

## CHAPTER 9 – MISCELLANEOUS OFFENSES

### 9.01 FIREARMS, WEAPONS AND AMMUNITION.

1. Definitions. The following words and phrases when used in this Section shall have the following meanings:
  - A. “Dangerous Weapon” means:
    - i. All firearms, whether loaded or unloaded;
    - ii. Bows and arrows, when the arrows are pointed tipped;
    - iii. All military-type weapons;
    - iv. Any weapon other than firearms or military-type weapons having the design or characteristics of any dagger, dirk, stiletto, switchblade knife, spring blade knife, push-button knife, blackjack, sand club, pipe club, chain club, slingshot, blackjack, throwing stars, swords, metal knuckles; or
    - v. Any dangerous article or substance designed for the purpose of being used as a weapon and capable of producing death or great bodily harm; any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm; or any incendiary device or fire that is used to produce death or great bodily harm.
  - B. “Firearm” means any weapon from which is propelled any dart, missile, projectile, or bullet by means of explosives, gas or compressed air, springs, or elastic materials, notwithstanding that such dart, missile or projectile remains attached to the weapon by wire and shall include air and “BB” guns.
  - C. “Military-Type Weapon” means any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons, having a bore diameter of larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, or Molotov cocktails, but not including shotguns, rifles, pistols or revolvers included in the definition of a firearm. Restrictive devices which are not firearms and ammunition for any military-type weapon which is inert and not readily restorable, both mechanically and by intent, shall be exempted from the provisions of this Section.

2. Prohibited Actions.

A. Possession of Dangerous Weapons.

- i. No person shall possess a dangerous weapon on their person or in a motor vehicle, snowmobile, or boat in a public place except as permitted under the Minnesota Citizen's Personal Protection Act ("MCPA"), Minnesota Statutes Sections 624.714 – 624.719.
- ii. No person shall possess any dangerous weapon for the purpose of being used unlawfully as a weapon against another.

B. Use of Dangerous Weapons.

- i. No person shall display a dangerous weapon in a threatening manner.
- ii. No person shall discharge any firearm within the City except:
  - a. In lawful defense of person or property;
  - b. In those areas that are licensed as rifle ranges, trap shooting ranges, or target ranges;
  - c. By a member of an authorized veterans or law enforcement Honor Guard discharging a rifle volley as an honorary salute at a cemetery located within the City; or
  - d. By licensed peace officers or military personnel in the course of their duties and as necessary in connection with enforcement of the law.
  - e. By any person participating in a special bow and arrow(archery) hunting season established by the City Council for the purpose of deer management.
- iii. No person shall handle or use a dangerous weapon in a reckless manner so as to endanger the safety of another.

- iv. No person shall aim a dangerous weapon, whether loaded or unloaded, at or toward any human being.

3. **Permitted Deer Management Activities**

By resolution, the City Council may approve deer management activities with the City, including a deer management program which authorizes the hunting of deer by use of a bow and arrow in certain numbers, on specific dates, and at designated locations within the City. Deer management program activities may occur only on those properties identified by the City Council in its resolution as part of the City's deer management program and must comply with all the terms of the applicable resolution. No deer management activities may occur on private property without written permission of the property owner. 11/20

C. Transportation of Dangerous Weapons.

- i. No person shall transport a dangerous weapon in a motor vehicle unless: the dangerous weapon is in a closed and fastened container or securely tied package; in the locked trunk of the vehicle being used to transport the dangerous weapon or, if the vehicle does not have a trunk, in the farthest rear portion of the vehicle in an area not normally occupied by the driver or passenger; and it is unloaded, disassembled, or otherwise rendered incapable of immediate operation, if possible.
- ii. A pistol shall be transported in the manner required under Minnesota Statutes Section 624.714, subd. 9.

D. Sale, Gift or Delivery of Firearms. No person shall sell, lend, give or deliver any firearm except as permitted under the MCPA or other applicable State Statutes.

