

**08-31-2020**

**Planning Commission Meeting  
Supplemental Packet**

## Jenny Moore

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**From:** Nicole Roettger <farmgirl4evr@aol.com>  
**Sent:** Wednesday, August 26, 2020 7:36 AM  
**To:** Ron Moorese  
**Subject:** firearms

Here are a few points I have against any type of shooting ordinance:

I understand some people have issues with their neighbors shooting but this needs to be taken care of with your neighbor not getting the whole city involved? I am a 4TH generation Afton resident and my family has never had an issue with any neighbors. Ever. In all of the 100+ years we have been in Afton. We let our neighbor know when we shoot and if they didn't want us to then we would have enough respect for that and change our plans. We don't shoot a lot that often but someone saying we can't do something on our own property is wrong. Especially when nobody is in harms way.

I am a multiple season hunter and usually have more than one tag if it's available. There is absolutely NO WAY I can say I could be comfortable with my shot if I had to get ready for multiple seasons on 20 rounds. I just got a new scope for my deer gun. I've never used anything like it before so I can easily see myself using 20 rounds to just practice with my new scope. Then I have my bird guns for those seasons. Also with a possible 2 tags I could be breaking the "rules" by shooting 2 days in a row. So now you are in turn coming after hunting. You say you want to preserve hunting in Afton but with rules like these it won't happen. We sometimes have multiple hunters on the property. Sometimes different seasons but sometimes the same. So then shooting 2 days in a row is inevitable.

I did have a conversation with Lucia about this. She asked me why I don't go to a range. My answer is why would I? Why would I pay to go to a range when I can shoot on my family's property? Shooting on my family's property is how I grew up and how I will teach my children. As long as we are safe doing so and respectful why would I change?

You say it's about safety but then say shooting a .22 is ok. Do you not know how stupid that comment is? A .22 has the potential to go 1 mile. This is OBVIOUSLY a noise issue and not a gun issue. Especially when you say you can shoot 20 rounds once a month UNLESS you are shooting clay pigeons then you can shoot 100? That sentence sounds so dumb. They should be the exact same or better yet no limit.

I am totally against any type of ban on how many times a month you can shoot. 20 rounds a month is way to little. 100 rounds a week/per shooter would be better.

Thanks for your time,  
Nicole Roettger  
Neal Ave

----- Original message -----

From: Yung Yip <[divingyung@gmail.com](mailto:divingyung@gmail.com)>

Date: 8/27/20 12:12 (GMT-06:00)

To: Bill mayor <[mayor@ci.afton.mn.us](mailto:mayor@ci.afton.mn.us)>, ward 3 <[ward3@ci.afton.mn.us](mailto:ward3@ci.afton.mn.us)>

Subject: I support the proposed change to the gun noise ordinance

Bill & Stan,

I think the draft gun noise ordinance is a needed addition to the existing 500' rule. The proposed addendum is fair if not overly generous, 20 shots per session would be sufficient IMO. While my household is not unduly burdened with excessive gun noise, I have noticed the occurrence of "shooting for the hell of it" has steadily increased over the past 15 years. This ordinance change will improve quality of life in our city, and prevent many future headaches.

I'm sure you will face strong opposition from a small but vocal minority. I suggest seeking the quorum of a broad swath of residents will justify the decision.

Ward 3 resident,

Yung Yip

## Jenny Moore

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**From:** ERIC A BURGER <BURGER0980@msn.com>  
**Sent:** Friday, August 28, 2020 10:57 AM  
**To:** Ron Moorese  
**Subject:** Ordinance amendment regarding the discharge of firearms and nuisance noise

I would like to comment on the ordinance amendment regarding the discharge of firearms and nuisance noise. I being a life long residence of Afton for over 55 years believe there is no reason for the amendment but to enforce the current law in place.

I do agree there has been a increase in excess firearm discharge, however, I believe the Sheriff should be called in those cases and also when it is after dark.

I would also like to bring to your attention the sound of construction when using pneumatic nail guns. The sound carries and can sound like small arms fire to someone who is not experienced to differentiate between the sound. So if there is a new roof or construction in your area make sure the sound you hear is not coming from the construction site.

I am concerned that creating an amendment to the current ordinance will have several responsible gun owners questioning the council about infringing on their second amendment rights and will cause more harm than good. Again, I am all for enforcement of the current ordinance by reporting a concern to the sheriff's office and let the law take care of any abuse.

