

ORDINANCE
By Chowdhury, Palmisano, Whiting, and Chavez

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 the Minneapolis Code of Ordinances, Chapter 393, Offenses—Miscellaneous: Weapons, be amended in the form of a complete revision to read as follows:

393.10. State regulations incorporated. The provisions of the Minnesota Statutes regulating firearms are incorporated into this chapter.

393.20. Severability. If any clause, sentence, section, or provision of this chapter is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such holding must not affect the remaining provisions of this chapter which must remain in full force and effect.

393.30. Definitions. (a) The definitions found in Minnesota Statutes Section 624.712, as incorporated in section 393.10, apply to this chapter.

(b) The following definitions also apply to this chapter:

Assault weapon means “semiautomatic military-style assault weapon” as defined in subsection (a).

Binary trigger means a device, mechanism, or part designed, marketed, or intended to cause a firearm to discharge one round when the trigger is pulled and to discharge an additional round when the trigger is released, including devices commonly known as Binary triggers, “two-stage” firing devices that produce this effect, and a conversion kit, component, or accessory that enables such functionality.

Controlled substance has the meaning assigned by Minnesota Statutes Section 152.01, Subd. 4, except that it does not include a substance that the person possesses lawfully.

Facsimile firearm means an object which is a replica of a firearm, or which could reasonably be perceived to be a firearm but is not a 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;

(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.

Firearm has the meaning assigned by Minnesota Statutes Section 609.666, Subd. 1.

Ghost gun means a firearm or unfinished frame or receiver that:

- (1) Lacks a unique serial number engraved or imprinted in metal alloy on the frame or receiver;
- (2) Is undetectable by a metal detector under the terms of United States Code, Title 18, Section 922(p), or can be readily modified to become undetectable; or
- (3) Is manufactured by a three-dimensional printer or computer numerical control milling machine by a person who is not a licensed manufacturer under the terms of United States Code, Title 18, Section 923.

Ghost gun does not include a firearm or unfinished frame or receiver that is permanently inoperable, is an antique firearm as defined in subsection (a), or was manufactured prior to 1968.

Large-capacity magazine means an ammunition feeding device that can accept more than twenty (20) rounds, including any device that can be readily restored or converted to accept more than twenty (20) rounds. "Large-capacity magazine" does not include:

- (1) A tubular magazine that is contained in a lever-action firearm; or
- (2) A .22 caliber fixed tubular magazine.

Permanently inoperable means a firearm is no longer capable of discharging a shot by means of an explosive and is incapable of being readily restored to a firing condition. The determination of whether restoration is "readily" possible shall consider the time, ease, expertise, equipment, parts availability, expense, scope of change required, and feasibility of restoration.

Possess, Possesses, Possessed, or Possession means actual possession or constructive possession of an item. Both "actual possession" and "constructive possession" have the same meaning provided for under Minnesota law.

Public place has the meaning assigned by Minnesota Statutes Section 624.7181.

Readily available means that ammunition is within the actor's reach and is unboxed or in a device designed for the rapid loading of a firearm.

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, is not a "secured container."

Sensitive place means a city-owned, -leased, or -controlled building or property that is open to the public for governmental, educational, recreational, cultural, or civic purposes. For purposes of this definition, sensitive place does not include any city-owned, -leased, or -controlled parking ramp, parking lot, or public right-of-way.

Unfinished frame or receiver means a forging, casting, printing, extrusion, machined body, or similar article that has reached a stage where it may be readily completed, assembled, or converted into a functional firearm.

Unserialized means lacking a serial number imprinted by:

- (1) A federal firearms manufacturer, federal firearms importer, federal firearms dealer, or other federal licensee authorized to provide marking services, pursuant to a requirement under federal law; or
- (2) A federal firearms dealer or other federal licensee authorized to provide marking services.

Weapon means “dangerous weapon” as defined in Minnesota Statutes Section 609.02.

(c) If there is a conflict between a definition in subsections (a) and (b), the definition in section (a) applies.

393.40. Violations. (a) *Encouraging violations.* It is unlawful for a person to aid, counsel, abet, conspire with or encourage another to violate the terms of this chapter.

(b) *General Exemption.* Nothing herein shall be deemed to prohibit conduct 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 such person is acting in the scope of their duties.

