City of Afton

PLANNING COMMISSION AGENDA

August 3, 2020
7:00 pm

Note: Due to the Covid-19 Virus and the related Governor's Executive Order, the August 3, 2020 Planning Commission meeting will be held remotely using the Zoom video conference application. Instructions for participating in the meeting remotely are provided below.

Instructions for Participating in the Meeting Remotely Via Zoom

Options for Joining the Zoom Meeting:

RECOMMENDED: Use your computer, tablet or smart phone to join the meeting by logging on to https://us02web.zoom.us/j/84601961697 (Meeting ID: 846 0196 1697)

Or

- Dial-in Number (to call in to the meeting)
  +1 312 626 6799. When prompted, enter Meeting ID: 846 0196 1697

Or

- Use One Tap Mobile
  +13126266799,,84601961697# US (Chicago)

1. **CALL TO ORDER -**

2. **ROLL CALL -**
   a) Scott Patten
   b) Sally Doherty
   c) Kris Kopitzke (Chair)
   d) Jim Langan
   e) Roger Bowman
   f) Justin Sykora
   g) Christian Dawson
   h) Doug Parker
   i) Kuchen Hale

3. **APPROVAL OF AGENDA –**

4. **APPROVAL OF MINUTES –**
   A. July 6, 2020 Meeting Minutes

5. **REPORTS AND PRESENTATIONS –** None

6. **PUBLIC HEARINGS –** None

7. **NEW BUSINESS –**
   A. Planning Commission Meetings and Focus During the Covid-19 Pandemic

8. **OLD BUSINESS -**
   A. Ordinance Amendment Regarding the Discharge of Firearms and Public Nuisance Noises

   B. Update on City Council Actions – Council Highlights from the July 21, 2020 Council meeting - attached.

9. **ADJOURN –**

A quorum of the City Council or Other Commissions may be present to receive information.

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
July 6, 2020

The meeting was held remotely via Zoom

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:03 PM

2. **ROLL CALL** – Present: Chair Kris Kopitzke, Kuchen Hale, Doug Parker, Sally Doherty, Roger Bowman, James Langan, Scott Patten, Christian Dawson & Justin Sykora.
ALSO IN ATTENDANCE – Council member Wroblewski, City Administrator Ron Moorse

4. **APPROVAL OF AGENDA** –
Add item 8a "public hearing posting"
Motion/Second Doherty/Patten To approve the Agenda of the July 6, 2020 Planning Commission meeting as amended. Roll call: all aye, Passed 9-0.

5. **APPROVAL OF MINUTES** –
A. March 2, 2020
Motion/Second Kopitzke/Hale To approve minutes of the March 2, 2020 Planning Commission meeting. Roll call: all aye, Passed 9-0.

6. **REPORTS AND PRESENTATIONS** - None

7. **PUBLIC HEARINGS** –
A. John & Beth Sevenich minor subdivision at 10 Coulee Ridge Road
Chair Kopitzke opened the public hearing at 7:12 PM.
Administrator Moorse provided an overview: John & Beth Sevenich have applied for a minor subdivision to combine four contiguous parcels under their ownership at 10 Coulee Ridge Road to create one parcel of 6.551 acres, and to divide off a 0.77-acre parcel and combine it with the neighboring Koosman parcel at 8 Coulee Ridge Road. The subdivision eliminates 4 parcels that are each smaller than the minimum required lot size of five acres, and creates one conforming parcel of 6.551 acres. The subdivision also increases the size of the neighboring parcel from 1.89 acres to 2.66 acres, making its size significantly less nonconforming.
Chair Kopitzke asked how developed is the road? (they are the last house on road)
Kevin Anderson asked why there isn't a variance? The nonconforming parcels will go to conforming and one will be less non conforming? (No variance is required because it is more conforming than it was before)
John Koosman, neighbor, stated that this area was going to be a PUD 30 yrs ago.
No other public comment was recieved.
Motion/Second Bowman/Hale to close public hearing. Roll call: All aye, passed 9-0.
Public hearing closed at 7:18 pm.
Bowman asked about the road – is it private? (yes, private)
Parker stated this is a good idea, the existing lots there are not buildable.
Sykora asked why it is a minor subdivision (because number of these are non conforming)
Motion/Second Doherty/Hale to recommend the city council approve the minor subdivision as outlined with findings 1-5 as listed and no conditions.

