

CHAPTER 13

OFFENSES - MISCELLANEOUS

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ARTICLE 1. IN GENERAL

Sec. 13-1. Enforcement. It shall be the duty of the City Council and the Police Department to enforce the provisions of this Chapter and the City Council may delegate to other officers or agencies power to enforce particular provisions of this Chapter including the power to inspect private premises and the officers charged with enforcement of this Chapter shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Sec. 13-2. Property Maintenance and Public Nuisances.

Public Nuisance - the creation or maintenance of any condition upon public or private property which is injurious to health, indecent or offensive to the senses, an obstruction to the free use of property, a detriment to property values or contributes to visual blight, so as to interfere with the comfortable enjoyment of life or property of an entire community or neighborhood, or by any considerable number of persons or of neighboring property or properties.

Building - any structure used or intended for supporting or sheltering any use of occupancy and includes any house, garage, duplex, apartment, condominium, stock cooperative or other residential structure and includes all retail, commercial and industrial structures.

City Administrator - the city administrator or the city administrator's designees (hearing officer).

Owner - any person owning property as shown on the assessment roll for city taxes, or the lessee, tenant, or other person having control of possession of the property.

Person - any individual, partnership, corporation, association or other organization, however formed.

Property - all property within the city and includes any building located on such property.

Unreasonable state of partial construction - any unfinished building or structure which has been in the course of construction one year or more, and where the appearance or other conditions of said unfinished building or structure substantially detracts from the appearance of the immediate neighborhood or reduces property value in the immediate neighborhood.

Viewable - visible from public streets or neighboring property.

The following are hereby declared to be public nuisances and any person who shall cause or create a nuisance as hereinafter defined, or permit any said nuisance to be created or placed upon, or to remain upon, any premises owned or occupied by such person shall be deemed to have committed a misdemeanor. Public nuisances defined as follows:

1. Encroachment on public right-of-way, city parks, ponding, and open spaces without proper authorization.
2. Accumulating tin cans, bottles, cardboard boxes, lumber, barrels, salvage materials, trash, and debris that are not property contained for an unreasonable period of time (30) days.
3. Throwing, placing, depositing or burning of leaves, trash, lawn clippings, weeds, grass or other materials in the public streets, alleys, gutters, ponds, parks, or open space areas.
4. All trees, hedges, overgrown vegetation, billboards, or other obstructions that prevent persons having a clear view of all traffic approaching any intersections within a reasonable distance.
5. All wires and tree limbs that are close to the surface of a sidewalk, trail, or street to constitute a danger to pedestrians or vehicles.
6. Obstruction of the free flow of water in a natural waterway, swales, public street drain, gutter, or ditch with trash or other material.
7. Creating dense smoke, noxious fumes, gases, or soot.
8. Storing or accumulating explosives, flammable liquids, hazardous materials or any other dangerous substances in any manner or in any amounts other than provided by law.
9. The accumulating or storing of sand, gravel, dirt or other materials for six (6) months or more on viewable residential property.
10. Using or displaying fireworks except as provided by law or ordinance.
11. Performing all other acts, omissions of acts, occupations and uses of property that are deemed to be a nuisance.
12. Attractive nuisances dangerous to children or other persons, including abandoned, broken or neglected equipment, machinery, appliances, hazardous pools, ponds, structures and excavations.
13. Obstructing and excavating so as to affect the ordinary use of the public streets, alley, sidewalks or public grounds except such conditions as are provided by ordinance and any other excavations left unprotected or uncovered.
14. Using property abutting a public street or sidewalk or any use of a public street or sidewalk, which use of causes large crowds of people to gather obstructing traffic and the free use of public streets or sidewalks.
15. Permitting all other conditions, acts or things that are liable to cause injury to the person or property of anyone.
16. Personal property such as vehicles, trucks, recreational vehicles, boats, trailers or vehicle parts, which are abandoned, inoperative or left in a state of disrepair, shall not be parked in a residential district for a period exceeding fourteen (14) days. Vehicles, trucks, recreational vehicles, boats and trailers must have current license tabs.
17. Performance or mechanical work on motor vehicles or recreational vehicles on viewable private property totaling more than four (4) weeks during any calendar year.
18. The storage of construction equipment, farm machinery or machinery of any type on the owner's viewable property.
19. Maintenance of property out of harmony or conformity with the maintenance standards of adjacent properties such as: the paint has deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping as to render the property unsightly and cause substantial diminution of enjoyment or use of such adjacent properties.
20. Property that lacks appropriate landscaping, turf or plant material so as to cause excessive dust.
21. Any ongoing disruptive activity, noise, sight, smell or commotion.
22. The usage of any hoofed animal on any public property including permanent streets, road and highways within the city, without a permit.