**9.02 OPEN BURNING RESTRICTIONS AND PERMITTING REQUIREMENTS.**

1. Adoption of State Law by Reference. The provisions of Minnesota Statutes Sections 88.01 through 88.22, inclusive, (the “Wildfire Act”) are hereby adopted by reference and are made a part of this Section as if set out in full.
2. Permit Required. No person shall start or allow any open fire, except for those fires listed as exceptions under Minnesota Statutes Section 88.16, subd. 2, or engage in open burning on any property within the City, without first having obtained an open burning permit.
3. Permit Process. Open burning permits shall be obtained by completing and submitting an application form to the City Clerk which will be forwarded to the Fire Department. The application shall be reviewed by the Fire Department, and a preliminary site inspection to review the proposed burn site(s), draft a fire event safety plan and note any special conditions will be scheduled. The applicant shall demonstrate to the designated fire official the ability to comply with applicable State Statutes and this Section. After the preliminary site inspection, the proposed applicant shall pile the materials to be burned and notify the Fire Department of such piling. The Fire Department may, at its sole discretion, inspect the piling before issuing a permit. If the application is approved, the applicant shall pay the open burning permit fee established by the City Council before the permit may be issued.

4. Denial of Permit. If the established criteria for the issuance of an open burning permit are not met, the application will be denied. Even if the established criteria for the issuance of an open burning permit are met, if it is determined that a practical alternative method for disposal exists, a pollution or nuisance condition would result, or if a burn event safety plan cannot be drafted to the satisfaction of the designated fire official, the application may be denied.
5. Permit Holder Responsibility. The permit holder shall be responsible for complying with the specific terms of the permit, which shall be available for inspection upon demand of the DNR, law enforcement, or the Fire Department. The open burn shall be attended to at all times, and no fire shall be allowed to smolder. The fire shall be completely extinguished before the permit holder leaves the site. Prior to starting an open burn, the permit holder shall confirm that no burning ban or air quality alert is in effect, and no open burn will be permitted when the City or the DNR has officially declared a burning ban due to potentially hazardous fire conditions or when the MPCA has declared an air quality alert.
6. Hours. Open burning hours shall be from 9:00 a.m. until 11:00 p.m.
7. No Obligation. Nothing contained in this Section shall be deemed to obligate the City to issue a permit for an open fire or for open burning. Any permits applied for hereunder may be issued by the City at its sole discretion and the City may impose, as a part of any permit issued hereunder, any conditions on the applicant that it deems necessary to protect the health, safety and welfare of the citizens of the City and any property, real or personal, contained within the City's boundaries. Furthermore, any permit issued by the City pursuant to this Section is subject to revocation at the discretion of a DNR officer or a designated fire official. Reasons for revocation include but are not limited to: a fire hazard existing or developing during the course of the burn; any permit conditions being violated during the course of the burn; pollution or nuisance conditions developing during the course of the burn; or a fire smoldering with no flame or attendant present. (6/95)

### **9.03 FIREWORKS.**

1. Permits. No outdoor fireworks display may occur unless a permit for such display has been secured from the City Clerk in accordance with the provisions of Minnesota Statutes Section 624.22, subd. 1. A retail seller of items authorized for sale under Minnesota Statutes Section 624.20, subd. 1(c) shall annually obtain a retail sale license for such items. Retail sales of fireworks must comply with any applicable zoning regulations.

2. Permit Fees. The City Council shall establish the fee for issuance of a retail sale permit for the sale of those items authorized under Minnesota Statutes Section 624.20, subd. 1(c) and for a fireworks display permit, which shall be paid before a retail sale permit or fireworks display permit may be issued.

#### **9.04 LOITERING WITH INTENT TO COMMIT CRIME.**

A person must not in any public or private place lurk, loiter, prowl, lie in wait, or be concealed with intent to commit any act prohibited by law.