Findings

1. **All parcels involved in the subdivision are zoned Rural Residential, as is all surrounding land.**
2. **The proposed subdivision does not create any additional lots.**
3. **The proposed subdivision combines several parcels that are under the same ownership.**
4. **The proposed subdivision reduces the number of parcels from five to two**
5. **The proposed subdivision combines 4 nonconforming lots into one conforming lot and adds land to an adjacent lot that is currently nonconforming to make it significantly less nonconforming.**

Langan asked if one of the lots had building approval already?
Koosman replied there were 11lots, 6 are built on, these were not, created 30 yrs ago. The land is very steep, unlikely anything could be built there.

(Commissioner Parker left the meeting)
Motion vote: Roll call: All aye, Passed 8-0.

B. Ordinance Amendment regarding discharge of firearms and public nuisance noises
Chair Kopitzke opened the public hearing at 7:36 pm
Administrator Moorse provided an overview. The Ordinance amendment is to clarify the current ordinance related to discharge of firearms.
Kevin Anderson – this is one more step toward not allowing hunting. How many people are complaining? Many of his neighbors enjoy target shooting. Noise part should be taken out of this. This is a rural area. We don't want to become Woodbury.
Nicole Roettger, Neal Ave; agreed with Kevin. Limit of 20 rounds for family of 4 on 80 acres is ridiculous.
Curt Dunn, agreed with Nicole and Kevin. Everyone in his family shoots, couldn't even site in their guns in a months' time with this law. Target shooting is safer than hunting since target is set and you know what's beyond it. Probably need at least 20 rounds to site in a new gun.
Troy Anderson, Stated this topic shouldn't be settled in a Zoom meeting; should have a hearing publically in person after COVID.
Charlie Wamstad, agreed with the others. Has 40 acres and there is a lot of shooting around; comfortable talking to neighbors if there is a problem. Numbers proposed are arbitrary and how can they be enforced?
Richard Bend stated that regarding the noise ordinance people's perceptions of nuisance vary widely. Requires deputies to come out and check things and is city going to enforce? Council has to have conditions that are not arbitrary. Had proposed hourly limits and number of rounds when the ordinance was created. Compromise is needed for a reasonable number of rounds.
Bob Cohrs, Afton Hills Drive, stated we seem to be dealing with an isolated incident occurring after hours with a lot of shooting. Can't tell where it is occurring. Unknown if it is group or one individual.
Kevin Anderson stated we need to have hearing in person - Feels like this is being slipped in.
Council member Perkins stated that it may be helpful to people to know original issue and why council is addressing.
Administrator Moorse provided background on original ordinance which was in response to neighbors on 2.5 acre parcels shooting on the property line despite requests from neighbors. A separate instance is occurring on large property, shooting high number of rounds multiple times per week in early evening. Sheriff was called out on multiple occasions, but had no way to address the issue as person was required distance away from house. Multiple neighbors had concerns regarding high number of rounds being shot multiple times per week. Council is looking for way to address.
Curt Dunn, stated he shoots 2-3 days per week, 50 – 100 rounds, 30 minutes at a time around 3:00. He was one of the shooters, didn't realize how loud one of his guns is. They are not using it anymore. Tried to work with the neighbors and they wouldn't meet in person to discuss. Trying to be reasonable. Willing to cut time or rounds, but not so limited as 20 per month.
Jeff , neighbor of Bob Cohrs, stated he chooses not to shoot in Afton because it bothers the neighbors. He is a lifelong hunter. Feels something has changed, these seem like larger weapons.
Afton Hills Dr resident, stated he had no problem with hearing gun fire.
Kevin Anderson stated it sounds like we're appeasing the minority. Would like a face to face hearing.
Curt Dunn stated they are training for shooting competitions. Moved here as a family to do this.
Bob Cohrs asked why not go to shooting range instead?
Unknown caller stated if you have 40 acres should be able to shoot.
Kevin Anderson stated that people that shoot on regular basis are safe. Live here for freedom to do this.
Curt Dunn stated it is the convenience, large reason why parents bought this property.
Nicole Roettger needs to train taking gun out of her purse, out of holster, can't do that at a range.
Bob Cohrs thinks we can find a compromise.