393.50. Collectors show permit. (a) *Permit required.* No person or organization shall hold a weapon collectors show without first obtaining a permit to do so from the chief of police.

(b) *Application Process.* Registration of organizations and issuance of permits required hereunder shall be accomplished in the following manner:

(1) A weapon collectors organization may be registered by filing a statement with the chief of police setting forth the names and addresses of the officers of such organization, which statement shall be kept current by the organization as the officers shall change from time to time. There shall be no fee for such registration.

(2) Permits for weapon collectors shows shall be issued by the chief of police without fee, to applicants who meet the following requirements:

- a. Registered weapon collectors organizations that are nonprofit;
- b. Have one hundred (100) or more dues-paying active members; and
- c. Have been in existence for at least two (2) years prior to the date of their application.

The permit shall set forth the dates and place for the weapon collectors show.

(c) *Security.* All weapon collectors shows shall employ no less than two (2) uniformed armed guards from the police department or a private agency at all times from the setting up of the show through its dismantling.

393.60. Restrictions on possession, conveyance, and display of non-firearm weapons and facsimile firearms. (a) *Non-firearm weapons; certain persons prohibited from possession.* It is unlawful for a person to possess a non-firearm weapon if such person is a person prohibited from possession of a firearm pursuant to Minnesota Statutes or federal law. It is an affirmative defense to a charge, pursuant to this

subsection, if defendant proves by a preponderance of the evidence that they possessed the non-firearm weapon solely as a tool in connection with, and in the course of, lawful employment.

(b) *Non-firearm weapons; sale, gift, or delivery.* It is unlawful for a person to sell, give, or deliver to the possession of any other person a non-firearm weapon, if such other person is:

(1) Under the age of eighteen (18) years, unless it is given or delivered for the purpose of use in an event or activity involving the exhibition, display, or carrying of a non-firearm weapon which is done in a manner not intended to result in 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

(2) Prohibited from possession of non-firearm weapons or firearms pursuant to this chapter, Minnesota Statutes, or federal law, and the seller, gifter, or deliverer knew or had reasonable cause to know such person was prohibited.

(c) *Non-firearm weapons and facsimile firearms; display for sale.* It is unlawful for a person to display or exhibit a non-firearm weapon or facsimile firearm for sale in any show window abutting a public street or sidewalk or public entryway which can be seen from the public street.

(d) *Non-firearm weapons and facsimile firearms; possession under the influence prohibited.* It is unlawful for a person to possess a non-firearm weapon or facsimile firearm in a public place while under the influence of alcohol, or hallucinatory chemicals or narcotics, or drugs other than those prescribed for that person by a licensed physician, unless such non-firearm weapon or facsimile firearm is in a secured container and unloaded, if applicable.

(e) *Non-firearm weapons, knives, and facsimile firearms; possession in schools.* It is unlawful for a person to possess a non-firearm weapon, knife of any kind, or facsimile firearm in a school building, on the grounds of a school building, in a school bus, in a school parking area, or sidewalks adjacent thereto, except where such person:

(1) Is using the non-firearm weapon, knife, or facsimile firearm:

a. As a part of an instructional activity carried on in the school;

b. In the preparation or consumption of food in a lunchroom, cafeteria, snack bar, or other place where food is customarily prepared or served; or

c. As a tool to perform construction, repair, or maintenance services on school property; and

(2) Is authorized by the school to do so.

(f) *Non-firearm weapons and facsimile firearms; possession near controlled substances.* It is unlawful for a person to be in possession of a non-firearm weapon or facsimile firearm in a room that contains a controlled substance.

(g) *Non-firearm weapons and facsimile firearms; possession in public places prohibited.* It is unlawful for a person to possess a non-firearm weapon or facsimile firearm in a public place, except:

(1) Where such non-firearm weapon or facsimile firearm is being carried in a secured container outside a motor vehicle;

(2) Where such non-firearm weapon or facsimile firearm is transported in or upon a motor vehicle in a secured container, in the locked trunk of a passenger vehicle, or in the locked cargo compartment of a commercial vehicle;

(3) Where possession of such non-firearm weapon or facsimile firearm is necessary to render medical aid or address another imminent emergency, provided the person notifies law enforcement as soon as practicable following said emergency; or

(4) Where the person is an owner or agent of a licensed business, while present at the business.

