

CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS

Section

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DANGEROUS WEAPONS AND ARTICLES

§ 131.01 ACTS PROHIBITED.

(A) *Prohibitions.* It is unlawful for any person to:

(1) Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another;

(2) Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another;

(3) Manufacture or sell for any unlawful purpose any weapon known as a slung-shot or sand club;

(4) Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically;

(5) Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another;

(6) Sell, or have in his or her possession, any device designed to silence or muffle the discharge of a firearm;

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(7) Permit, as a parent or guardian, any child under 14 years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive;

(8) Furnish a minor under 18 years of age with a firearm, air gun, ammunition or explosive without the written consent of his or her parent or guardian or the Police Department; and

(9) Possess, sell, transfer or have in possession for sale or transfer, any weapon commonly known as a throwing star, nun chuck or sharp stud. For the purposes of this section:

(10) Hunt in any manner including but not limited to the use of firearms or bow and arrow on property owned by the City of Breezy Point. (Ord. 2023-07, Passed 12-5-23)

NUN CHUCK. A pair of wood sticks or metallic rods separated by chain links attached to one end of each stick or rod.

SHARP STUD. A circular piece of metal attached to a wrist band, glove, belt or other material which protrudes one-quarter inch, or more, from the material to which it is attached and with the protruding portion pyramidal in shape, sharp or pointed.

THROWING STAR. A circular metallic device with any number of points projecting from the edge.
(Prior Code, § 7.03, Subd. 1)

(B) *Exceptions.* This section shall not prohibit the firing of a military salute or the firing of weapons by persons of the nation's armed forces acting under military authority, and shall not apply to law enforcement officials in the proper enforcement of the law, or to any person in the proper exercise of the right of self defense, or to any person otherwise lawfully permitted by proper federal, state, or local authorities to discharge a firearm in a manner contrary to the provisions of this section.

Penalty, see § 131.99

§ 131.02 deleted

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(Prior Code, § 7.03, Subd. 2) (Ord. 10-011, 3rd Series, passed 8-2-2010)

§ 131.03 DISCHARGE OF FIREARMS AND EXPLOSIVES.

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(A) It is unlawful for any person to fire or discharge a cannon, gun, pistol, or other firearm including muzzle loader, air gun, air rifle, or similar device commonly referred to as a B-B gun or throw any deadly missiles in the City except for those areas designated as shooting zones as designated in Sections 131.08 and 131.09.

(B) It is unlawful to carry a loaded or unloaded gun, pistol, revolver, rifle or other firearm or device which ejects a projectile openly or uncased.

(Prior Code, § 7.03, Subd. 3) (Ord. 10-011, 3rd Series, passed 8-02-2010)
Penalty, see § 131.99

§ 131.04 EXCEPTION.

Nothing in this section shall apply to:

(A) A peace officer in the discharge of his or her duty.

(B) The carrying of a concealed handgun with a valid permit for personal protection or to a person in the act of self defense.

(C) A shooting range authorized in writing by the city council.

(D) The firing of a military salute.

(E) The firing of weapons by persons of this nation's armed forces acting under military law.

(F) Any person otherwise lawfully permitted by proper federal, state or local authorities to discharge a fireman in a manner contrary to the provisions of this section.

(Prior Code, § 7.03, Subd. 4) (Ord. 10-011, 3rd Series, passed 8-02-2010)

§131.05 FIREWORKS USE, SALE AND POSSESSION

(A) It is unlawful for any person to sell, possess or have in possession for the purpose of sale any fireworks not authorized by state law.

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(B) Notwithstanding item (A) above, a fireworks permit issued by the City Clerk, is required for a display of fireworks by an organization or group of organizations. (Prior Code, § 7.03, Subd. 5) (Ord. 10-011, 3rd Series, passed 8-02-2010)
Penalty, see § 131.99

§ 131.06 EXPOSURE OF UNUSED CONTAINER.

It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box or other container, sufficiently large enough to retain any child and with doors which fasten automatically when closed, to expose the same accessible to children, without removing the doors, lids, hinges or latches.

(Prior Code, § 7.03, Subd. 6) Penalty, see § 131.99

§ 131.07 USE OF BOW AND ARROW.

It is unlawful for any person to shoot a bow and arrow except in a safe manner and under the following conditions:

(A) If it is for the purpose of target practice, a proper back stop must be used; and

(B) Whether shooting is for target practice or hunting, the trajectory of the arrow must not be in a line occupied by persons or livestock.

(C) Permission of the property owner must be received.
(Prior Code, § 7.03, Subd. 7; Ord. 17-01, 3rd Series, passed 01-03-2017)
Penalty, see § 131.99

§ 131.08 Bird Shot Zones

(A) It is lawful to shoot with bird shot ammunition in the following designated areas, provided property owner permission has been received.

(B) It is unlawful for any person to discharge or carry single ball

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ammunition while carrying a firearm including muzzleloaders capable of discharging the ammunition, openly or uncased, loaded or unloaded. in the above described areas.

(Prior Code, § 7.03, Subd. 8) (Ord. 10-011, 3rd Series, passed 8-02-2010; Ord. 17-01, 3rd Series, passed 01-03-2017) Penalty, see § 131.99

§ 131.09 Firearm Zones

(A) It is lawful to shoot firearms in the following designated areas with landowner permission and following applicable state law.

(1) All that part of Section 1, Twp 136N – R28 W except the platted areas of Larsen Shores.

