the premises; and
- (7) The premises must be in compliance with the State Building Code and State Fire Code.

(F) *License period and license fee.* Licenses shall be issued for a calendar year at an established fee of \$100 per year. License fees shall not be prorated.

(G) *Revocation of license.* Following written notice and an opportunity for a hearing, the city may revoke a license for violation of this section or state law concerning the sale, use, or possession of fireworks. If a license is revoked, neither the applicant nor the licensed premises may obtain a license for 12 months.

(2005 Code, § 10.01) Penalty, see § 130.99

### § 130.04 EXPOSURE OF UNUSED CONTAINER.

It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box, or other container, sufficiently large to retain any child and with doors which fasten automatically when closed, to expose the same accessible to children, without removing the doors, lids, hinges, or latches.

(2005 Code, § 10.01) Penalty, see § 130.99

### § 130.05 USE OF BOW AND ARROW.

It is unlawful for any person to shoot a bow and arrow or other similar device within the city limits except in a physical education program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the Chief of Police, or a bow and arrow range authorized by the Council.

(2005 Code, § 10.01) Penalty, see § 130.99

*CURFEW***§ 130.20 PURPOSE.**

The curfew for minors established by this section is maintained for four primary reasons:

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

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

(C) To protect minors from criminal activity that occurs during the curfew hours; and

(D) To help parents control their minor children.

(2005 Code, § 10.02)

**§ 130.21 DEFINITIONS.**

For the purpose of this subchapter, 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 Sheriff's 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.

(2005 Code, § 10.02)

**§ 130.22 HOURS.**

(A) *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.

(B) *Minors ages 16 years to 17 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 12:00 midnight and 5:00 a.m. the following day, official city time.  
(2005 Code, § 10.02) Penalty, see § 130.99

**§ 130.23 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.  
(2005 Code, § 10.02)

**§ 130.24 EXCEPTIONS.**

The provisions of this subchapter shall not apply in the following situations:

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

(B) 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;

(C) 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;

(D) 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;



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

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

(G) 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; or

(H) To a minor who is married or has been married, or is otherwise legally emancipated.  
(2005 Code, § 10.02)

**§ 130.25 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 minor to enter or remain in his or her place of business during the hours prohibited by this subchapter 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 one of the exceptions to this section apply.  
(2005 Code, § 10.02) Penalty, see § 130.99

**§ 130.26 DEFENSE.**

It shall be a defense to prosecution under § 130.25 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.  
(2005 Code, § 10.02)

**§ 130.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) *Minors.* Any minor found to be in violation of §§ 130.20 to 130.25 adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. § 260B.198, as it may be amended from time to time.

(2) *Adults.* Any adult person found to be in violation of §§ 130.20 to 130.25 shall be guilty of a misdemeanor.  
(2005 Code, § 10.02)

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