

**SECTION 780
WEAPONS AND FIREARMS**

780.01 PURPOSE

The purpose of this section is to closely regulate and control the use of weapons and firearms.

Subd. 1 Adoption by Reference

The City of Tonka Bay hereby adopts by reference Minnesota Statutes Section 624.714 concerning carrying of concealed weapons without a permit.

780.02 PERMIT TO DISCHARGE FIREARMS

Any person who shall fire or discharge any firearm as defined therein, within the City without having in his immediate possession a firearm permit issued by the City Council, shall be guilty of a misdemeanor.

780.03 DEFINITIONS

Subd. 1 Firearm

For the purpose of this Section, a firearm shall be defined as any gun, rifle, pistol, carbon dioxide propellant gun or rifle, pellet gun or rifle, hand-pump BB gun or any other weapon propelling a missile by gun powder explosive or compressed gas.

Subd. 2 Weapon

For the purposes of this section weapon shall include but not be limited to:

- a. firearms
- b. bow and arrow
- c. sling shot or wrist-rocket
- d. dagger, dirk, stiletto, switchblade knife, spring blade knife or any knife the blade of which can be opened by gravity or a flick of the wrist.
- e. blackjack, sandclub, sap, pipe club or bludgeon
- f. artificial or metal knuckles
- g. Molotov Cocktail or grenade
- h. Throwing Stars or other throwing devices with cutting or pointed edges
- i. chain clubs, nun chucks or any other flail
- j. spears, lances
- k. CS₂, tear gas or any other lachrymating, asphyxiating, incapacitating or deleterious gas or gasses, liquids or chemicals.

Subd. 3 Firearms Dealer

For the purposes of this section a "Firearms dealer" means any person, firm, or corporation regularly engaged in the business of selling, trading, repairing, or modifying firearms or ammunition at wholesale or retail within the City of Tonka Bay, whether as the principal business of such person, firm or corporation, or in addition thereto, and said firearms dealer is duly authorized to operate his business by operation of state law.

Subd. 4 Police

"Police Officer", "Police Force", "Police", shall include all duly licensed peace officers of the United States, all peace officers, part-time peace officers duly licensed by the State of Minnesota pursuant to Minnesota Statutes Chapter 626, who are employed by the state or any political subdivision of the state.

780.04 **ACTIVITY PROHIBITED**

Subd. 1 Aiming weapon or firearm towards any human being

No person shall aim any weapon whether loaded or not at or toward any human being, nor shall any person threaten or assault any human being with any weapon, nor shall any person discharge any firearm, gun or other weapon or throw or project any deadly missile in any place where there is any human being to be endangered even though no injury actually results.

Subd. 2 Discharge of Firearm

No person shall fire or discharge any firearm within the city except as provided for in 780.02, 780.04 subd. 6.

Subd. 3 Possession

Except as provided in 780.04, subd. 6 no person shall have in his possession any weapon, except a firearm which is unloaded and dismantled, broken apart, or carried in a case in such a manner that it cannot be discharged.

Subd. 4 Minors not to use firearms

No minor under the age of 18 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent, guardian or competent supervision, any firearms, air guns, sling shots, bows and arrows, ammunition or other weapons of any kind for hunting or target practice or any other purpose.

Subd. 5 Carrying of firearms by persons under the influence of alcohol or Drugs

No person within the corporate limits of the City who is under the influence of an alcoholic beverage or a narcotic drug shall carry any firearm as defined herein. Any violation of this subdivision shall be a misdemeanor.

Subd. 6 Exceptions

The provisions of 780.04, subd. 1, 2 and 3 shall not apply to the following:

a. Peace officers. Officers or members of the police force or members of the civil defense of the city, nor to any other peace officers of any political subdivision of the state, nor shall it apply to peace officers of the State of Minnesota or the United States.

b. Possession in home. The possession of a weapon within the home of a person.

c. Self defense. The discharge of a weapon in the lawful defense of a person or property.

d. Ranges. The discharge of a weapon at a range or

e. Possession; Firearms Dealer. The possession of a firearm or bow and arrow by a duly licensed Firearms Dealer.

780.05 APPLICATION FOR A FIREARM PERMIT

Application for a firearm permit shall be in writing addressed to the City Council and shall state the reason for requesting such permit, the period for which such permit is desired, the type of firearm to be discharged and such other information which may be deemed necessary by the City Council to pass upon the application. Such permit shall be in writing and shall be issued by the City Clerk on direction from the City Council. Permits shall be usable only by the person to whom issued and shall be valid for a maximum of three months.

Subd. 1 Revocation

The City Council may at any time revoke any firearm permit if the Council deems any hazard to safety exists by reason of the permit.

780.06 CONFISCATION OF WEAPONS

Any weapon or weapons duly adjudged by a court to have been worn or carried, possessed, or used by any person in violation of this section may be confiscated by the city or its duly authorized agents or representatives.

780.07 PENALTY

Any person who violates provisions of this section shall be deemed guilty of a misdemeanor.