23. Allowing diseased animals, not under treatment, to run at large and be exposed to the public.
24. Not properly disposing of an animal carcass within twenty-four (24) hours after death.
25. Throwing, placing, or depositing telephone books on private property in places other than in the mailbox, entry, or two (2) feet from the front door.
26. Odors shall be unlawful if the emission of odorous gases or material in such quality and quantity migrate at any point beyond the lot line of the site from which it originated for a period exceeding thirty (30) minutes duration and interferes with the reasonable and comfortable use and enjoyment of property.
27. Operating or stopping a vehicle in such a manner as to block or obstruct any roadway while preventing the free use of the roadway for the purpose of travel by other vehicles, either willfully or when such a driver or operator is able to avoid doing so through the exercise of ordinary care.
28. Standing, sitting, or lying on the traveled portion of any street, alley, or public driveway by a pedestrian, either willfully or through the pedestrian's failure to exercise ordinary care, in such a manner as to block, hinder, or obstruct the reasonable travel or progress of any vehicle thereon.

Sec. 13-2A-1. Ambient Air Quality Standards Adopted.

1. The City hereby adopts and incorporates by reference the ambient air quality standards of Air Pollution Controls and Regulations pursuant to Minnesota Rules (2008), Chapter 7009 (Minnesota Pollution Control Agency), and it shall be unlawful to violate these standards as adopted.
2. The City hereby adopts and incorporates by reference the Health Risk Values for ambient air quality as defined in Minnesota Rules (2008) 4717.8000-4717.8500, (Minnesota Department of Health), and it shall be unlawful to violate these standards as adopted.

Sec. 13-2A-2. Air Quality and Public Nuisances.

1. It shall constitute a public nuisance and be unlawful for any person to make, continue, permit, or cause to be emitted into the open air any dust, gasses, fumes, vapors, smokes, or any odors with objectionable properties, and in such quantities as would be likely to cause discomfort or annoyance to a reasonable person of normal sensibilities that does one or more of the following:
 - (a) Injures or are sufficient to injure the health or safety of any person or the public;
 - (b) Creates an obnoxious odor in the atmosphere;
 - (c) Causes damage to property;
 - (d) Creates a nuisance or hazard by obscuring vision; or
 - (e) Produces a deleterious effect upon trees, plants, or other forms of vegetation.
2. Characteristics and conditions which shall be considered in determining whether an emission is discomforting, annoying, objectionable, or obnoxious for the purposes of paragraph (1) of this section shall include, but not be limited to the following:
 - (a) Proximity of the emission to the nearest point of habitation;
 - (b) Duration of the emission;
 - (c) Whether the emission is recurrent, intermittent, or constant;

- (d) Whether or not emission abatement measures are possible and whether or not that are used to reduce the emission; or
- (e) The quality or state of the ambient air.

3. Any exceedance or violation of the limitation established in or pursuant to this section may be abated by the appropriate City official(s). Such abatement shall be in addition to all other remedies provided by law or equity.

Sec. 13-3. Curfew.