Motion/Second <u>Doherty/Bowman</u> to close public hearing. Roll call: All aye, passed.
Public hearing closed at 8:22 pm.

(Commissioner Parker returned to the meeting)

Planning Commission Concerns and Issues

The Planning Commission expressed a number of concerns and identified a range of issues regarding the ordinance amendment, which are outlined below.

- The background and basis used by the City Council to determine the number of rounds, number of days per month and distance from property lines were not provided or explained
- There should be consideration of different rules for different types of firearms (rifles vs. shotguns) and for different zoning districts and lot sizes
- The number of rounds allowed and the number of days per month allowed are both too low
- The required distance from property lines is too large
- The proposed definition of gun range is inconsistent with the definition of shooting range in State Statute 87A.
- The Council had agreed that only essential needs were to be addressed during this time of remote meetings, with its challenges regarding public participation
- Notice of the public hearing and information regarding the ordinance amendment were not adequately disseminated to the public, and there was confusing and contradictory information on the website regarding the public hearing and whether the Planning Commission was meeting regularly
- The proposed language regarding nuisance noise is subjective and would be difficult or impossible to enforce

Motion/Second Bowman/Hale to recommend the discussion of firearm regulations be tabled for further discussion.
Hale offered friendly amendment of creating study group of citizens to review. (accepted)
Koptizke offered friendly amendment to specify that the problem is noise, not the source of the (accepted).
Roll call vote: All aye, passed 9-0

C. Ordinance Amendment regarding barbed wire fencing

Chair Kopitzke opened the public hearing at 9:30 pm.

Administrator Moorse provided a summary: In response to concerns regarding the use of barbed wire fencing in residential settings, staff has drafted the attached ordinance amendment that amends the existing fencing ordinance to restrict the use of barbed wire fencing as follows:

- Barbed wire fencing shall be prohibited in the VHS-C and VHS-R zoning districts
- Barbed wire fencing shall be prohibited in the Rural Residential and Agricultural zoning districts; except by an administrative permit on property used for rural agriculture that includes livestock, when it is demonstrated that the fencing is required to confine the livestock.

Kevin Anderson, 50th St. Asked what if the livestock is gone and fence is still there, will it have to come down? Too much bureaucracy.

Nicole Roettger family farm has cattle which are not always there; does the livestock have to be on it 24/7 for fence to be allowed?

Charlie Wamstad stated that with so much going on right now why are we worried about barbed wire fencing? Irrelevant. It is tool used on farms and it doesn't belong in a city ordinance.

Motion/Second Bowman/Sykora to close public hearing. Roll call: All aye, passed 9-0.
Hearing closed at 9:38 pm

Motion/Second Patten/Doherty move to recommend the city council not approve additional restrictions regarding fencing.
Doherty added two findings: 1) barbed wire is tool that's been around for a long time, not a danger or nuisance. 2) A farmer should not be required to obtain an administrative permit to use barbed wire fencing. (both accepted)
Roll call: All aye, Passed 9-0

8. NEW BUSINESS –

A. Public hearing posting

Hale stated that it could be posted better, and as early as possible before hearing.
Doherty stated she is glad the council gave permission to hold Zoom meetings. Next phase is to think through how to engage the public more.
Sykora stated we need to find ways to move forward and use this as an opportunity to engage more.
Kopitzke stated he would like the zoom information and hearing easier to find on the webpage.
Doherty asked about having a link on the calendar.
Parker would like packet sooner.

9. OLD BUSINESS –

A. Development of a schedule of non-compliance fees and other enforcement tools

Will address again in September

B. Update on City Council actions

Council member Wroblewski provided a summary of the June City Council meeting including the Afton Creek Preserve update, speed enforcement, and extension of emergency declaration.