393.70. Discharge of firearms. It is unlawful for a person to discharge a firearm, or attempt to do so, except when:

(1) Done in the lawful defense of person, property, home, or family;

(2) Done in the necessary enforcement of laws;

(3) Trap, skeet, or target shooting on a premises owned or controlled for that purpose by a duly incorporated social organization;

(4) Used in target practice at a licensed range; or

(5) Ordered to do so by military or police authority.

393.80. Assault weapons. (a) *Assault weapons prohibited.* It is unlawful for a person to:

(1) Possess, transport, store, or keep an assault weapon; or

(2) Manufacture, install, assemble, import, sell, offer for sale, transfer, or otherwise cause the sale or transfer of an assault weapon.

(b) *Exceptions.* The prohibitions in this section do not apply to:

(1) Assault weapons owned and possessed by the city or other duly authorized law enforcement or military governmental entities for official use;

(2) A person with a federal firearms license for collectors conducting activities with a curio or relic firearm in compliance with federal law;

(3) A person who is transporting an assault weapon through the city provided that the transport complies with all applicable state and federal laws; or

(4) A person engaged in the transfer of an assault weapon to a law enforcement agency, the military, or a federal firearms licensee for lawful disposal, resale outside of the city, or other transfer in compliance with state and federal law.

393.90. Large-capacity magazines. (a) *Large-capacity magazines prohibited.* It is unlawful for a person to:

(1) Possess, transport, store, or keep a large-capacity magazine; or

(2) Manufacture, install, assemble, import, sell, offer for sale, transfer, or otherwise cause the sale or transfer of a large-capacity magazine.

(b) *Exceptions.* The prohibitions in this section do not apply to:

(1) Large-capacity magazines owned and possessed by the city or other duly authorized law enforcement or military governmental entities for official use;

(2) A person with a federal firearms license for collectors conducting activities with a large-capacity magazine made for and used solely with a curio or relic firearm in compliance with federal law;

(3) A person who is transporting a large-capacity magazine through the city provided that the transport complies with all applicable state and federal laws; or

(4) A person engaged in the transfer of a large-capacity magazine to a law enforcement agency, the military, or a federal firearms licensee for lawful disposal, resale outside of the city, or other transfer in compliance with state and federal law.

393.100. Binary triggers. (a) *Binary triggers prohibited.* It is unlawful for a person to:

(1) Possess, transport, store, or keep a binary trigger; or

(2) Manufacture, install, assemble, import, sell, offer for sale, transfer, or otherwise cause the sale or transfer of a binary trigger.

(b) *Exceptions.* The prohibitions in this section do not apply to:

(1) Firearms owned and possessed by the city or other duly authorized law enforcement or military governmental entities for official use;

(2) A person who is transporting a binary trigger through the city provided that the firearm is equipped with such a binary trigger is unloaded and the transport complies with all applicable state and federal laws; or

(3) A person engaged in the transfer of a binary trigger to a law enforcement agency, the military, or a federal firearms licensee for lawful disposal, resale outside of the city, or other transfer in compliance with state and federal law.

393.110. – Ghost guns. (a) *Ghost guns prohibited.* It is unlawful for a person to:

(1) Possess, transport, store, or keep a ghost gun;

(2) Manufacture, install, assemble, import, sell, offer for sale, transfer, or otherwise cause the sale or transfer of a ghost gun; or

(3) Assemble an unfinished frame or receiver that is unserialized into a firearm.

(b) *Exceptions.* The prohibitions in this section do not apply to:

(1) Firearms owned and possessed by the city or other duly authorized law enforcement or military governmental entities for official use;

(2) A person who is transporting a ghost gun through the city provided that the ghost gun is unloaded and the transport complies with all applicable state and federal laws; or

(3) A person engaged in the transfer of a ghost gun to a law enforcement agency, the military, or a federal firearms licensee for lawful disposal, resale outside of the city, or other transfer in compliance with state and federal law.

393.120. Firearms; possession in sensitive places prohibited. (a) *Firearms prohibited in sensitive places.* It is unlawful for a person to possess a firearm in a sensitive place.

(b) *Signs required.* The city shall post a sign at each public entrance to a sensitive place, which provides a notice of the applicable prohibition and a citation to the applicable section of this Code.

393.130. Firearms; possession near controlled substances prohibited. It is unlawful for a person to possess a firearm in a room that contains a controlled substance.