(A) Findings and Purpose

1. In recent years, there has been a significant increase in juvenile victimization and crime. At the same time, the crimes committed by and against juveniles have become more violent. A significant percentage of juvenile crime occurs during curfew hours.
2. Because of their lack of maturity and experience, juveniles are particularly susceptible to become victims of older perpetrators. The younger a person is, the more likely he or she is to be a victim of crime.
3. While parents have the primary responsibility to provide for the safety and welfare of juveniles, the city also has a substantial interest in the safety and welfare of juveniles. Moreover, the city has an interest in preventing juvenile crime, promoting parental supervision, and providing for the well being of the general public.
4. A countywide curfew, adopted by Oakdale, will reduce juvenile victimization and crime and will advance public safety, health, and general welfare.

(B) Definitions:

- **Emergency** means a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury, or loss of life.
- **Establishment** means any privately owned place of business to which the public is invited, including, but not limited to, any place of amusement, entertainment, or refreshment.
- **Guardian** means an adult appointed pursuant to Minnesota Statute §525.6155 or §525.6165 who has the powers and responsibilities of a parent as defined by Minnesota Statute §525.619.
- **Juvenile** means a person under the age of seventeen (17). The term does not include persons under 17 who are married or have been legally emancipated.
- **Parent** means birth parents, adoptive parents, and stepparents.
- **Proprietor** means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- **Public Place** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- **Responsible Adult** means a person over the age of eighteen (18) specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.
- **Serious Bodily Injury** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of or impairment of the function of any body part or organ.

(C) **Prohibited Acts.**

- (1) It is unlawful for a juvenile under the age of 12 to be present in any public place or establishment within the City of Oakdale:
 - (a) Any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day.
 - (b) Any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.
- (2) It is unlawful for a juvenile from age 12 through 14 to be present in any public place or establishment within the City of Oakdale:
 - (a) Any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day.
 - (b) Any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.
- (3) It is unlawful for a juvenile, ages 15 and 16, to be present in any public place or establishment in the City of Oakdale:
 - (a) Any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day.
 - (b) Any time between 12:01 a.m. and 5:00 a.m. on any Saturday or Sunday.
- (4) It is unlawful for a parent or guardian of juvenile, knowingly or through negligent supervision, to permit the juvenile to be in any public place or establishment within the city during the hours prohibited in paragraphs (1) (2) and (3) of this section.
- (5) It is unlawful for a proprietor of an establishment within the city to knowingly permit a juvenile to remain in the establishment or on the establishment's property during the hours prohibited in paragraphs (1), (2), and (3) of this section.

If the proprietor is not present at the time of curfew violation, the responding officer shall leave written notice of the violation with a notice of the violation with an employee of the establishment. A copy of the written notice shall be served upon the establishment's proprietor, personally or by certified mail.

(D) **Defenses**

1. It is an affirmative defense for a juvenile to prove that:
 - (a) The juvenile was accompanied by his or her parent, guardian, or other responsible adult.
 - (b) The juvenile was engaged in a lawful employment activity or was going to or returning home from his or her place of employment.
 - (c) The juvenile was involved in an emergency situation.

- (d) The juvenile was going to, attending, or returning home from an official school, religious, or other recreational activity sponsored and/or supervised by a public entity or a civic organization.
- (e) The juvenile was on an errand at the direction of a parent or guardian.
- (f) The juvenile was exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota.
- (g) The juvenile was engaged in interstate travel.
- (h) The juvenile was on the public right-of-way boulevard or sidewalk abutting the property containing the juvenile's residence or abutting the neighboring property, structure, or residence.

2. It is an affirmative defense or a proprietor of an establishment to prove that:

- (a) The proprietor or employee reasonably and in good faith relied upon a juvenile's representations of proof of age. Proof of age may be established pursuant to Minnesota Statutes §340A.503, Subd. 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates.
- (b) The proprietor or employee promptly notified the responsible police agency that a juvenile was present on the premises of the establishment during curfew hours.

(E) **Penalty.**

- (1) Violation of Section 13-3 (1), (2), or (3) will be prosecuted pursuant to Minnesota Statutes §260.195 and will be subject to the penalties therein.
- (2) Violation of Section 13-3 (4) or (5) is a misdemeanor and will be subject to the penalty set forth in Minnesota Statutes §609.09 (3).

