

2007-Or-___

AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By: Samuels

Amending Title 15, Chapter 393 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous: Weapons.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 393.10 of the above-entitled ordinance be amended to read as follows:

393.10. Definitions. Terms used in this chapter, unless expressly defined, shall have the meanings prescribed by the statutes of the State of Minnesota for the same terms. The following terms shall have the following meanings:

(a) Facsimile firearm means any object which is a replica of an actual firearm, which substantially duplicates an actual firearm, or which could reasonably be perceived to be an actual firearm, unless:

- (1) The entire exterior surface of such object is colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple, either singly or as the predominant color in combination with other colors in any pattern; or such object is constructed entirely of transparent or translucent materials which permits unmistakable observation of the firearm's complete contents; and
- (2) Such object shall have as an integral part, permanently affixed, a blaze orange extension that extends at least six (6) millimeters from the muzzle end of the barrel of such object; and
- (3) Such object does not have attached thereto a laser pointer.

“Facsimile firearm” does not include any actual firearm as otherwise regulated by the terms of this chapter or the Minnesota Statutes.

(~~a~~b) *Person* means any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof. As applied to corporations it includes

the officers, agents or employees thereof who are responsible for the act referred to.

(~~b~~c) (1) *Public place* means any building or establishment, place, or public street or highway, where the business, social or governmental activity ordinarily conducted is generally held open to the public; specifically including, but not limited to, such locations as governmental buildings, meeting halls, centers for art and culture, places of amusement, liquor or beer establishments, and restaurants. It shall also include any private residence which is the site of activities proscribed by section 385.170 (Disorderly house).

(2) *Public place* shall not include:

- a. A dwelling place or residence when a person is present with the permission of a lawful possessor thereof, or one's own place of business;
- b. Premises licensed for the sale of firearms;
- c. Business premises at which the buying, selling, repair, or trade in weapons is regularly conducted, or;
- d. Places at which an event or activity is conducted involving the exhibition, display, or carrying of a weapon, done in a manner not intended or calculated to result in or lead to the unlawful use of the weapon, including, but not limited to, educational or training programs, weapons or collectors' shows or exhibitions, or religious, artistic, educational, or cultural events; or
- e. Parades or other public events when the use or display of weapons is specifically authorized by the city for such events.

(~~e~~d) *Secured container* means a closed and fastened case, box or secured package having no mechanical features designed for immediate weapons removal or use. A sheath, holster, or scabbard, alone, shall not constitute a "secured container."

(~~d~~e) *Use* means, with respect to a weapon, to brandish, assault with, threaten with, or otherwise employ in a manner calculated and likely to cause death, great bodily harm, or substantial bodily harm, or the reasonable and immediate fear thereof.

(~~e~~f) *Weapon* means any device designed as a weapon and capable of producing death, great bodily harm, or substantial bodily harm; or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death, great bodily harm, or substantial bodily harm, or the reasonable and immediate fear thereof. "Weapon" includes Chinese stars. "Weapon" does not include (1) except when used as a weapon, a folding knife with a blade of four (4) inches or less in length, measured in a straight line

from the point to the handle; or (2) a firearm, unless expressly included by section 393.20(b).

Section 2. That Section 393.20 of the above-entitled ordinance be amended to read as follows:

393.20. Firearms regulation. (a) The provisions of the Minnesota Statutes regulating firearms, and as they may be hereafter amended, are incorporated into this chapter. It shall be a violation of this chapter for any person to engage in any conduct proscribed in the incorporated statutes.

(b) For the purposes of sections 393.30 (Violations), 393.85 (Assault weapons), 393.95 (Possession of firearms and facsimile firearms in public), 393.110 (Stopping and searching for weapons), 393.120 through 393.140 (Collectors shows), 393.150 (Firing or use of weapons), and 393.160 through 393.170 (Disposal of confiscated weapons), "weapon" shall include firearms.

(c) For the purposes of section 393.30 (Violations), "weapon" shall include facsimile firearms.

Section 3. That Section 393.90 of the above-entitled ordinance be amended to read as follows:

393.90. Carrying weapons and facsimile firearms prohibited. It shall be unlawful for any person within the city to carry on or about his person in a public place or transport in any vehicle in any public place any weapon or facsimile firearm, except:

(a) Any weapon or facsimile firearm being transported by a person not in a vehicle directly to or from any place or activity referred to in 393.10(b)(2) or to or from his or her vehicle and the places, gatherings, or activities set forth therein, in a secured container.

(b) Transportation of any weapon or facsimile firearm in or upon any motor vehicle in a secured container or in the locked trunk of a such vehicle.

The provisions of this section shall not be applicable to the transport of weapons or facsimile firearms by persons who are regularly engaged in the lawful manufacture, distribution or sale at retail or wholesale of weapons or facsimile firearms, or the agents of any of them while engaged in such business; to the carrying or transport of weapons or facsimile firearms by licensed, full-time peace officers, law enforcement officers or military personnel while in the course of their duties; to persons holding a permit to carry a firearm acting within the scope of such permits; to any officer of a state adult correctional facility when on guard duty or otherwise engaged in an assigned duty; or to an owner or agent while he is present at a business place operated by him, except a business proscribed by section 385.170 (Disorderly house).

Section 3. That Section 393.95 of the above-entitled ordinance be amended to read as follows:

393.95. Possession of firearms and facsimile firearms in public. (a) The transportation of firearms in motor vehicles in the City of Minneapolis shall be governed by Minnesota Statutes Section 97B.045.

- (b) This section shall not apply to the possession of firearms or facsimile firearms by officers, employees, or agents of law enforcement agencies or the armed forces of this state or of the United States to the extent that any such person is authorized by law to possess firearms or facsimile firearms and is acting in the scope of his or her duties.
 - (c) This section shall not apply to the carrying of firearms or facsimile firearms between motor vehicles and places where possession of a firearm or a facsimile firearm is lawful in the City of Minneapolis if the firearm or facsimile firearm is carried unloaded in a secured container, ~~the firearm is not loaded~~, and the ammunition for the firearm is not readily available.
 - (d) This section shall not apply to acts of possession allowed by a valid permit to carry issued pursuant to Minnesota Statutes Section 624.714.
 - (e) Except as provided in subsections (a), (b), (c) and (d), no person shall possess a firearm in a public place or in a room that contains controlled substances if the firearm is loaded or, if unloaded, is a repeating firearm and the ammunition for the firearm is readily available.
 - (f) Except as provided in subsections (a), (b), (c) and (d), no person shall keep or have in his or her possession a facsimile firearm in a public place or in a room that contains controlled substances.
 - (fg) For purposes of this section, the following terms shall have the indicated meanings:
 - (1) "Controlled substance" shall have the meaning assigned by Minnesota Statutes Section 152.01, Subd. 4; provided, however, that "controlled substance" shall not include a substance that the actor possesses lawfully.
 - (2) "Readily available" shall mean that ammunition is within the actor's reach and is unboxed or in a device designed for the rapid loading of a firearm.
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