10. ADJOURN

Motion/Second Doherty/Hale To adjourn. Roll call: all aye, Passed 9-0 .
Meeting adjourned at 10:15 pm.

Respectfully submitted by:

_____
Julie Yoho, City Clerk

To be approved on August 3, 2020 as (check one): Presented: _____ or Amended: _____

DRAFT

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: August 3, 2020

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: July 28, 2020

Re: Planning Commission Meetings and Focus During the Covid-19 Pandemic

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At its July 6, 2020 regular meeting, the Planning Commission requested staff to place on the August 3 Planning Commission meeting agenda a discussion regarding the Planning Commission meeting during the Covid-19 pandemic and the Planning Commission's focus during this time. Commission members had suggested that, during the Covid-19 pandemic, the Commission should meet when necessary to address urgent and critical issues. The Commission may want to discuss and clarify its thoughts about its meetings and its focus during the Covid-19 Pandemic.

Planning Commission Recommendation Requested:
Motion regarding the Planning Commission meetings and focus during the Covid-19 Pandemic.

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: August 3, 2020

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: July 28, 2020

Re: Ordinance Amendment Regarding the Discharge of Firearms, Gun Ranges and Nuisance Noises.

Council Referral of Ordinance Amendment to the Planning Commission

The City Council, at its July 21, 2020 meeting, discussed the Planning Commission's recommendation and concerns regarding the proposed ordinance amendment 05-2020 regarding the discharge of firearms, gun ranges, and nuisance noises, and referred the ordinance amendment back to the Planning Commission for further review and recommendations. The Council's Direction to the Planning Commission was to work toward a solution that balances the ability to shoot firearms with the protection of neighbors from excessive, repetitive noise; to protect Afton's traditional ability to shoot firearms, while protecting the ability of residents to enjoy the solitude of their natural open spaces which is also an important element of Afton's heritage and character. The Council directed that the Planning Commission's main focus should be on the regulations regarding the discharge of firearms and gun ranges, but would also welcome new ideas regarding the regulation of nuisance noise that would make nuisance noise readily identifiable, measureable and enforceable.

Background

The Council has been working to address noise and safety concerns related to residents using their property in a manner similar to a gun range since early 2019. At that time, the City's ordinance regarding the discharge of firearms was one sentence long, and addressed only one issue – shooting on another person's land without permission. (see below Sec. 14-1)

Sec. 14-1. Use, discharge of weapons. Within the city, it shall be unlawful for any person to discharge out of doors upon the land of another, including all land owned by the City, any firearm, such firearm to include rifle, shotgun, pistol, or device capable of propelling metal pellets by air, spring, CO2, or other means, without having in his possession, written permission from the owner or tenant of such land to discharge such firearm thereon.

The relatively new firearms discharge ordinance 01-2019 (see attached) added necessary additional regulations including a minimum distance from houses and the prohibition of shooting across property lines. The firearms ordinance amendment and the public hearing regarding the ordinance amendment were discussed in the City Newsletter and a public hearing was held by the Council. The Council hoped that this minor language change would be sufficient to prevent further concerns. (Please see the attached documents related to the Council's consideration of the 2019 Firearms ordinance amendment as well as the current ordinance amendment)

Since that time, the amount of shooting by residents on larger lots who are using their property as a gun range has increased significantly, as have the number of complaints. While the increase in firearms discharge has come mostly from residents who are new to the community, the complaints have come mostly from residents who have lived here for many years. The following are examples of the wide range of locations on which excessive repetitive shooting has been or is occurring:

- Cedar Bluff (Manning and 22nd Street) – 2.5-acre lots, semi-automatic rifle excessive repetitive shooting multiple times per week, less than 100 feet from the adjacent side property line and less than 150 feet from the adjacent house
- 30th Street - Semi-automatic rifle excessive repetitive shooting multiple times per week

- A property owner on Afton Boulevard went to court to obtain a restraining order against a neighboring property owner for excessive shooting
- Valley Creek Trail, excessive shooting
- Neal Avenue south of Afton Boulevard, excessive repetitive shooting
- During a recent neighborhood meeting on Afton Hills Drive, there were a number of complaints about the increased frequency of shooting
- A Park Ranger at Afton State Park recently reported prolonged shooting to the Sheriff's Department

The 2019 firearms discharge ordinance amendment does not adequately protect residents from the impacts of loud, repetitive shooting. (Emails received from residents expressing concerns regarding the impacts of increased shooting are attached.) These emails provide important information regarding the extent of shooting that is occurring and the impact of the shooting on the neighboring residents. While the number of properties on which this is happening is small, the properties are widely spread across the city and the impact on neighboring residents is very substantial.

