

- 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.

- A. “Aerosol paint container” means any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.
- B. “Broad-tipped marker” means any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-fourth of an inch, containing ink or other pigmented liquid that is not water soluble.
- C. “Etching equipment” means any tool, device or substance that can be used to make permanent marks on any natural or man-made surface.
- D. “Graffiti” means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or despite advance authorization is otherwise deemed a public nuisance by the Council.
- E. “Graffiti implement” means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.
- F. “Paint Stick” or “graffiti stick” means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least one-fourth of an inch in width.
- G. “Person” means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

Subd. 3. Prohibited Acts.

- A. Defacement. It is unlawful for any person to apply graffiti to any natural or man-made surface on any publicly-owned property or, without the permission of the owner or occupant, on any privately-owned property.
- B. Possession of Graffiti Implements. Unless otherwise authorized by the owner or occupant, it is unlawful for any person to possess any graffiti implement while:
 - 1. within 200 feet of any graffiti located in or on a public facility, park, playground, swimming pool, recreational facility, or other public building or structure owned or operated by a governmental agency; or
 - 2. within 200 feet of any graffiti located in any public place, or on private property, between the hours of 10:00 p.m. and 5:00 a.m.

Subd. 4. Graffiti as Nuisance.

- A. Declaration. The existence of graffiti on public or private property in violation of this ordinance is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this ordinance.
- B. Duty of Property Owner. It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti.

Subd. 5. Removal of Graffiti.

- A. By Perpetrator. Any person applying graffiti on public or private property has the duty to remove the graffiti within 24 hours after notice by the City or private owner of the property involved. This removal must be done in a manner prescribed by the City Administrator, Chief of Police, Public Works Director or their designees. Any person applying graffiti is responsible for the removal or for the payment of the removal. Failure of any person to remove graffiti or pay for the removal will constitute an additional violation of this ordinance. Where graffiti is applied by a person under 18 years old, the parents or legal guardian will also be responsible for such removal or for the payment for the removal.
- B. By Property Owner or City. If graffiti is not removed by the perpetrator according to paragraph 1, the City may order that the graffiti be removed by the property owner or any person who may be in possession or who has the right to possess such property, pursuant to the nuisance abatement procedure in Section 801.06. If the property owner or responsible party fails to remove offending graffiti within the time specified by the City, the City may commence abatement and cost recovery proceedings for the graffiti removal in accordance with Section 801.07.

Subd. 6. Penalty. Any violation of this Section is a misdemeanor, punishable in accordance with state law.

SECTION 814.01. NUISANCE A MISDEMEANOR. It is unlawful for any person to create, maintain, or fail to abate any activity or condition that is declared by any Section in this Chapter to be a nuisance and any violation shall be a misdemeanor.