Sec. 13-4. Trapping.

- (a) **Definitions.** The words and phrases defined in this section shall have the meanings ascribed to them as follows:
 - **Trap.** The word "trap" means any device used for the purpose of catching, capturing, snaring, holding or killing animals.
 - **Trapping.** The word "trapping" means placing or setting of traps with the intent to catch animals. This definition does not apply to the catching of animals within a dwelling place or garage, shed or barn.
 - **Live-Trap.** The word "live-trap" means a trap that is designed to capture animals alive without causing injury to the animal.
 - **Leg-Hold.** The word "leg-hold" means a device designed to catch and hold an animal by its leg when the jaws of the trap snap shut as a result of pressure exerted on a trigger mechanism by the weight of the animal. These traps are usually made of steel or other metals but may be made of rigid plastic.
- (b) **Purpose.** It is the purpose of this chapter to protect the citizens from injury from hazardous devices and to protect domesticated animals and pets from damage and destruction that may result from uncontrolled trapping.

- (c) **Trapping Prohibited.** It shall be unlawful to engage in trapping within the City of Oakdale except as hereinafter provided.
- (d) **Exceptions.** The provisions of this section do not apply to:
- (1) Employees or agents of governmental units or agencies who, using live-traps, in the course of their duties, are required to trap animals or birds for humane or other authorized purposes.
 - (2) Scientists in their work of identifying and studying wildlife, animals and birds so long as said animals and birds are returned to their natural environment without harm.
 - (3) The trapping and/or killing of harmful rodents or pests such as rats, mice, gophers, moles, and squirrels on private property shall be allowed and any effective device except leg-hold traps may be used so long as the traps are set and tended in a way which does not constitute a danger to persons or to domestic or wild animals which are not pests or nuisances.
 - (4) The trapping and/or killing of harmful rodents or pests within one's own private building shall be allowed.
 - (5) Persons who have specific animal nuisance problems may apply to the city for a special permit to enable them to legally trap or kill certain rodents and pests that are considered a nuisance.
- (e) **Leg-Hold Traps Prohibited.** The use of leg-hold traps shall be prohibited in all cases, except when authorized by special permit issued by the City Council.
- (f) **Penalty.** Any person who violates any provision of this section may be charged with a misdemeanor and subject to a fine not to exceed five hundred dollars (\$500) or imprisonment not to exceed ninety (90) days.

ARTICLE 2. WEAPONS

Sec. 13-5(a). Effect of Provisions on other Laws, Private Rights. Nothing contained in this article shall be construed as allowing the discharge of any firearm, air gun or other weapon if such discharge is prohibited by any law of the state of any of its subdivisions, nor shall this article enlarge the civil rights of any person.

Sec. 13-5(b) Definitions: For the purpose of this article, the following terms shall be defined as follows:

- **Airsoft Gun** refers to a spring, electric, or gas powered air gun designed to fire small spherical plastic pellets of either 6 mm or 8 mm diameter (0.24 or 0.32 inches) through a smoothbore barrel. Characterized by lower muzzle velocities and projectiles made of plastic or other non-metallic materials, “airsoft guns” are designed specifically to be non-lethal for use in the sport “Airsoft”, which is similar in concept to “Paintball”.
- **BB Gun** refers generally to a type of air gun designed to propel spherical projectiles, called BBs. BBs are typically steel, plated either with zinc or copper to resist corrosion, and measure 0.171 to 0.173 inches (4.34 mm to 4.39 mm) in diameter. Characterized by a smoothbore barrel with a bore diameter and caliber of 0.177 inches (4.5 mm) propulsion is typically achieved through the release of compressed gas generated via a spring piston, gas ram, pneumatic pump or
- pre-compressed gas (CO₂) delivery system. An older, less powerful design utilized the release of a compressed mechanical spring or stretched elastic band to directly propel the

BB. For the purposes of this ordinance section, both the compressed gas and mechanical spring designs shall be categorized as “bb guns”.