Video of Repetitive Firearms Discharge Sound

The Planning Commission has received, via email, a video of the sound of repetitive shooting at a distance of approximately 750 feet. A link to this video is also posted on the website along with the Planning Commission meeting packet.

Overview and Purpose of Currently Proposed Ordinance Amendment

The attached ordinance amendment adds and clarifies a number of regulations related to the discharge of firearms. The purpose of the ordinance amendment is to address noise and safety concerns related to the current ability to discharge firearms with no or limited restrictions on the number of rounds, the duration and frequency of shooting and the noise generated by the firearms discharge. The focus is on loud, repetitive shooting that occurs over a significant period of time and multiple times per week.

Background and Basis for Proposed Firearms Discharge Limitations

- Number of Rounds per Day and Number of Days per Month.
  Due to the concern that the City's current noise ordinance would be difficult or impossible to enforce in relation to firearms discharge noise without significant revisions, it was determined that limiting the number of rounds and number of days per month was the best way to prevent noise problems, because a specific number of rounds and days is clearly measureable and enforceable. The number of rounds per day and number of days per month were based on the number of rounds required to check the functioning of a firearm after it is cleaned, to sight-in a firearm and to do minimal target shooting, as well as the frequency with which these activities generally occur. A range of 10 rounds to 50 rounds per day was discussed, and a range of once per week to once per month was discussed. It was determined that the ability to discharge 20 rounds per day once per month was a reasonable balance between enabling firearms to be maintained and sighted-in and limiting the noise impacts on neighboring residents.
- Distance from Property Lines.
  The initial firearms ordinance amendment that added the 500 foot distance from an adjacent house was based on the DNR's hunting regulations, which require a 500 foot distance from an adjacent house. The 1320 foot distance from property lines for clay pigeon shooting came from research regarding other ordinances, and from the goal of reducing the noise impact on neighboring residents. Videos of repetitive shooting at a minimum distance of 750 feet demonstrate that a distance of 750 feet is not adequate to reduce the noise impact on neighboring residents.

Main Elements of the Proposed Ordinance Amendment

The Council met in two work sessions in June to discuss options for addressing concerns regarding the discharge of firearms, and particularly when residents are using their property in a manner similar to a gun range, whereby they

discharge a high number of rounds per day several days per week. The Council discussed these concerns from both a safety and a nuisance noise perspective, and directed staff to draft an ordinance amendment that included the following elements:

- Add new language to the firearms discharge ordinance that limits firearms discharge as follows;
  Other than for allowed hunting, it is unlawful for a person to discharge more than 20 rounds from any firearm within a 24 hour period and on more than one day per calendar month in Afton; with the exception that clay pigeon shooting with shotguns is allowed once per month up to a maximum of 100 rounds and over a maximum time period of two hours, if there is a minimum distance of 1,320 feet from the shooting area to the nearest property line on any adjacent parcel.
  Note: a recent review of this language identified that the language would allow multiple persons to discharge firearms on a given property, which would substantially increase the number of rounds that could be discharged on the property. To address this, the following revised language has been drafted:

  Other than for allowed hunting, the number of rounds discharged from any and all firearms on any parcel, or on 2 or more parcels of land under common ownership, shall not exceed a total of 20 rounds per day. Firearms shall not be discharged on a parcel, or on 2 or more parcels under common ownership, on more than one day per calendar month, with the exception that clay pigeon shooting with shotguns is allowed once per month up to a maximum of 100 rounds and over a maximum time period of two hours, if there is a minimum distance of 1,320 feet from the shooting area to the nearest property line on any adjacent parcel.
    - The proposed exception for clay pigeon shooting is to acknowledge that this activity has been occurring over the years on large rural parcels without complaints from neighbors. The required distance of 1,320 feet is to continue to avoid both noise and safety impacts.

- Add a definition of "gun range" to the Zoning Code as follows:
  Gun Range means a commercial or private parcel, or multiple parcels under the same ownership, or facility where skeet and trap shooting or other similar shooting sports and the shooting of rifles, shotguns and pistols takes place whereby firearms discharge occurs more than one day per calendar month, and whereby more than 20 rounds are discharged over any 24 hour period; with the exception that clay pigeon shooting with shotguns once per month up to a maximum of 100 rounds and over a maximum time period of two hours, if there is a minimum distance of 1,320 feet from the shooting area to the nearest property line on any adjacent parcel, is not considered a gun range.

- Add language in the nuisance/noise ordinance that adds a definition of public nuisance noises and prohibits such noises as follows:
  Public Nuisance Noises.
  It is unlawful for any person to cause or allow to be emitted a Public Nuisance Noise. A Public Nuisance Noise is any noise which unreasonably annoys, injures, interferes with, or endangers the comfort, repose, health or safety of persons residing within separate residences in the same community or neighborhood.

  a. Examples of public nuisance noises include, but are not limited to, the following:
     1). The discharge of more than 20 rounds from a firearm in a 24 hour period and on more than one day per calendar month in Afton, other than for allowed hunting; with the exception that clay pigeon shooting with shotguns is allowed once per month up to a maximum of 100 rounds and over a maximum time period of two hours, if there is a minimum distance of 1,320 feet from the shooting area to the nearest property line on any adjacent parcel
     2). Those noises listed as prohibited in paragraph D of Sec. 12-208. (See the attached ordinance.)

3). Those noises generated by the operations with hourly restrictions listed in paragraph E of Sec. 12-208 when generated beyond the allowed hours. (See the attached ordinance.)

b. Exemptions to Public Nuisance Noise Prohibition.

1). Between the hours of 7 a.m. and 8 p.m., the following shall be exempt from this Chapter; except if other state and local restrictions apply:

a). Sounds originating from residential property as a result of temporary projects for the construction, maintenance, or repair of homes, grounds, and appurtenances;

b). Sounds created by the discharge of firearms in the course of legally hunting during any state defined hunting season, and otherwise meeting all other firearm discharge guidelines found in city ordinances.

c). Sounds created by the installation or repair of essential utility services;

d). Sounds originating from temporary, residential construction sites as a result of construction activity

e). Sounds originating from forestry activities

f). Sounds originating from farming activities

Planning Commission Concerns and Issues

The Planning Commission, at its July 6, 2020 meeting, held a public hearing regarding the Ordinance Amendment Regarding Firearms Discharge, Gun Ranges and Nuisance Noise. The Planning Commission recommended that the Council not move forward with the proposed ordinance amendment, but rather allow further discussion and recommendations by the Planning Commission regarding a range of issues and concerns regarding the ordinance amendment, which are outlined below.

- The background and basis used by the City Council to determine the number of rounds, number of days per month and distance from property lines were not provided or explained
- There should be consideration of different rules for different types of firearms (rifles vs. shotguns vs. handguns) and for different zoning districts and lot sizes
- The number of rounds allowed and the number of days per month allowed are both too low
- The required distance from property lines is too large
- The proposed definition of gun range is inconsistent with the definition of shooting range in State Statute 87A.
- The Council had agreed that only essential needs were to be addressed during this time of remote meetings, with its challenges regarding public participation
- Notice of the public hearing and information regarding the ordinance amendment were not adequately disseminated to the public, and there was confusing and contradictory information on the website regarding the public hearing and whether the Planning Commission was meeting regularly
- The proposed language regarding nuisance noise is subjective and would be difficult or impossible to enforce

Balancing the Level of Regulation

In considering regulations regarding the discharge of firearms, the challenge is to find a balance between Afton's history of limited firearms regulations vs. the impacts on the quality of life of residents adjacent to a property on which firearms are being repetitively discharged for extended periods of time multiple times per week. Two questions involved in this challenge are:

- What types of firearms discharge are incompatible with the ability of adjacent residents to enjoy a reasonable quality of life?
- How can these types of firearms discharge be regulated in a way that has the least impact on the types of firearms discharge that do not prevent residents from enjoying a reasonable quality of life.