393.140. Firearms; possession in public places prohibited. (a) It is unlawful for a person to possess a firearm in a public place, except where:

(1) Such firearm is being carried in a secured container outside a motor vehicle;

(2) The person holds a permit to carry in accordance with Minnesota Statutes Section 624.714;

(3) Such firearm is being transported in a motor vehicle in accordance with Minnesota Statutes Section 97B.045;

(4) Possession of such firearm is necessary to render medical aid or address another imminent emergency, provided the person notifies law enforcement as soon as practicable following said emergency; or

(5) The person is an owner or agent of a licensed business, while present at said business.

Section 2. *Effective Dates.* (a) Sections 393.10 through 393.70 shall be effective thirty (30) days after passage and publication in the City's official newspaper.

(b) Section 393.80 is contingent and shall not be effective or regulate firearms, ammunition, or their respective components unless:

(1) Minnesota Statutes Sections 471.633, 624.714, subdivision 23, and 624.717 are repealed or amended in a manner which permits the regulations in section 393.80; or

(2) A new Minnesota law or laws becomes effective, which affirmatively authorizes the City to enact the regulations in section 393.80.

(3) If these requirements are met, the city attorney shall so certify to the city council with a notice of the effective date, which shall be ninety (90) days after certification to the city council.

(c) Section 393.90 is contingent, and shall not be effective or regulate firearms, ammunition, or their respective components unless:

(1) Minnesota Statutes Section 471.633 is repealed or amended in a manner which permits the regulations in section 393.90; or

(2) A new Minnesota law or laws becomes effective, which affirmatively authorizes the City to enact the regulations in section 393.90.

(3) If these requirements are met, the city attorney shall so certify to the city council with a notice of the effective date, which shall be ninety (90) days after certification to the city council.

(d) Section 393.100 is contingent, and shall not be effective or regulate firearms, ammunition, or their respective components unless:

(1) Minnesota Statutes Sections 471.633 is repealed or amended in a manner which permits the regulations in section 393.100; or

(2) A new Minnesota law or laws becomes effective, which affirmatively authorizes the City to enact the regulations in section 393.100.

(3) If these requirements are met, the city attorney shall so certify to the city council with a notice of the effective date, which shall be ninety (90) days after certification to the city council.

(e) Section 393.110 is contingent, and shall not be effective or regulate firearms, ammunition, or their respective components unless:

(1) Minnesota Statutes Sections 471.633 and 624.717 are repealed or amended in a manner which permits the regulations in section 393.110; or

(2) A new Minnesota law or laws becomes effective, which affirmatively authorizes the City to enact the regulations in section 393.110.

(3) If these requirements are met, the city attorney shall so certify to the city council with a notice of the effective date, which shall be ninety (90) days after certification to the city council.

(f) Section 393.120 is contingent, and shall not be effective or regulate firearms, ammunition, or their respective components unless:

(1) Minnesota Statutes Sections 471.633, 624.714, subdivision 23, and 624.717, are repealed or amended in a manner which permits the regulations in section 393.120; or

(2) A new Minnesota law or laws becomes effective, which affirmatively authorizes the City to enact the regulations in section 393.120.

(3) If these requirements are met, the city attorney shall so certify to the city council with a notice of the effective date, which shall be ninety (90) days after certification to the city council.

(g) Section 393.130 is contingent, and shall not be effective or regulate firearms, ammunition, or their respective components unless:

(1) Minnesota Statutes Sections 471.633, 624.714, subdivision 23, and 624.717, are repealed or amended in a manner which permits the regulations in section 393.130; or

(2) A new Minnesota law or laws becomes effective, which affirmatively authorizes the City to enact the regulations in section 393.130.

(3) If these requirements are met, the city attorney shall so certify to the city council with a notice of the effective date, which shall be ninety (90) days after certification to the city council.

(h) Section 393.140 is contingent, and shall not be effective or regulate firearms, ammunition, or their respective components unless:

(1) Minnesota Statutes Sections 471.633 and 624.717 are repealed or amended in a manner which permits the regulations in section 393.140; or

(2) A new Minnesota law or laws becomes effective, which affirmatively authorizes the City to enact the regulations in section 393.140.

(3) If these requirements are met, the city attorney shall so certify to the city council with a notice of the effective date, which shall be ninety (90) days after certification to the city council.