- **Bow and Arrow** means a device consisting of a stave made of wood or other elastic material, bent and held in tension by a string. The arrow, a thin wooden, aluminum, or composite shaft with a feathered tail, is fitted to the string by a notch in the end of the shaft and is drawn back until sufficient tension is produced in the bow so that when released, it will propel the arrow. Arrowheads have been made of shaped flint, stone, metal, and other hard materials.
- **Firearm** means any weapon that is designed to, or may readily be converted to, expel a projectile by the action of an explosive and includes but is not limited to shot guns, rifles, handguns, and other such single fire, automatic, and semi-automatic weapons. Such term does not include replica firearms, bb guns, pellet guns, airsoft guns, paintball guns, or spud guns.
- **Paintball Gun**, sometimes referred to as a “paintball marker”, is defined as the primary device used in the game of “paintball” to mark an opposing player with paint. Paintball guns use a rapidly expanding gas (usually CO₂ or air) to force a paintball (.68 caliber round gelatin capsule filled with colored polyethylene glycol “paint”) through the barrel with a typical muzzle velocity of 300 ft/s (91 m/s).
- **Pellet Gun** refers generally to a type of air gun designed to propel solid cylindrical projectiles, called pellets. Pellets are usually lead or steel and measure anywhere from 0.171 to 0.250 inches (4.34 mm to 6.4 mm) in diameter. Characterized by a rifled barrel, propulsion is typically achieved through the release of compressed gas generated via a spring piston, gas ram, pneumatic pump or pre-compressed gas (CO₂) delivery system. An older, less powerful design utilizes the release of a compressed mechanical spring or stretched elastic band to directly propel the pellet. For the purposes of this ordinance section, both the compressed gas and mechanical spring designs shall be categorized as “pellet guns”.
- **Replica Firearm** means a device or object that is not defined as a dangerous weapon, and that is a facsimile or toy version of, and reasonably appears to be, a functional pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher, or any other firearm. The term replica firearm includes, but is not limited to, devices or objects that are designed to fire only blanks.
- **Replica Firearm – Exceptions:** “replica firearm”, by definition, shall **not** include any facsimile or toy version of a firearm, the entire exterior surface of which is colored white, bright red, bright orange, bright yellow, bright green, bright pink, or bright purple, either singly or as the predominant color in combination with other colors in any pattern; or any similar devices or object observation of the device or object’s complete contents; provided that:
 - i. Such device or 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 device or object; and
 - ii. Such device or object may not have attached thereto a “laser pointing” device.
- **Silencer or Noise Suppressor** refers to a device attached to a firearm to reduce the amount of noise and flash generated by firing the weapon. It generally takes the firearm, with various internal mechanisms to reduce the sound of firing by slowing the escaping propellant gas, and sometimes by reducing the velocity of the bullet to subsonic level.

- **Sling Shot** means a hand-powered projectile weapon characterized by a pocket for holding a projectile and an elastic band attached to the ends of a fork-shaped frame.
- **Spud Gun**, sometimes referred to as a “potato cannon”, “potato gun”, or a “tennis ball cannon”, is a launching device, usually constructed from polyvinyl chloride (PVC) water pipe, copper pipe, acrylonitrile butadiene styrene (ABS) pipe or similar materials. Propulsion of a projectile is typically accomplished via the release of compressed gas or through the detonation of combustible fuel vapors causing an exothermic reaction and the rapid expansion of contained gases. Common projectiles include potatoes, tennis balls, and golf balls.

Sec. 13-6. Unlawful Discharge.

- (a) Except as hereinafter provided, no person shall discharge a firearm of any kind, bow and arrow, air gun, BB gun, pellet gun, spud gun, sling shot or any similar device for the propulsion of shots or metal pellets by means of compressed air, gas, or mechanical spring action within the city, for any purpose whatsoever, unless such discharge is specifically permitted under Section 13-7.
- (b) No person shall discharge a paintball gun or an airsoft gun within the city in a manner that either causes, or is likely to cause, injury to person(s) or damage to property that is not incidental to, and sustained by a willing and active participant in, an organized “paintball” or “airsoft” sporting event. For the purposes of this section, an “organized paintball or airsoft sporting event” shall be recognized under circumstances wherein two or more individuals are willing participants in a known paintball or airsoft activity that the activity is conducted on private property with the property owner’s express permission, and all active participants are equipped with substantially similar paintball or airsoft devices.