Improvements to City Website Regarding Public Hearing Notices and Remote Meeting Links
Since the July 6 Planning Commission meeting, a number of changes have been made to the City website to make it easier to be aware of upcoming public hearings and to access the remote meeting link and the agenda packet for Council and Planning Commission meetings. The website Meeting Calendar now includes the link to the Zoom meeting and the link to the agenda packet. A new "Public Hearing Notices" tab has been added as the top tab on the left side of the Homepage. This tab will provide links to the public hearing notices for all upcoming public hearings.

Planning Commission Recommendation Requested:
Motion regarding recommendations for revisions to the ordinance amendment regarding the discharge of firearms and nuisance noises.

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date July 21, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: July 15, 2020

Re: Ordinance Amendment Regarding Firearms Discharge, Gun Ranges and Nuisance Noise – **Ordinance 05-2020**

Background

The Council has been working to address noise and safety concerns related to residents using their property as a gun range since early 2019. At that time, the City's ordinance regarding the discharge of firearms was one sentence long, and addressed only one issue – shooting on another person's land without permission. (see below Sec. 14-1)

Sec. 14-1. Use, discharge of weapons. Within the city, it shall be unlawful for any person to discharge out of doors upon the land of another, including all land owned by the City, any firearm, such firearm to include rifle, shotgun, pistol, or device capable of propelling metal pellets by air, spring, CO2, or other means, without having in his possession, written permission from the owner or tenant of such land to discharge such firearm thereon.

The relatively new firearms discharge ordinance 01-2019 (see attached) added necessary additional regulations including a minimum distance from houses and the prohibition of shooting across property lines. The firearms ordinance amendment and the public hearing regarding the ordinance amendment was discussed in the City Newsletter and a public hearing was held by the Council. The Council hoped that this minor language change would be sufficient to prevent further concerns. (Please see the attached documents related to the Council's consideration of the 2019 Firearms ordinance amendment as well as the current ordinance amendment)

Since that time, the amount of shooting by residents on larger lots who are using their property as a gun range has increased significantly, as have the number of complaints. While the increase in firearms discharge has come mostly from residents who are new to the community, the complaints have come mostly from residents who have lived here for many years. While the number of properties on which this is happening is small, the impact on the adjacent residents is very substantial and needs to be addressed. The 2019 firearms discharge ordinance amendment does not adequately protect residents from the impacts of these types of shooting. (Emails received from residents expressing concerns regarding the impacts of increased shooting are attached.)

Overview and Purpose of Currently Proposed Ordinance Amendment

The attached ordinance amendment adds and clarifies a number of regulations related to the discharge of firearms. The purpose of the ordinance amendment is to address noise and safety concerns related to the current ability to discharge firearms with no or limited restrictions on the number of rounds, the duration and frequency of shooting and the noise generated by the firearms discharge.

Main Elements of the Proposed Ordinance Amendment

The Council met in work sessions in June to discuss options for addressing concerns regarding the discharge of firearms, and particularly when residents are using their property in a manner similar to a gun range, whereby they discharge a high number of rounds per day several days per week. The Council discussed these concerns from both a safety and a nuisance noise perspective, and directed staff to draft an ordinance amendment that included the following elements:

- Add new language to the firearms discharge ordinance that limits firearms discharge as follows;
  Other than for allowed hunting, it is unlawful for a person to discharge more than 20 rounds from any firearm within a 24 hour period and on more than one day per calendar month in Afton; with the exception that clay pigeon shooting with shotguns is allowed once per month up to a maximum of 100 rounds and over a maximum time period of two hours, if there is a minimum distance of 1,320 feet from the shooting area to the nearest property line on any adjacent parcel.
    - The proposed exception for clay pigeon shooting is to acknowledge that this activity has been occurring over the years on large rural parcels without complaints from neighbors. The required distance of 1,320 feet is to continue to avoid both noise and safety impacts.