#### **9.05 TARGETED RESIDENTIAL PICKETING.**

1. Purpose. The City of Mahtomedi has an interest in safeguarding the right of Mahtomedi residents to enjoy, in their home and dwelling, a feeling of well-being, tranquility and privacy. The Mahtomedi City Council finds that targeted residential picketing in front of or about a residential dwelling causes emotional distress to the dwelling occupant(s); obstructs and interferes with the free use of public rights of way; and has as its object the harassment of the dwelling occupant(s).

The City Council further finds that, without resorting to targeted residential picketing, ample opportunities exist for those otherwise engaged in targeted residential picketing to exercise constitutionally protected freedom of speech and expression.

2. Definitions.
  - A. “Targeted Residential Picketing” means standing, marching, patrolling, or other similar activities by one or more persons focused on, in front of or about a particular residential dwelling without the consent of the dwelling’s occupant(s).
  - B. “Residential Dwelling” means a structure used as a place of residence and in which no individual other than individuals residing therein or domestic employees, is regularly employed.
3. Prohibited. No person shall engage in targeted residential picketing within the City. (1/28/91)

#### **9.06 SEXUAL OFFENDERS AND SEXUAL PREDATORS**

##### **1. Findings and Intent.**

A. Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat

to public safety. Current information indicates that such predatory offenders are likely to use physical violence and to repeat their offenses, and most predatory offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. The cost of predatory offender victimization to society at large, while not precisely calculable, is steep.

B. It is the intent of this Section to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain predatory offenders are prohibited from establishing temporary or permanent residences.

## 2. Definitions.

A. Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- i. "Designated predatory offender" means any person who has been convicted of an offense identified in Minnesota Statutes Section 243.166, subd. 1b, or a similar offense under the laws of another state, requiring the offender to register with the Department of Corrections and who has been assigned a risk level of III (referred to as a Level III Predatory Offender) pursuant to Minnesota Statutes Section 244.052 or who otherwise is required to register with the Department of Corrections and has been assigned a risk level of III (referred to as a Level III Predatory Offender).
- ii. "Permanent residence" means a place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.
- iii. "Temporary residence" means a place where a person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.
- iv. "School" means a public or nonpublic elementary, secondary school, high school or college, including Century College.
- v. "Licensed child care center" means an in-home or other child care center currently licensed by the State of Minnesota or Washington County.
- vi. "Public Park" means an improved or unimproved public park owned by the City, Washington County, a school district or other governmental entity.

### 3. Residence Prohibitions.

- A. It shall be unlawful for any designated predatory offender to establish a permanent or temporary residence within seven hundred and fifty (750) feet of any school, licensed child care center, or public park.
- B. For purposes of determining the minimum distance separation required by this section, the requirement shall be measured by following a straight line from the outer property line of the property where the permanent or temporary residence of the designated predatory offender is located to the nearest outer property line of the property on which the school, licensed child care center, or public park is located.
- C. A designated predatory offender residing within a prohibited area as described in this Section does not commit a violation of this Section if any of the following apply:
  - i. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes Sections 243.166 and 243.167 or a successor statute prior to December 6, 2016 ;
  - ii. The person was a minor when he or she committed the offense and was convicted as an adult;
  - iii. The person is a minor;
  - iv. The school, licensed child care center, or public park within seven hundred and fifty (750) feet of the person's permanent residence or temporary residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes, sections 243.166 and 243.167, or a successor statute;
  - v. The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to December 6, 2016; or
  - vi. The residence is also the primary residence of the person's parents, grandparents, siblings, adult children, or spouse.

### 4. Penalty and Enforcement.

A violation of this Section shall be a misdemeanor. In addition, the City may enforce this Section by mandamus, injunction, and other appropriate remedy in any court of



competent jurisdiction.

5. Severability.

Should any section, subdivision, clause or other provision of this Section be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of this Section as a whole, or of any part thereof, other than the part held to be invalid.