

CHAPTER 130. GENERAL OFFENSES

Section

Harassment

130.01 Prohibited activities

Firearms

130.15 Adoption by reference

130.16 Definitions

130.17 Permitted use of firearms

Theft of Recyclables

130.30 Purpose and intent

130.31 Definitions

130.32 Unlawful acts

Possession, Manufacture, Delivery and Advertisement of Drug Paraphernalia

130.45 Definitions

130.46 Factors to be considered in determining if object is drug paraphernalia

130.99 Penalty

HARASSMENT

§ 130.01 PROHIBITED ACTIVITIES.

(A) No person shall engage, aid, abet or conspire in any of the following conduct:

(1) To enter the dwelling or upon the property of another within the city without claim of right or consent of one who has the right to give consent to the entry, with the intent to harass, abuse or intimidate the owner or occupant of the dwelling or property; or

(2) Any conduct, other than that set forth in division (A)(1) above, directed toward any person or persons within the city, carried out with the intent to harass, abuse or intimidate the recipient of the conduct.

(B) For the purpose of this subchapter, conduct carried out with the intent to harass, abuse or intimidate shall mean conduct which, under the circumstances, would tend to cause in another feelings as commonly defined and which does cause the feelings in the recipient. For the purpose of this subchapter, the prohibited conduct need not occur within the corporate limits of the city for the conduct to constitute a violation of this subchapter, so long as the recipient is within city limits at the time the offense is completed.

(Prior Code, § 530.01) Penalty, see § 130.99

FIREARMS

§ 130.15 ADOPTION BY REFERENCE.

The city hereby adopts by reference M.S. §§ 97B.001 through and including 97B.926, as they may be amended from time to time. (Prior Code, § 540.01) (Am. Ord. O-5-02, passed 4-2-2002; Am. Ord. O-1-06, passed 7-18-2006) Penalty, see § 130.99

130.16 DEFINITIONS.

For purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CARRY. The handling or transportation of a firearm concealed or otherwise outside a person's domicile.

DISMANTLED FIREARM. Any unloaded firearm or bow, which is dismantled in such a manner so as to prevent shooting.

ENCASED FIREARM. Any unloaded firearm or bow, placed in a case, which is tied or otherwise secured in the manner provided, to prevent shooting it.

FINE SHOT. Shot sizes number BB through 9 inclusive.

FIREARM. Shotguns, rifles, bows and arrows, air-rifles, BB guns, handguns, regardless of the method of propulsion.

LANDOWNER. Any person, group, firm or corporation owning, leasing or legally controlling any lands within the territorial limits of the city.

SHOOTING. The firing or discharge of any firearm.

SINGLE PROJECTILE. Any single projectile, whether contained in a metallic, paper, plastic or other cartridge including any method of loading a muzzle loader which results in a single projectile being discharged.

SUITABLE BACKSTOP. Any natural or manmade barrier of sufficient mass, size or construction to wholly contain the projectile being discharged.

WRITTEN PERMISSION. The following information must be included: the full name, address, date of birth and signature of the person authorized to hunt or shoot; the full name, address, and signature of the landowner. (Am. Ord. O-1-06, passed 7-18-2006)

§ 130.17 PERMITTED USE OF FIREARMS.

The shooting or carrying of firearms which are not encased or dismantled is permitted under the following circumstances so long as no innocent party or property is endangered unless otherwise prohibited by state or federal law or the local government regulation:

(A) A landowner or his or her guest by express invitation upon lands owned by him or her may discharge a firearm provided that no shot, bullet or ammunition components used shall pass beyond the boundaries of his or her property. Nor shall any discharge of a firearm create a nuisance or danger to other persons or occur within 500 feet of any building or corral containing livestock on adjoining property occupied by humans or animals, unless:

(1) The building(s) is owned by the person discharging the firearm;

(2) The person discharging the firearm has the owner's written permission, carried on his or her person; or

(3) The discharge of the firearm is clearly directed towards the interior of the authorized property and away from buildings on adjoining property.

(B) Any person while engaged in legal shooting during a legal hunting season, or while legally engaged in the shooting of predators or attacking animals, except as otherwise limited under this subchapter.

