

**CITY OF BAXTER, MINNESOTA
ORDINANCE 2023-010**

**AN ORDINANCE AMENDING THE TEXT OF TITLE 5, CHAPTER 1 OF THE BAXTER
CITY CODE, ENTITLED BAXTER ZONING REGULATIONS**

THE CITY OF BAXTER ORDAINS:

SECTION 1. Amendments. The text of Title 5, Chapter 1 (Hunting Regulations and the Discharge of Firearms) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

5-1-4: HUNTING REGULATIONS AND THE DISCHARGE OF FIREARMS:

A. Statute Authority: This section is passed pursuant to the general authority granted to statutory cities to regulate the health, safety and general welfare, as well as nuisances, under Minnesota statutes section 412.221, and in addition more specifically under Minnesota statutes section 471.633 whereby the state legislature has authorized municipalities to regulate the discharge of firearms.

B. Definitions: As used in this section:

ARROW: A slender shaft, pointed at one end, or designed to have a pointed head or tip attached, and feathered at the other end.

BOW: A flexible, curved strip of wood, metal, fiberglass, plastic, or other material, with a cord connecting the two (2) ends, designed to shoot arrows. This definition includes a device popularly known as a crossbow.

FIREARM: All rifles, shotguns, handguns, and firearms using smokeless or black powder.

C. Discharge Prohibited:

1. It shall be unlawful for any person to discharge a rifle or handgun within the city limits.

2. It shall be unlawful for any person to discharge any firearm except in conformance with state and federal statutes and as outlined in subsection G of this section.

3. Any discharge of firearms or firearms hunting within five hundred feet (500') of a dwelling or occupied building is not allowed.

D. Exception: This section shall not apply to police officers or authorized law enforcement officers or personnel when using firearms during performance of their duties.

E. Permit Required: Hunting- Individuals must first obtain a permit from the Chief of Police, or designee, to hunt any game within the city limits. Permits will be issued for a

period of time which will correspond to the game season requested as established by the MN Department of Natural Resources.

F. Hunting Permits:

1. Firearms: Issued to individuals who will be using either a shotgun or muzzleloader to hunt game within the city limits.

2. Archery: Issued to individuals who will be using a bow and arrow or a crossbow to hunt game within the city limits.

3. Managed Archery: Issued to individuals who will be using either a bow and arrow or a crossbow to hunt game within specially designated hunting areas of the city. These areas are identified on the City of Baxter Hunting Map as "Managed Archery". Hunting on these properties will require individuals to obtain additional certification prior to the issuance of the permit. (See Section H-Permit Areas Defined)

G. Lawful Use: This subsection defines lawful use of firearms in the city.

1. Legal Game: Use of a shotgun or a muzzleloader for hunting of game is allowed in areas designated by the city council on the city hunting map and in conformance with hunting seasons and regulations set by the Minnesota Department of Natural Resources. Permits are issued on an individual basis only to holders of a valid big game hunting license, and only for a period that the license is valid.. The applicant must own the property on which such activities will take place or have written permission on their person from the property owner.

2. Small Game: Use of a shotgun and shot for hunting small game is allowed in areas designated by the city council on the city hunting map and in conformance with hunting seasons and regulations set by the Minnesota Department of Natural Resources. Permits are issued on an individual basis only to holders of a valid small game hunting license, and only for a period that the license is valid. The applicant must own the property on which such activities will take place or have written permission on their person from the property owner.

H. Archery Regulations: Use of a bow and arrow for hunting is allowed in the city in areas designated by the city council on the city hunting map and in conformance with hunting seasons and regulations set by the Minnesota Department of Natural Resources. Permits are issued on an individual basis only to holders of a valid big game or small game hunting license, and only for a period that the license is valid. The applicant must own the property on which such activities will take place or have written permission on their person from the property owner.

Target practice using a bow and arrow is allowed on your own property or on private property with written permission from the owner. Permission must be in possession of the person at the time the activity is occurring. All target practice activity must be conducted in a safe manner so as not to endanger or risk injury to others. A permit is not required for archery target practice.

I Hunting Map: The City of Baxter shall have a hunting map in which defined areas are to be established. The defined areas shall stipulate what type of weapons can be used in those specific areas and if any additional certifications or requirements are in place. For the areas in which hunting is permitted, the hunter must have a valid MN DNR hunting license prior to application for a permit. The defined hunting areas in the City of Baxter are:

1. No Hunting: Areas within the city in which no hunting is approved.
2. Archery: Areas within the city in which archery hunting is permitted. On the city hunting map these areas include those areas defined as archery, shotgun or muzzleloader.
3. Managed Archery: Areas within the city in which archery hunting is permitted to hunters who have completed both a proficiency test and the bowhunter education certificate issued by the MN DNR.
 - a. Proficiency test: Hunters must demonstrate competency by completing a proficiency test at an identified location. These locations will be posted on the City of Baxter website. For successful completion of the proficiency test, hunters will be given two attempts to successfully shoot 4 out of 5 arrows into a target approved and provided by the Baxter Police Department. Sample targets will be available on the city website.
 - b. Bowhunter Education Certificate: This is a MN DNR approved test that can be completed online or in person. This course should be completed prior to the proficiency test.
4. Shotgun: Areas within the city in which hunting with a shotgun is permitted. On the city hunting map these areas include both the shotgun and muzzleloader defined areas.
5. Muzzleloader: Areas within the city in which hunting with a muzzleloader is permitted. On the city hunting map these areas are defined as muzzleloader areas.

J. Reporting Requirements: All big game successfully taken in the City of Baxter shall be registered on the city website following the harvest of an animal. A link will be available on the city website for this registration.

K. Penalty: Violation of any provision of this section or usage of firearms in violation of Minnesota statutes or Minnesota department of natural resources regulations/rules shall result in revocation of any permit and forfeiture of issuance of future permits for a five (5) year period. Any person violating any provision of this section is guilty of a misdemeanor. (Ord. 2009-14, 8-6-2009; amd. Ord. 2019-014, 7-16-2019)

SECTION 2. Effective Date. This amendment shall take effect upon its passage and publication.

WHEREUPON, said Ordinance is hereby declared adopted on this 18th day of July 2023.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal