

CHAPTER 132: WEAPONS

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§ 132.01 DEFINITIONS.

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

ASSAULT WEAPON. Any weapon other than a firearm or military-type weapon having the personal assault characteristics of any sap, numchucks, blackjack, slungshot, sand club, chain club, police type baton, metal knuckles, or any shurikens, dirk, dagger, stiletto, switchblade knife, spring blade knife, push button knife, or butterfly-type knife.

CONCEALED MANNER. Having the object on the person in such a manner so as to conceal it from the view of any other person. For purposes of this chapter, a knife carried in a sheath on a person's belt shall not be considered to be carried in a concealed manner if covered by a coat, jacket, or other outer garment worn by such person.

KNIFE. A folding knife with a blade in excess of 4½ inches, machete sword, bayonet, or any fixed-blade knife not meeting the criteria set forth for an assault weapon in the above definition.

MILITARY-TYPE WEAPON. Any destructive device having firepower, mass, explosive, or incendiary characteristics of weapons such as cannons having a bore diameter larger than ½ inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, or Molotov cocktails, but not including shotguns, rifles, pistols, or revolvers.

NUMCHUCKS. Any device constructed of two cylindrical objects joined together on one end by a chain, rope, thong, or other such material.

OFFICIALLY RECOGNIZED COMPETITION. All competitions held under the sponsorship of a bona fide target-shooting or sportsmen's club or bona fide educational institution.

PARK ZONE. An area within the city that has been designated as a public park.

PUBLIC BUILDING. Any building, together with the immediate grounds upon which it is located, owned or occupied by a public or governmental entity, including, but not limited to, the City of Benson, the County of Swift, the State of Minnesota, and the federal government.

PUBLIC EVENT. An activity that is sponsored by a governmental entity, or an activity for which a permit is issued by the city, including, but not limited to, block parties, neighborhood festivals, parades, or dances.

SCHOOL ZONE. Any property owned, leased, or controlled by a school district or an organization operating a nonpublic school as defined in M.S. § 123.92(3) where an elementary, middle, or secondary school, a secondary vocational center, or other school providing educational services in grade one through grade 12 is located or used for educational purposes, or where extracurricular or cocurricular activities are regularly provided, and the area within a school bus when that bus is being used to transport one or more elementary or secondary school students.

SECURED CONTAINER. A fastened case having no mechanical features designed for immediate weapons removal or use. A **SECURED CONTAINER** may mean a weapon case, such as leather, fibre, canvas, or plastic, secured with a zipper, clasp, or buckle.

SHURIKENS. Any metal device that has the shape of a multiple-pointed star, each point being sharpened and primarily designed to be thrown.

WEAPON. Any weapon or knife covered by this chapter.
(’75 Code, § 11.601) (Ord. 1083.93, passed 5-6-93)

§ 132.02 ASSAULT WEAPONS RESTRICTED.

No person except military personnel or peace officers engaged in the course of their duties shall keep, carry, or have in his or her possession on any public street, or being a trespasser upon the premises of another, or in a public place, or in any school zone, or at any public event in the city any assault weapon, unless he or she holds a permit to possess the same as a collector's item or for use in an officially recognized competition.

(’75 Code, § 11.602) (Ord. 1083.93, passed 5-6-93) Penalty, see § 132.99

§ 132.03 KNIVES RESTRICTED.

No person except military personnel or peace officers engaged in the course of their duties shall keep, carry, or have a knife in his or her possession in any public building, at any public event, in any park zone, or in any school zone unless he or she holds a permit to possess the same as a collector's item or for use in an officially recognized competition.

(’75 Code, § 11.603) (Ord. 1083.93, passed 5-6-93) Penalty, see § 132.99

§ 132.04 TRANSPORTATION AND CARRIAGE REQUIREMENTS.

(A) *Assault weapons.*

(1) No person except military personnel or peace officers engaged in the course of their duties shall transport assault weapons in a motor vehicle within the city unless the assault weapon is placed in the trunk of the vehicle; except if there is not a trunk, the assault weapon must be placed in a secured container and placed in the farthest rear portion of the vehicle.

(2) No person except military personnel or peace officers engaged in the course of their duties shall carry any assault weapons on his or her person in the city unless the assault weapon is in a secured container and is being carried between the home or business of the owner and a motor vehicle, weapons dealer, hunting area, or an officially recognized competition.

(B) *Knives.* No person except military personnel or peace officers engaged in the course of their duties shall carry any knife on his or her person or transport any knife in a motor vehicle in the city unless the knife is in a case or sheath and is not carried in a concealed manner.

(C) *Exceptions.* The provisions of this section shall not apply to transport by a person lawfully engaged in the business of making, selling, or repairing firearms, assault weapons, or knives, nor to persons holding permits to carry said weapons.

('75 Code, § 11.604) (Ord. 1083.93, passed 5-6-93) Penalty, see § 132.99

§ 132.05 PERMITS.

Permits required hereunder shall be obtained in the following manner: Any person not prohibited from purchasing, owning, or possessing a handgun under the Minnesota Statutes may obtain a permit to possess a military-type or assault weapon as a collector's item or to possess a military-type weapon for participation in an officially recognized competition upon application therefor to the Chief of Police. Such application shall be in a form determined by the Police Department and shall include a description in detail of the use to which the weapon is to be put. The Chief of Police shall issue such permit if he or she concludes the applicant has met the requirements of the application and intends to use the weapon for a lawful purpose.

('75 Code, § 11.605) (Ord. 1083.93, passed 5-6-93)

§ 132.06 INVESTIGATORY STOPS; SEARCH AND SEIZURE.

A peace officer may stop any person abroad on any public street or other public space in the city whom the peace officer has reasonable grounds to believe is committing, has committed, or is about to commit a felony or any crime or offense involving the use of a weapon of any kind, and may demand such person's name, address, and an explanation of his or her actions. When a peace officer has stopped a person for questioning pursuant to this section and has reasonable ground to believe that he or she or anyone else is in danger of life or limb, the peace officer may search such person for a weapon. If a peace officer finds a weapon or any other thing the possession of which may constitute a crime or offense, the peace officer may take and keep it until the completion of the questioning, at which time it shall either be returned, if lawfully possessed, or retained in custody.

('75 Code, § 11.606) (Ord. 1083.93, passed 5-6-93)

§ 132.99 PENALTY.

Violation of any provision of this chapter shall constitute a misdemeanor and be penalized as provided in § 10.99. In addition, any assault weapon or knife in possession of such person and used or possessed in violation of statute or ordinance shall be confiscated and sold, destroyed, or otherwise disposed of by the Police Department. Conviction of any violation shall work an automatic revocation of all permits and licenses held hereunder by the violator.

('75 Code, § 11.607) (Ord. 1083.93, passed 5-6-93)