

commits public indecency and is guilty of a misdemeanor under Minnesota law and upon conviction thereof, shall be punished by a fine of up to \$1,000 or by imprisonment for up to 90 days; or both.

**Subd. 5. Indecency in Other than Public Place.** No person shall, in a place other than a public place, with the intent to be seen by persons other than invitees and occupants of that place:

- A. Engage in sexual intercourse;
- B. Engage in sexual conduct; or
- C. Fondle the genitals of himself or another person

where he can be seen by persons other than invitees and occupants of that place.

**Subd. 6. Exclusion.** The provisions of City Code Section 811.01, Subd. 4, shall not apply to:

- A. Any theatrical production performed in a theater, by a professional or amateur theatrical or musical company, which has serious artistic merit, or
- B. A woman breastfeeding a child.

## **SECTION 811.01. PUBLIC DRINKING.**

**Subd. 1. Consumption.** No person shall consume alcoholic beverages on any public sidewalk or street, in a vehicle upon a public street, or in any of the City parks or playground, except as permitted with a license or permit issued by the City.

**Subd. 2. Possession.** No person shall have in possession alcoholic beverages in any open container on any public sidewalk or street, in a vehicle upon a public street, or in any City park or playground.

## **SECTION 812.01. FIREARMS AND DANGEROUS WEAPONS REGULATIONS**

**Subd. 1. Declaration of Policy.** The City of Delano is a developing community in which the land uses have intensified causing a reduction in the amount of open land available for the discharge of firearms and dangerous weapons to certain circumstances specifically provided for herein.

**Subd. 1. Definitions.** For the purpose of this Section, the following terms shall have the meaning given to them below:

- A. “Carrying” means the actual physical transportation, use, holding or handling of a firearm or other dangerous weapon on or about one’s person, concealed or otherwise.
- B. “Dangerous Weapon” means any firearm, whether loaded or unloaded, explosive, firework, bow and arrow, sling-shot, or any other device as defined in Minn. Stat. §609.02, Subdivision 6, capable of producing death or great bodily harm.
- C. “Discharge” means the shooting, activation or other use of a firearm or other dangerous weapon.
- D. “Encased” means placement or storage of firearm or other dangerous weapon within a case or similar storage device which completely encloses said firearm or other dangerous weapon so as to prevent its discharge and use, and, in the case of firearms, includes the unloading of ammunition from all barrels, chambers and magazines.
- E. “Firearm” means any rifle, shotgun, pistol, revolver, air gun, BB gun, or similar device.

**Subd. 3. Transporting Firearm.** No person shall carry a firearm or other dangerous weapon beyond the limits of private property where such person resides and which is owned by such person unless said firearm or other weapon is properly encased, or unless that person is currently engaged in an activity under Subdivision 5.

**Subd. 4. Discharge of Firearm.** No person shall discharge a firearm or other dangerous weapon within the corporate limits of the City except as expressly provided in Subdivision 5, below.

**Subd. 5. Exceptions.** Notwithstanding the general prohibitions of Subdivisions 3 and 4, the following individuals may engage in the activities described below:

- A. Persons duly authorized to act as law enforcement officers or members of the military forces of the United States of the State of Minnesota in the discharge of their duties.
- B. Persons engaged in the ceremonial discharge, carrying or other handling of a firearm performed for national holidays, military funerals, parades, or similar occasions, provided such discharge uses only “blank” or other non-projectile cartridges and further provided such organization has obtained a permit from the City for such discharge. A bona fide veterans’ organization engaged in any such activity is exempt from the permit requirement.
- C. Persons engaged in the use of bow and arrows for educational purposes, provided such use is performed on school district property and subject to appropriate supervision by authorized school district personnel; and persons engaged in bow and arrow use on private property owned by such person or with the consent of the owner, provided the use is in such a manner as to prevent the arrows from leaving the property limits, and further provided that the use does not reasonably risk bodily harm to any individual. In any case, bow and arrow use is limited to arrows equipped with practice or field tips only.

- D. Persons engaged in cleaning a firearm on property owned by such person as long as such cleaning involves no discharge of the firearm and is performed in a safe manner.
- E. Nothing herein shall be construed to prohibit the firing of a gun, pistol or other weapon when done in a lawful defense of person or family.

**Subd. 6. Minors.** In addition to the limitations contained in this Section,

- A. Under 14. No person shall, outside of the parent's or guardian's presence and without the parent's or guardian's consent, furnish a child under 14 years of age a firearm, dangerous weapon, or any ammunition. Further, no parent or guardian shall permit a child under 14 years of age to transport or use, outside of the parent's or guardian's presence, a firearm, dangerous weapon, or any ammunition.
- B. Under 18. No person shall furnish a minor under 18 years of age with a firearm, dangerous weapon, ammunition, or explosive without the written consent of the parent or guardian.

**Subd. 7. Incorporation by Reference of Minnesota Weapons Regulations.** The terms, conditions, regulations and definitions of Minnesota State law regarding the issuance of permits for weapons, and regarding possession, training, use and concealment of weapons is incorporated herein by reference, including but not limited to Minnesota Statute §624.713 and 624.714.

## **SECTION 813.01 ANTI-GRAFFITI REGULATIONS.**

**Subd. 1. Purpose and Intent.**

- A. The Council is enacting this ordinance to help prevent the spread of graffiti vandalism and to establish a program for the removal of graffiti from public and private property. The Council is authorized to enact this ordinance pursuant to its police powers.
- B. The Council finds that graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community. Unless the City acts to remove graffiti from public and private property, the graffiti tends to remain. Other properties then become the target of graffiti, and entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the City.
- C. The Council intends, through the adoption of this ordinance, to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement. The Council does not intend for this ordinance to conflict with any existing anti-graffiti state laws.

**Subd. 2. Definitions.**

For the purposes of this Section, the following words will have the meaning provided to them in this Section, except where the context clearly indicates a different meaning.