Thank you,  
Eric Burger

Sent from [Mail](#) for Windows 10

## Jenny Moore

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**From:** timpleba@gmail.com  
**Sent:** Friday, August 28, 2020 11:06 AM  
**To:** Ron Moorse  
**Subject:** "Ordinance amendment firearms discharge"

**This is a noise issue that is being turn into a gun issue.** You need to address it as a noise issue, not regulate how many rounds can be fired from a gun and how often! If it were someone (s) revving they motorcycle engines, race car engines, playing loud music, or riding dirt bikes on their land you would not be trying to limit music and engines it would be dealt with as a noise issue. Within the noise ordinance there needs to be verbiage added (Maybe it is already in there?) defining the amount of maximum decibels allowed (measured from ones property line) over a given time deration. This would address all noise issues not just noise from guns being fired.

I hear "We are not trying to take away your right to have guns or hunt" Well not all gun owners are hunters many just enjoy target shooting or practicing tactical shooting. The 2<sup>nd</sup> amendment does not read you have the right to hunt, it reads you have the right to bear arms period. Again don't turn this noise issue into a gun issue, deal with it as a noise issue!.

I also hear it's a safety issue! Based on what information is it a safety issue? You have already change the gun ordinance to basically adopt the MN hunting and gun safety regulations.

I know gun ranges are not allowed in Afton. It is also my understanding that you do not have a definition of what a gun range is!? By not allowing a gun range you are encouraging shooters to shout less safely. Where they would have a "real backstop and targets" they now must have something less because a "real backstop and target" could be considered a gun range.

Last comment. I own 80 acres, only one house on 80 acres. If you continue to put in ordinances like you would see in the "cities" you will begin to lose your large land owns to developer and turn Afton into another Woodbury. We will take the developers large money offers and by land where we are free to used it within common sense of those around us.

Noise issue not gun issue address it as such!

Tim Leba  
Afton

## Jenny Moore

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**From:** JOHN F. Curtis <jcurtis481@msn.com>  
**Sent:** Sunday, August 30, 2020 7:13 PM  
**To:** Ron Moore  
**Subject:** Ordinance amendment firearms discharge

Please consider the following comments when debating the subject proposed ordinance.

I understand the noise and safety concerns resulting from excessive gunfire from semi-automatic centerfire rifles and pistols, with rifles being the biggest issue. High rates of fire from these guns have no place in Afton. This activity belongs in a properly designed and managed range with berms and baffles, not in farmlands or nearby woods. Except while engaged in legal hunting the discharge of centerfire rifles should be prohibited. If a hunter needs to "sight in" a rifle, that person should go to a formal range. A 20-round per day limit for centerfire pistols is appropriate.

Rimfire rifles and pistols, and shotguns are another matter. Rimfire guns are less noisy and less deadly. Shotguns, while louder than rimfire have a much shorter rangel than centerfire rifles. Shotguns are also not likely to be shot at high rates of fire. For this reason, I recommend that rimfire and shotguns be excluded from this ordinance.

My wife's grandfather bought property in Afton about 100 years ago; the family is still here on our nearly 50 acres on the river. In the years following we have periodically set up ranges to shoot .22 rifles and pistols and shoot clay pigeons over the frozen river in winter. These are pretty benign activities and provide a safe, enjoyable way to teach younger family members gun safety. I don't want to have to worry about breaking the law when I shoot up a 50-round box of .22's with my niece.

Thank you for considering my remarks.

John Curtis  
Captain, USN (ret)

Sent from my iPad

**TO: Afton Planning Commission**

**FROM: Michael Morehead, 1940 Quant Ave. South**

**SUBJ: Draft Amendments to Afton Noise Ordinance**

**DATE: August 30, 2020**

I would like to comment on the proposed amendments to Afton's noise ordinance. I own about 10 acres which includes a small pond. My land abuts Belwin Nature Center which is approximately 1400 acres. My neighbors on either side of me also own about 10 acres each. My neighbors hunt and I have allowed them to hunt my land on occasion in the past. I occasionally hunt, but not on my land. My son, grandson and brother-in-law have hunted deer on my land occasionally in the past. I have owned this property for about 9 years.

