

ORDINANCE NO. 2009-14

**AN ORDINANCE AMENDING TITLE 5 (BAXTER POLICE REGULATIONS)
OF THE BAXTER CITY CODE BY MODIFYING THE DISCHARGE OF FIRE
ARMS.**

The City Council of Baxter Minnesota, hereby ordains:

SECTION 1.

5-1-4: HUNTING REGULATIONS AND THE DISCHARGE OF FIREARMS:

A. Statute Authority: This section is passed pursuant to the general authority granted to statutory cities to regulate the health, safety and general welfare, as well as nuisances, under Minnesota Statutes section 412.221, and in addition more specifically under Minnesota Statutes section 471.633 whereby the state legislature has authorized municipalities to regulate the discharge of firearms.

B. Definitions:

Firearm, as used in this section means all rifles, shotguns, handguns, and firearms using smokeless or black powder.

Bow, as used in this section means a flexible, curved strip of wood, metal, fiberglass, plastic, or other material, with a cord connecting the two ends, designed to shoot arrows. This definition includes a device popularly known as a crossbow.

Arrow, as used in this section means a slender shaft, pointed at one end, or designed to have a pointed head or tip attached, and feathered at the other end.

C. Discharge Prohibited:

1. **It shall be unlawful for any person to discharge a rifle or handgun any firearm within the city limits.**

2. It shall be unlawful for any person to discharge any firearm except in conformance with state and federal statutes and as outlined in subsection E of this section.

3. Any discharge of firearms or hunting within five hundred feet (500') of a dwelling or occupied building is not allowed.

- D. Exception: This section shall not apply to police officers or authorized law enforcement officers or personnel when using firearms in the course of performance of their duties.
- E. Lawful Use: This subsection defines lawful use of firearms in the city. Required permits shall be issued by the **Chief of Police or the Chief's designee**.

1. **Nuisance Permits**: Use of a .22 caliber rimfire rifle by permit to exterminate small nuisance animals in an otherwise legal manner for a period not to exceed thirty (30) days. Such permits will be issued for only one individual for such use on their own property, and only to persons at least eighteen (18) years of age. Users must follow all applicable state laws.


2. **Big Game**: Use of a shotgun, muzzle loading long gun or legal handgun for hunting of big game is allowed in areas designated by ~~resolution of the City Council~~ and in conformance with hunting seasons and regulations set by the Minnesota Department of Natural Resources. Permits are issued on an individual basis only to holders of a valid big game hunting license, and only for a period that the license is valid. The applicant must indicate the area where such hunting activities will occur.

3. **Target Practice: It shall be unlawful to use a rifle or handgun for target practice within the City of Baxter. However, use of a firearm for target practice is allowed only in areas designated by ~~resolution of the City Council~~ and shall require a permit. Discharge of a rifle or pistol for such purposes is illegal in the city.** Participants or permit holders shall be at least eighteen (18) years of age and own the property on which such activities will take place or have written permission **on their person from** ~~of~~ the property owner. Minor children may participate in target practice activities, provided that the guardian or parent is present and directing such use. Such minor child shall have completed Minnesota Department of Natural Resource gun training and hold a valid certificate. Required permits shall be issued on an individual basis only. The permit must indicate the place of such activity, usage days and hours. Firearms used for target practice may be discharged during the time period from nine o'clock (9:00) A.M. to legal sunset.

4. **Small Game**: Use of a shotgun and shot for hunting small game is allowed in areas designated by ~~resolution of the City Council~~. All use shall be in conformance with hunting seasons and regulations set by the Minnesota Department of Natural Resources.


- F. **Archery Hunting: Use of a bow and arrow for hunting is allowed in the city in areas designated by the city council. All archery hunting shall be in conformance with hunting seasons and regulations set by the Minnesota Department of Natural Resources. Target practice using a bow and arrow is allowed on your own property or on private property with written permission from the owner. Permission must be on their person at the time the activity is occurring. All target practice activity must be conducted in a safe manner so as not to endanger or risk injury to others.**
- G. Penalty: Violation of any provision of this section or usage of firearms in violation of Minnesota Statutes or Minnesota Department of Natural Resources regulations/rules shall result in revocation of any permit and forfeiture of issuance of future permits for a five (5) year period. Any person violating any provision of this section is guilty of a misdemeanor. (Ord. 45.3, 9-4-2001)

Passed by the Baxter City Council on August 6, 2009.



Darrel Olson
Its Mayor

ATTEST:



Beva Olson
City Clerk

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Recorded at the Crow Wing Recorder's Office on--Not Required.

THIS DOCUMENT DRAFTED BY:

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PLEASE RETURN DOCUMENTS TO THE ABOVE ADDRESSEE.