Sec. 13-7. Discharges Permitted. The following uses of firearms, weapons, and other such devices shall be considered to be exceptions to the provisions contained herein and shall be permitted uses of firearms, weapons, and similarly regulated devices in the city.

- (a) Discharge of a BB gun, pellet gun, firearm or other weapon of any kind for the purpose of self-defense.
- (b) Discharge of a firearm or other law enforcement tool by an authorized and licensed law enforcement officer in the normal course of the law enforcement officer’s duties.

Sec. 13-8. Possession of Certain Items Prohibited. No person, unless specifically permitted under the terms of either a valid state or federal firearms license or collector’s permit, shall possess any of the following:

- (a) Fully automatic firearms.
- (b) Shotguns with a barrel length less than eighteen (18) inches.
- (c) Rifles with a barrel length less than sixteen (16) inches.
- (d) Weapons made from a rifle or shotgun with an overall length of less than twenty-six (26) inches.
- (e) Semi-automatic pistols with shoulder stocks.
- (f) Any unconventional weapon which is capable of being fired and can be concealed on the person.

Sec. 13-9. Carrying Concealed. No person within the city shall have concealed about their person any pistol, firearm, replica firearm, dagger, sling shot or knuckles made of lead, brass or other metal or rigid plastic, bowie knife, dirk knife, switchblade, razor of any sort or description, or any other dangerous or deadly weapon unless said person is an authorized law enforcement officer or has in his/her possession, a valid "concealed carry" permit, obtained pursuant to Minn. Stat. §624.714, and issued for the particular classification of weapon carried.

Sec. 13-10. Possession by Minor.

- (a) A minor is defined as any person under the age of eighteen (18) years.
- (b) It shall be unlawful for a minor to have in his/her possession within the city any uncased firearm or airsoft unless in the immediate presence of the minor's parent or guardian. Any duly authorized law enforcement officer employed by the city may confiscate any such weapon found on any minor but shall return the weapon to the parent or guardian of said minor upon request.

Sec. 13-11. Unlawful Display. No person shall, within the city, display, exhibit, brandish, or otherwise employ a replica firearm, BB gun, or pellet gun, in a threatening or menacing manner unless such action would be permitted under Section 13-7 of this chapter.

Sec. 13-12. Metal Knuckles, Switchblades. It shall be unlawful for any person to manufacture, transfer, or possess metal or rigid plastic knuckles or a switchblade knife opening automatically.

Sec. 13-13. Silencers. It shall be unlawful for any person to sell or have in their possession any device designed to silence or muffle the discharge of a firearm, unless the person is an authorized law enforcement officer or has a valid federal permit for the possession thereof.

Sec. 13-14. Transporting of Weapon; Taking of Game. Except as permitted by special permit, it shall be unlawful to take any wild animal by means of discharging any firearm or bow and arrow thereat, from a motorized vehicle or, under any circumstances, to transport any firearm, replica firearm, BB gun, pellet gun, airsoft gun, paintball gun, spud gun, bow and arrow, cross bow, or similar weapon or device in a motorized vehicle unless the weapon or regulated device is unloaded in all barrels and magazines and contained in a case specifically made to contain the weapon or regulated device, provided, however, that the case must fully enclose the weapon or regulated device and must be secured by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the encased weapon or regulated device exposed. In the alternative, the uncased weapon or regulated device may be lawfully transported in a motorized vehicle provided the weapon or regulated device is unloaded and contained in the trunk of a car with the trunk door closed with no immediate access possible from the interior passenger compartment of the transporting motorized vehicle.

Sec. 13-15. Target Ranges.