(C) By any person for target practice provided that the projectiles are stopped by a suitable backstop, or operated in a manner to insure that projectiles are contained on the premises and within the target range and so as to not endanger the life or safety of any person or animal or damage to any property and provided further that the discharge occurs at least 200 feet from all buildings, unless:

(1) The building(s) is owned by the person discharging the firearm or bow and arrow;

(2) The person discharging the firearm or bow and arrow has the owner's written permission, carried on his/her person; or

(3) The discharge of the firearm or bow and arrow is clearly directed towards the interior of the authorized property and away from buildings on adjoining property.

(D) A projectile leaving the premises upon which a target range is operated or a person injured by a projectile fired on the premises is prima facie evidence of the target range being operated in an unsafe manner and in violation of this section.

(E) By law enforcement officers or military personnel in the line of duty.

(F) By any person to resist or prevent an offense which that person reasonably believes exposes himself or herself or another to great bodily harm or death.

(G) By a certified Firearms Safety Training instructor while participating in a Department of Natural Resources approved Firearms Safety Program.

(H) By any person while participating in a Department of Natural Resources approved Firearms Safety Program.

(I) By any person for the destruction of diseased, injured or dangerous birds, animals, or reptiles by a person authorized to do so in writing by the local law enforcement agency.

(J) By any person possessing, transporting or carrying handguns as specifically allowed by state law.

(K) By any person slaughtering farm animals which they own or with the owner's permission.

(L) Nothing in this section shall prohibit peace officers from enforcing the provisions of state law applicable to firearms or the hunting of big or small game.

(M) By any person on a rifle, trap, archery or target range established in accordance with the city's zoning ordinance or as part of a city-sponsored activity.

(N) By any person participating in a special hunting season, which season may not conflict with state law or regulations, established by the City Council for the purpose of wildlife management. The season shall be established by the City Council when, based upon competent professional advice such as a conservation officer, a season is needed to reduce an animal population. The Council may authorize the use of single projectiles as part of the special hunt regulations set forth in the resolution.

(O) By any person possessing, transporting or carrying handguns as specifically allowed by state law.

(P) Nothing in this subchapter is intended to further restrict hunting on public lands where hunting is currently allowed under federal, state, county, and city laws.
(Am. Ord. O-1-06, passed 7-18-2006) Penalty, see § 130.99

THEFT OF RECYCLABLES

§ 130.30 PURPOSE AND INTENT.

It has come to the attention of the city that unauthorized collection of recyclable material has occurred from private driveways, curbsides and designated drop sites due to rising market prices for certain recyclables such as aluminum cans. The city has designated an authorized private contractor to collect recyclables within its jurisdictional limits and pays the contractor for this service through direct billing of its residents. However, the charges are minimal for this service, a condition made possible by the contractor's ability to sell the recyclable on the open market. To the extent the contractor is deprived of recyclables it is deprived of the income therefor, thus tending to make the contractor's service more expensive to the city's residents. Furthermore, the collection of recyclables by only authorized servicing contractors tends to promote public safety by ensuring that only properly maintained and licensed equipment shall be used by the collecting party, which shall be easily identifiable by residents and public safety officials. Accordingly, it is deemed to be in the public interest to prohibit the unauthorized collection of recyclables within the city from private driveways, curbsides or designated drop sites.

(Prior Code, § 550.01)

§ 130.31 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED CONTRACTOR. Any person specifically designated by the City Council to collect recyclable or recyclable material from driveways, curbsides or designated drop sites within the city.

CITY. The City of Greenfield.

PERSON. Any natural person, corporation, partnership or association.

RECYCLABLES or ***RECYCLABLE MATERIAL.*** Objects made of glass, paper, tin, aluminum or plastic and/or used motor oil and automobile batteries which have been collected and separated by the users or consumers of the products contained therein and placed by them outside their residence on or near their driveway or the curbside of any adjacent public street or at a designated drop site for the purpose of collection and removal.

(Prior Code, § 550.02)

§ 130.32 UNLAWFUL ACTS.

