

**CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA
ORDINANCE NO. 124B**

AN ORDINANCE REGULATING THE DISCHARGE OF WEAPONS AND HUNTING ON PROPERTY LOCATED WITHIN THE CITY OF GEM LAKE, MINNESOTA. THE CITY COUNCIL OF THE CITY OF GEM LAKE ORDAINS:

Section 1. Intent and purpose. The City Council intends to protect the public safety of its citizens by regulating the use and discharge of certain weapons on real property in the City of Gem Lake, as permitted by Minnesota Statutes, § 471.633. The City Council recognizes that State law governs all other matters regarding firearms, including purchase, possession, and rights to carry. The Council also intends that existing State law relating to the discharge of bows and arrows in Minnesota Statutes, Chapter 97B, and to the purchase, possession, carrying or use of other potentially dangerous weapons under Minnesota Statutes, § 609.66 and similar laws, be enforced in the City.

Section 2. Definitions. As used in this Ordinance: "**Dangerous weapon**" has the meaning given it in Minnesota Statutes, § 609.02, subdivision 6.

Section 3. Discharge of Weapons Prohibited. Except as specifically authorized in Section 4, the discharge or use of dangerous weapons is hereby prohibited. Violation of any term of this Ordinance is a misdemeanor.

Section 4. Exceptions. Dangerous weapons may be discharged or used in the City only under the following circumstances:

4.1 Permits for Archery Deer Hunting. The City Council may issue permits authorizing the use of discharge of a bow and arrow within the City for purposes of deer hunting. Said permit shall be issued only during the appropriate game season for deer, or as deer hunting is otherwise authorized by the State of Minnesota, Department of Natural Resources. A deer hunting permit shall be issued to the property owner or owners in the case where multiple properties are joined to obtain the 5 acre requirement.

4.1.1 A hunting permit granted under this paragraph shall only authorize the discharge or use of bow and arrow on a specified parcel of property of five (5) acres or larger within the City of Gem Lake. Multiple properties may join in an application for a hunting permit, provided that the combined properties are contiguous, combine to be 5 acres or larger, and will allow for a contiguous safe hunting area. All owners must join the application if properties are combined.

4.1.2 The property owner(s) must apply for the permission a form approved by the City. The application must be accompanied by a petition on an approved city form showing the written consent of the owners of all parcels within 300 feet of a proposed deer stand. The applicant must submit a map of the property proposed for deer hunting, showing the size of the parcel, the proposed locations of deer stands and expected shooting lanes, and the location of any buildings on the property and adjacent property with a map scale showing the distance in feet from the deer stand to owner's homes on adjacent lots. The permit holder must notify all land owners bordering their property of the dates of the hunt and locations of the deer stands.

4.1.3 The City Council, in granting the permit, shall establish boundaries for the hunting area on the property which shall be sufficient to protect public safety but in no event less than 300 feet from any home, garage or 1000 feet from any school. The City Council may further limit hunting areas within the specified parcel of property, and attach other conditions to the hunting permit deemed necessary to protect the public safety and welfare.

4.1.4 A landowner obtaining a hunting permit is responsible for ensuring that the terms of the permit are observed. If a permit is approved by the City Council, the landowner must post a cash security of \$500.00 before the permit is issued. If there is a complaint or report that permit terms were violated during the hunt, the City Council shall hold a hearing on the complaint and report, after giving the affected owner at least fourteen (14) days' notice of the hearing. If following the hearing the City Council concludes that a permit violation did occur, the Council may require that some or all of the cash security be forfeited to the City, in the Council's discretion.

4.1.5 The maximum duration of a hunting permit shall be three weeks, one hunt per property owner per year. Such weeks must appear on the permit. A permit may authorize the discharge and use of (bow) weapons a maximum of three consecutive days in any single week. Such days must appear on the permit. Other activities (such as setting up stands) may take place on the days on which weapons discharge is not permitted. Weeks do not need to be consecutive but must be within hunting season.

4.1.6 Any person hunting under a permit who is not one of the permit applicants must have written permission to hunt signed by all of the property owner(s). The hunter must have this permission form and a copy of the permit in their possession while hunting under the permit.

4.1.7 The permit fee shall be set forth by City Council resolution.

4.1.8 Hunting shall be done from elevated deer stands only. Hunters shall not drive or herd deer into a hunting area. All hunters must have appropriate State licensing and required permits for all deer taken. All State and Federal hunting rules and regulations shall apply in addition to requirements imposed by the City Council.

4.1.9 The City Council may solicit the Metro Bow Hunters Resource Base or any other approved organization to Hunt on an approved landowner's property for the purpose of hunting deer. The City Council will determine if there are any fees involved in such a hunt and the requirements of the hunt.

4.1.10 All conditions of a deer hunt must be met by the landowner(s). Failure to do this forfeits all fees to the city and jeopardizes future hunts for the property owner. **If the conditions of any aspect of the permit are to be changed, the landowner must bring the change with new documents to the City Council for approval prior to the hunt.**

4.1.11 The following documents need to be delivered to the city by the Tuesday before the City Council Meeting, permit request, signed document from all adjacent property owners to the property where the hunt will take place, a google map of the property with a distance scale showing the location of homes and the distance between the homes and the deer stand(s), and all appropriate fees.

4.1.12 There shall be no hunting allowed on October 31.

4.2 Target Archery. A person may use a bow and arrow on private property, with permission from the owner, for target archery. Arrows used for target archery must have points that are no wider than the shaft of the arrow, and not razor-edged on any surface. Archers must shoot at a target, and targets must be mounted on material of sufficient depth and density to stop an arrow fired from the bow used by the archer. Trees and other live plants are not considered suitable backing material for mounting targets. The shooting area and the targets must be placed so that there are no buildings, rights-of-way, or public lands within a reasonable distance behind the targets; the "clear" area must be at least 1/3 of the estimated maximum shot distance for the type of bow used by the archer.

4.3 Defense of Self and Property Against Vicious Animals. It is not a violation of this Ordinance to use a firearm or bow and arrow against a vicious animal while acting in self-defense, in defense of another person, or to defend property (including pets and other domestic animals) from harm or damage. This provision is not intended to affect State law regarding the use of force against another person for self-defense, defense of others, or in defense of property.

4.4 Law Enforcement. This Ordinance shall not apply to licensed peace officers or other authorized personnel engaged in law enforcement activities when using firearms or other weapons in the regular course of performing their duties.

Section 5. Severability. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid in any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part hereof, other than the part held to be invalid.

Section 6. Repeal. Gem Lake Ordinance No. 124 - 1 is hereby repealed.

Section 7. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication.

Dated: November 23, 2016.

NOW, THEREFORE, the motion for the adoption of the foregoing Ordinance was made by Councilmember Artig-Swomley and seconded by Councilmember Bosak with 3 votes in favor and 1 vote in opposition. Councilmembers Artig-Swomley, Bosak, Lindner in favor, and Mayor Uzpen opposed. Councilmember Kuny was absent.

Robert Uzpen

Robert Uzpen
Mayor

William Short

William Short
City Clerk

Summary of Ordinance 124B approved by City Council and published in the White Bear Press on November 23, 2016.