- (a) **Public Defined.** A public target range shall be defined as an area for the discharge of weapons for sport under controlled conditions. Such area to be privately owned but open to the public and for the use of which a fee is charged.
- (b) **Private Defined.** A private target range shall be defined as an area for the discharge of weapons for sport, which area and the use thereof is controlled by a club or association and except for special events, said use is limited to members of the club or association.

- (c) **Permits.** The City Council is hereby authorized to issue permits for the operation and maintenance of public and private target ranges. Said permit may be issued upon application and payment of an annual fee determined by the City Council; provided, however, that the City Council and Chief of Police shall have first visited the site and provided further that the City Council shall determine that the use will not constitute a hazard to the health, safety or general welfare of the public or otherwise pose a nuisance.
- (d) **Regulations.** The City Council shall prescribe rules and regulations for the construction and operation of target ranges, including proof of public liability insurance, and may cancel or refuse to renew a permit for violation of such rules and regulations.
- (e) **Bow and Arrow Ranges.** The City Council may designate one or more bow and arrow target ranges in any city park or on other public property if it first determines that such use will not constitute a hazard to the health, safety or general welfare of the public or otherwise pose a nuisance. Prior to designating any such bow and arrow target range, the City Council shall also prescribe rules and regulations for the construction, maintenance and operation thereof.

ARTICLE 3. FLEEING A PEACE OFFICER.

Sec. 13-16. Definitions. For purposes of this section:

- **Flee** means to elude or attempt to elude a peace officer by means other than a motor vehicle following a request to stop given by a peace officer.
- **Peace Officer** shall be that set forth in Minnesota Statutes Section 609.487, Subd. 2.

Sec. 13-17. Penalty. Whoever, by means other than a motor vehicle, flees or attempts to flee a peace officer that is acting in the lawful discharge of an official duty, is guilty of a misdemeanor.

ARTICLE 4. LASER POINTING DEVICES

Sec. 13-18. Prohibited Conduct. It shall be unlawful to focus, point, or shine a laser-pointing device directly or indirectly at another person knowing or having reason to know that said act will alarm, frighten, or disturb that person.

ARTICLE 5. TARGETED PICKETING IN RESIDENTIAL NEIGHBORHOODS

Sec. 13-19. Definitions. The following words and terms, when used in this Article, shall have the following meanings unless the context clearly indicates otherwise:

- (a) **"Targeted Residential Picketing"** shall mean:
 - (1) Marching, standing, or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security, or privacy of an occupant of the building; or
 - (2) Marching, standing, or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located; or

- (3) Standing, marching, patrolling or picketing by one or more persons focused in front of or adjacent to a particular residential dwelling without the consent of that dwelling's occupants.

Sec. 13-20. Purpose. The city has an interest in safeguarding the right of Oakdale residents to enjoy, in their home and dwelling, a feeling of wellbeing, tranquility, and privacy. The City Council finds that targeted residential picketing in front of or about a residential dwelling causes emotional distress to the dwelling occupant(s), obstructs and interferes with the free use of the public right-of-ways, and has, as its object, the harassment of the dwelling occupant(s). The City Council further finds that, without resorting to targeted residential picketing, ample opportunities exist for those otherwise engaged in targeted residential picketing to exercise constitutionally protected freedom of speech and expression.

Sec. 13-21. Prohibited Activity. No person shall engage in targeted residential picketing within the city.

Sec. 13-22. Violation. Any person who engages in targeted residential picketing within the city is guilty of a misdemeanor. (Ord. 871, 06/08/21).

ARTICLE 6. TEMPORARY STORAGE

Sec. 13-23. Intent and Purpose. The purpose of this Article is to provide standards to insure that temporary containers are used for short-term storage; are not used as accessory buildings; do not impede vehicular access, traffic flow, or circulation; or create public safety hazards.

Sec. 13-24. Definitions. The following words and terms, when used in the Article, shall have the meanings unless the context clearly indicates otherwise:

City means City of Oakdale, Minnesota.

Container means portable, on-demand storage devices.