(2) All that part of Section 2, Twp 136N – R28 W lying east of Co. Rd. 39.

(3) The SW ¼ of the SE ¼, Twp 136N – R28 W except the part platted as road to the O'Donnells Addition.

(4) That part of Section 3, Twp 136N – R28 W of GOV. LOT 8 EXCEPT PART PLATTED JOSEPH O'DONNELL ADDITION, AND EXCEPT PART OF GOV. LOT 8 LYING W'LY OF JOSEPH O'DONNELL ADDITION AND LYING NW'LY OF A LINE BEING THE EXTENSION SW'LY OF THE SE'LY LINE OF LOT 3 BLK 1 JOSEPH O'DONNELL ADDITION AND EXCEPT THAT PART OF GOV. LOT 8 DESCRIBED AS FOLLOWS; COMM. AT THE MOST S'LY CORNER OF LOT 4 BLK 1 JOSEPH O'DONNELL ADD, THEN S . 49 DEG 25 MIN 29 SEC E, ASSUMING THE SE'LY LINE OF SAID LOT 4 BEARS N. 44 DEG 51 MIN 29 SEC E. ALONG THE E'LY ROW LINE OF O'DONNELL DRIVE AS PLATTED IN SAID ADD 78.34 FT, THEN S. 28 DEG 00 MIN 29 SEC E. ALONG SAID LINE 419.04 FT, THEN S. 00 DEG 34 MIN 59 SEC E. ALONG SAID LINE 156.66 FT, THEN N. 62 DEG 47 MIN 01 SEC E. 213.43 FT, THEN S. 88 DEG 20 MIN 43 SEC E. 194.70 FT TO THE W'LY LINE OF BREEZY POINT ANNEX PLAT, THEN N. 26 DEG 25 MIN 13 SEC W. ALONG SAID LINE 108.51 FT, THEN N. 50 DEG 56 MIN 47 SEC E. ALONG SAID LINE 335 FT MORE OR LESS TO THE SHORELINE OF LAKE OSSAWINNAMAKEE, THEN NWY ALONG SAID SHORELINE TO THE INTERSECTION WITH A LINE BEARING N. 44 DEG 51 MIN 29 SEC E. FROM THE POINT OF BEG, THEN S. 44 DEG 51 MIN 29 SEC W. 208 FT MORE OR LESS TO THE POINT OF BEG.

(5) That part of Section 3, Twp 136N – R28W described as THE S 700 FT OF GOV LOT 4, EX THAT PART CONVEYED TO D'ANDREA BY DEED DATED JAN 16, 1975, AND RECORDED IN BK 260 OF DEEDS, PG 539, WHICH EXCEPTED PARCEL IS MORE FULLY DESC AS FOL: THAT PART OF GOV LOTS 3 & 4, SEC 3,

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DESC AS FOL: TO-WIT: COMM AT THE SW COR OF THAT TRACT CONVEYED TO RICHARD J GILLES AND FERN E GILLES BY WARRANTY DEED DATED SEPT 2 1960, AND FILED FOR RECORD OCT 24, 1963 IN BK 184 OF DEEDS, PG 239, THEN DUE E TO THE W'LY ROW LINE OF THE PUBLIC HWY SITUATED IN SAID GOV LOTS 3 & 4, THEN SW'LY ALG THE W'LY ROW LINE OF SAID HWY TO ITS INTERSECTION WITH THE S LINE OF SAID GOV LOT 3, WHICH IS ALSO THE S LINE OF SAID GOV LOT 4, RUNNING THEN W'LY ALG SAID S LINE OF SAID GOV LOTS 3 & 4 TO ITS POINT OF INTERSECTION WITH A LINE DRAWN S'LY FROM THE POB HEREIN, AND PARALLEL TO THE E LINE OF SAID GOV LOT 3, RUNNING THEN N'LY TO THE POB

(6) The E ½ of the SW ¼ of Section 3, Twp 136N – R28 W

(7) All of Section 5, Twp 136N – R28 W except the E ½ of the NW ¼.

(8) The SW ¼ of the SW ¼ of Section 6, Twp 136N – R28 W.

(9) Government Lots 2 and 3, Section 9, Twp 136N – R28 W

(10) Outlot G of Deacons Lodge Addition in Sections 9 and 10 of Twp 136N – R28 W

(11) NW ¼ of the NE ¼ of Section 18, Twp 136N – R28 W except that part deeded to Elstad as recorded in Book 120 of Deeds, page 76 dated 11/14/1945.

(12) The E ½ of the NW ¼ of Section 20, Twp 136N – R28 W

(13) The S ½ of the SW ¼ of Section 20, Twp 136N – R28 W

(B) The City of Breezy Point employees may discharge firearms in the scope of their duties in the following areas:

(1) The SW ¼ of the NE ¼ &

(2) The W ½ of the SE ¼ &

(3) The SE ¼ of the SE ¼ all of Section 20, TWP 136N – R28W; and

(4) The west ½ of the SW ¼ of the SW ¼ Section 21, TWP 136N – R28W; and

(5) The N ½ of the NE ¼ of Section 29, TWP 136N – R28W.

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(Ord. 10-106, 3rd Series, passed 10-04-2010, Ord. 12-08, 3rd Series, passed 11-05-2012)

§ 131.99 PENALTY.

Any person violating any provision of this chapter shall be subject to § 10.99.