It shall be unlawful for any person to take, collect or in any way convert to their own use any recyclable or recyclable materials unless and until he or she has been designated in writing by the City Council as an authorized recycling contractor. In the event the city should rescind any expressly written authority previously given to a person to collect recyclable within the city, the person shall cease and desist from collecting the same within 10 days of his or her receipt of the notice.

(Prior Code, § 550.03) Penalty, see § 130.99

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***POSSESSION, MANUFACTURE, DELIVERY
AND ADVERTISEMENT OF DRUG PARAPHERNALIA***

§ 130.45 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRUG PARAPHERNALIA.

(1) All equipment, products and materials of any kind which are used or intended for use or designed for use in manufacturing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of M.S. Chapter 152, as it may be amended from time to time.

(2) The term includes, but is not limited to:

(a) Diluents and adulterants, such as quinine hydrochloride, mannitol, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;

(b) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;

(c) Hypodermic syringes, needles and other objects used, intended for use and designed for use in parenterally injecting controlled substances into the human body; and

(d) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, which shall include, but not limited to, the following:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or puncture metal bowls;

2. Water pipes;

3. Carburetion tubes and devices;

4. Smoking and carburetion masks;

5. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, which has become too small or too short to be held in the hand;

6. Miniature cocaine spoons and cocaine vials;

7. Chamber pipes;

8. Carburetor pipes;

9. Electric pipes;

10. Air-driven pipes;
11. Chillums;
12. Bongs; and
13. Ice pipes or chillers.

INTENT or ***INTENDED***. The intent of the person to be charged with a violation of this subchapter.
(Ord. O-8-04, passed 12-21-2004)

§ 130.46 FACTORS TO BE CONSIDERED IN DETERMINING IF OBJECT IS DRUG PARAPHERNALIA.

In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:

- (A) Statements by an owner or by anyone in control of the object concerning its use;
 - (B) Prior convictions, if any, of an owner or of anyone in control of the object under any state or federal law relating to any controlled substance;
 - (C) The proximity of the object, in the time and space, to a direct violation of this subchapter;
 - (D) The proximity of the object to any controlled substance;
 - (E) The existence of any residue of a controlled substance on the object;
 - (F) (1) Direct or circumstantial evidence of the intent of an owner, or of anyone, in control of the object, to deliver it to any person whom he or she knows intends to use the object to facilitate a violation of this subchapter.
(2) The innocence of an owner, or of anyone in control of the object, or to a direct violation of this subchapter shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;
 - (G) Instructions, oral or written, provided with the object concerning its use;
 - (H) Descriptive materials accompanying the object which explain or depict its use;
 - (I) National and local advertising concerning its use;
 - (J) The manner in which the object is displayed for sale;
 - (K) Direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise;
 - (L) The existence and scope of any legitimate use for the object in the community; and
 - (M) Expert testimony concerning its use.
- (Ord. O-8-04, passed 12-21-2004) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Harassment.* Any person violating any provisions of § 130.01 shall upon conviction be guilty of a misdemeanor and be subject to a fine of not more than \$1,000 or by imprisonment for a period not to exceed 90 days, or both.
(Prior Code, § 530.02)

(C) *Theft of recyclables.* It shall be a misdemeanor by up to a \$1,000 fine or 90 days imprisonment or both for any person to violate §§ 130.30 *et seq.*
(Prior Code, § 550.04)

(D) *Possession, manufacture, delivery and advertisement of drug paraphernalia.*

(1) *Possession of drug paraphernalia prohibited.*

(a) It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale or otherwise introduce into the human body a controlled in violation of M.S. Chapter 152, as it may be amended from time to time.

(b) Any violation of §§ 131.45 *et seq.* is a petty misdemeanor for which a sentence of a fine of not more than \$100 may be imposed.

(2) *Manufacture, delivery or sale of drug paraphernalia prohibited.*

(a) It shall be unlawful for any person to deliver, possess with intent to deliver, sell, possess with intent to sell or manufacture with intent to deliver or sell drug paraphernalia, knowing that it will be used to manufacture, inject, ingest, inhale or otherwise be used to introduce into the human body a controlled substance in violation of M.S. Chapter 152, as it may be amended from time to time.

(b) Any violation of this §§ 131.45 *et seq.* is a misdemeanor.
(Ord. O-8-04, passed 12-21-2004)