This summer was the first time I personally fired guns on my property. I am a retired police officer and have extensive experience with firearms. I set up a safe place to shoot and proceeded to give my 14 year old grandson gun handling and safety instructions. Over the course of several hours I think we may have fired 150 to 200 rounds. Standard practice is to fire 10 rounds at a target and then walk to the target and score it. If we each shoot at a target we will fire 20 rounds. Under your proposed amendment two people could each shoot 10 rounds at their target and then would have to quit for a month. The proposed ordinance is far too restrictive both as to the number of rounds that may be fired and the number of days that shooting can occur. I do not shoot trap or skeet on my property. People who do shoot trap or skeet generally shoot a round of 25 shots per person for score. A total of 100 trap rounds per month is also far too restrictive.

In my past career I had some experience drafting ordinances, including in one instance a noise ordinance. I obviously was routinely involved in enforcing ordinances. I have reviewed Afton's current noise ordinance as it pertains to firearms. I believe that Afton's current laws, if properly enforced, can be used to resolve most noise complaints associated with firearms. Under the current ordinance a gun cannot be fired within 500 feet of a neighbors building, without the written consent of that neighbor. 500 feet is nearly the length of two football fields. Gunfire at that distance should not annoy a reasonable person. If someone is annoyed within 500 feet they can withdraw permission or inform Afton that the neighbor does not have permission. It would then be Afton's job to enforce its ordinance. A similar situation exists with shotgun shooting, except the distance is 1320 feet, nearly the length of five football fields. At that distance firearm noise is negligible. The distance was probably chosen as that is the outside range of most shotgun pellets.

Without specific data I will have to speculate on the reasons for an uptick in shooting noise complaints. First, a complainant could be genuinely sensitive to noise. A complainant could be anti-gun or anti-hunting and the mere sound of any gunfire might be upsetting to such a person. Third, a complainant might not like their neighbors and opt to complain whenever they shoot for that reason alone.

The other extreme involves persons who are taking advantage on the fact that Afton's current ordinances do not limit the sheer volume of shooting activities during most daylight hours. Under Afton's current laws I could shoot all day long every day as long as I complied with the distance requirements. Such extreme activity, if it exists to varying degrees, needs some limitations. More people are moving to Afton and the time has come to place reasonable limitations on shooting. I note that the proposed ordinance, section 12-77, has a definition for gun ranges. I cannot find anything in the proposed ordinance that states what a gun range, now defined, can or cannot do. Will it need a license? Will it be subject to other requirements?

I'd like to suggest that Afton approach the issue of excessive shooting from more than a noise perspective. Most shooting involves lead ammunition. There is growing concern with lead pollution associated with firearms. Non lead ammunition is readily available for most guns, although it costs more. Persons engaged in excessive shooting of pistols and rifles could be required to have lead abatement plans. Most police ranges, many gun club ranges and large public gun ranges generally have had to clean up spent lead. In the Fall of 2019 the Minnesota DNR was lobbied by a consortium of groups seeking to ban all lead and/or toxic metals used for hunting and to some extent fishing. Due to the controversial nature of the issues the DNR refused to enact new rules. They issued a press release stating they would leave it to the legislature to enact new rules. My legal analysis might be wrong, but in the absence of legislative action, I think Afton could be the first Minnesota city to require the use of non-lead/non-toxic ammunition in exchange for continuation of hunting in Afton. Read what the Minnesota Raptor Center has to say about lead poisoning in the area's bald eagles.

#### **SUMMARY**

I find the proposed amendments to Afton's noise ordinance, which severely restricts shooting, to be extremely unreasonable. It is almost a complete ban on shooting other than hunting. I would not mind something that reasonably allows a person the ability to teach firearm safety and proficiency to family members and close relatives. I have no objection to banning or discouraging gun ranges, be they defacto gun ranges or real ones. But a reasonable definition of a gun range would involve thousands of rounds per month on numerous days per month. I ask that Afton consider new ordinances to ban or restrict ammunition made from toxic metals. This legislation would likely reduce shooting and make Afton a safer place for people and wildlife.

I need data to support my arguments. Therefore I am asking, pursuant to the Minnesota Data Practices laws, a summary of the noise complaints associated with firearms for the past one year, and Afton's response to those complaints. I am e-mailing this memo to Mayor Palmquist and Councilmember Nelson with a request that they forward it to the Planning Commission in time for their August 31 meeting. I would like to know if there is a way to participate in the August 31 Planning Committee meeting? Thank you

C: Mayor Palmquist                      Councilmember Nelson      file