

From: James Monge <JMonge@ck-law.com>
Sent: Monday, May 3, 2021 3:04 PM
To: 'cityclerk@stacymn.org'
Cc: 'Mark Ness'
Subject: RE: Fire Arm Use

The language of Section 130.01 permits discharge of a firearm within the Agricultural district. If the intent of the Council is to only permit discharge of a firearm for hunting purposes on property zoned Agricultural, then the language of Section 130.01 should be changed to make that clear.

James J. Mongé III

Attorney

CAMPBELL KNUTSON, P.A.

Grand Oak Office Center I

860 Blue Gentian Road, Suite 290

Eagan, MN 55121

Phone: (651) 234-6201 • Fax: (651) 234-6237

jmonge@ck-law.com • www.ck-law.com



CAMPBELL KNUTSON
PROFESSIONAL ♦ ASSOCIATION

From: cityclerk@stacymn.org <cityclerk@stacymn.org>
Sent: Monday, May 3, 2021 12:48 PM
To: James Monge <JMonge@ck-law.com>
Cc: 'Mark Ness' <markness@stacymn.org>
Subject: Fire Arm Use

Hi,
I received a call from a resident and he wants to know if he can target shoot on his property zoned Agriculture. The code says that a Fire Arm is allowed for hunting.

Can he practice hand gun shooting on his property?

Section 130.01

§ 130.01 REGULATION OF FIREARMS AND OTHER WEAPONS.

(A) *Definition. FIREARMS*, within the meaning of this section, shall be deemed to include shotguns of whatever size, and any rifle, revolver, or pistol of size 22 caliber or larger. **OTHER WEAPONS** shall be deemed to include air guns, spring guns, BB guns, pellet guns, bows and arrows, compound bows, cross bows, or any similar devices.

(Prior Code, § 803.01)

(B) *Regulation of discharge*. It is unlawful for any person to fire or discharge any firearm or other weapon within the corporate limits of the city except for those areas zoned Agricultural, provided that no firearm or other weapon is discharged on another person's private land within 500 feet of a building occupied by humans or animals without written permission of the owner, or from or across the right-of-way of a road.

(C) *Liquor establishments*. It is unlawful for any person to possess a firearm or other weapon while in any licensed liquor establishment within the city.

(Prior Code, § 803.03)

(D) *Exceptions*. This section shall not apply to officers or other persons required or permitted to use firearms in the performance of duty as fixed by statute or by common law.

(Prior Code, § 803.04) (Am. Ord. 2009-5-1, passed 5-12-2009) Penalty, see § 10.99

153.058 OS OPEN SPACE DISTRICT.

(A) *Purpose*. The purpose of the open space district is to provide for publicly owned open space facilities. This district consists of the Carlos Avery WMA district and all other public open space land.

(B) *Permitted uses*. No structure or use shall be permitted in the OS zoning district except the following:

- (1) Open space, natural areas (including natural landscape areas), nature trails and nature observation areas;
- (2) Picnic area;
- (3) Picnic shelter;
- (4) Wildlife management areas and related facilities; and
- (5) Use of fire arm for hunting purposes as allowed in the Agricultural zoning district pursuant to § 130.01.

(Ord. 2010-2-1, passed 2-23-2010)

Looks like item B(5) should be moved into Ag.

Thanks!



Sharon MT Payne, City Clerk

30955 Forest Blvd

Stacy, MN 55079

651-462-4486, 651-605-1851 Cell

Hours: Monday, Wednesday, Thursday 9-5, Tuesday 11-7, Closed on Friday