Temporary Storage Container Registration means the form used by a person having a Container placed on property in the City.

Sec. 13-25. Prohibited Activity. Except as hereafter provided, no person shall place or have placed on property in the City, a Container without adhering to the following:

- (a) Container shall remain on the property for no more than 60 days;
- (b) Container must be placed or parked on a paved or gravel area unless the main structure is being constructed and a driveway has not yet been installed; in this case, the Container shall be placed or parked in the proposed driveway location;
- (c) Container must be placed or parked entirely on private property as close to the main structure as possible; not on any roadway, sidewalk, right-of-way, or other public property, or blocking any site lines;
- (d) Container must be placed or parked at least five feet from any property line;

- (e) A total of two containers may be placed or parked on a property at one time, with a maximum of two occurrences allowed for an individual property in a calendar year;
- (f) Dumpsters, dumpster bags, roll-off containers, and tubs shall be regulated under Chapter 6 of the City Code.

Sec. 13-26. Container Registration. Persons having a Container placed on property in the City shall register their Container prior to its expected delivery. (Ord. 875, 09/14/21).

ARTICLE 7. POSSESSION, SALE OR ACQUISITION OF CATALYTIC CONVERTERS

Sec. 13-27. Sale or Acquisition of Catalytic Converters. No person or business may sell, purchase, acquire, or receive a used catalytic converter that is not attached to a vehicle unless the person or business is a bona fide automobile repair facility engaged in the installation, replacement, maintenance, or removal of catalytic converters.

Any person or business that purchases, acquires, or receives a used catalytic converter must comply with the requirements in Minn. Stat. § 325E.21, Subd. 1b.

Any person or business that violates this Section is guilty of a misdemeanor.

Sec. 13.28. Possession of Catalytic Converters. No person shall be in possession of a catalytic converter that is not attached to a motor vehicle unless the individual can provide verification of legal receipt of the catalytic converter or proof of compliance with the requirements laid out in Minnesota Statute Section 325E.21, Subd. 1b. For purposes of this section, “receipt” means a written document containing the name and address of the individual or entity from whom the person acquired the catalytic converter, the date and time of acquisition, and the amount paid for the catalytic converter. (Ord. 879, 2/8/2022).

ARTICLE 8. SMOKING OF CANNABIS AND HEMP IN A PUBLIC PLACE

Sec. 13-29. Prohibition of Use in Public.

A. Definitions.

1. For purposes of this section, the terms “cannabis flower,” “cannabis products,” and “hemp-derived consumer products” shall have the definitions given to them in Minnesota Statutes, Section 342.01, as it may be amended from time to time.
2. For purposes of this section “smoking” is defined as: Inhaling, exhaling, burning or carrying any lighted or heated product containing, made or derived from cannabis flower, cannabis products, hemp, or hemp-derived product, that is intended for inhalation. Smoking will also include using an electronic delivery device.
3. For purposes of this section, “public place” is defined as:
 - a. any indoor or outdoor area that is used or held out for use by the public whether owned or operated by public or private interests.

- b. Pursuant to Minnesota Statutes, Section 152.0263, subd. 5, “public place” does not include the following: (i) a private residence, including the person's curtilage or yard; (ii) private property not generally accessible by the public; and (iii) the premises of an establishment or event licensed to permit on-site consumption of cannabis flower, cannabis products, or hemp-derived consumer products.

B. Use of cannabis and hemp prohibited in public places.

1. No person shall vaporize or smoke cannabis flower, cannabis products, or hemp-derived consumer products in a public place. A violation of this section shall be considered a petty misdemeanor. Notwithstanding any other penalty provision in the city code and is punishable in accordance with Article III of this Code.
2. Exception: With the smoking medical cannabis, when necessary due to a medical condition use of medical cannabinoid products or medical cannabis flower that meet all requirements under applicable law, by a patient enrolled and registered in the medical cannabis program, is not subject to the prohibition contained in this Chapter.

C. Any person who violates this Section is guilty of a Petty Misdemeanor.