- Add a definition of "gun range" to the Zoning Code as follows:
  Gun Range means a commercial or private parcel, or multiple parcels under the same ownership, or facility where skeet and trap shooting or other similar shooting sports and the shooting of rifles, shotguns and pistols takes place whereby firearms discharge occurs more than one day per calendar month, and whereby more than 20 rounds are discharged over any 24 hour period; with the exception that clay pigeon shooting with shotguns once per month up to a maximum of 100 rounds and over a maximum time period of two hours, if there is a minimum distance of 1,320 feet from the shooting area to the nearest property line on any adjacent parcel, is not considered a gun range.

- Add language in the nuisance/noise ordinance that adds a definition of public nuisance noises and prohibits such noises as follows:
  Public Nuisance Noises.
  It is unlawful for any person to cause or allow to be emitted a Public Nuisance Noise. A Public Nuisance Noise is any noise which unreasonably annoys, injures, interferes with, or endangers the comfort, repose, health or safety of persons residing within separate residences in the same community or neighborhood.

  a. Examples of public nuisance noises include, but are not limited to, the following:
     1). The discharge of more than 20 rounds from a firearm in a 24 hour period and on more than one day per calendar month in Afton, other than for allowed hunting; with the exception that clay pigeon shooting with shotguns is allowed once per month up to a maximum of 100 rounds and over a maximum time period of two hours, if there is a minimum distance of 1,320 feet from the shooting area to the nearest property line on any adjacent parcel
     2). Those noises listed as prohibited in paragraph D of Sec. 12-208. (See the attached ordinance.)
     3). Those noises generated by the operations with hourly restrictions listed in paragraph E of Sec. 12-208 when generated beyond the allowed hours. (See the attached ordinance.)

  b. Exemptions to Public Nuisance Noise Prohibition.
     1). Between the hours of 7 a.m. and 8 p.m., the following shall be exempt from this Chapter; except if other state and local restrictions apply:
        a). Sounds originating from residential property as a result of temporary projects for the construction, maintenance, or repair of homes, grounds, and appurtenances;
        b). Sounds created by the discharge of firearms in the course of legally hunting during any state defined hunting season, and otherwise meeting all other firearm discharge guidelines found in city ordinances.
        c). Sounds created by the installation or repair of essential utility services;

d). Sounds originating from temporary, residential construction sites as a result of construction activity
e). Sounds originating from forestry activities
f). Sounds originating from farming activities

Planning Commission Recommendation

The Planning Commission, at its July 6, 2020 meeting, held a public hearing regarding the Ordinance Amendment Regarding Firearms Discharge, Gun Ranges and Nuisance Noise. The Planning Commission recommended that the Council not move forward with the proposed ordinance amendment, but rather allow further discussion by the Planning Commission regarding a range of issues (see below).

Planning Commission Concerns and Issues

The Planning Commission expressed a number of concerns and identified a range of issues regarding the ordinance amendment, which are outlined below.

- The background and basis used by the City Council to determine the number of rounds, number of days per month and distance from property lines were not provided or explained
- There should be consideration of different rules for different types of firearms (rifles vs. shotguns) and for different zoning districts and lot sizes
- The number of rounds allowed and the number of days per month allowed are both too low
- The required distance from property lines is too large
- The proposed definition of gun range is inconsistent with the definition of shooting range in State Statute 87A.
- The Council had agreed that only essential needs were to be addressed during this time of remote meetings, with its challenges regarding public participation
- Notice of the public hearing and information regarding the ordinance amendment were not adequately disseminated to the public, and there was confusing and contradictory information on the website regarding the public hearing and whether the Planning Commission was meeting regularly
- The proposed language regarding nuisance noise is subjective and would be difficult or impossible to enforce

Balancing the Level of Regulation

In considering regulations regarding the discharge of firearms, the challenge is to find a balance between Afton's history of limited firearms regulations vs. the impacts on the quality of life of residents adjacent to a property on which firearms are being discharged for extended periods of time multiple times per week. Two questions involved in this challenge are:

- What types of firearms discharge are incompatible with the ability of adjacent residents to enjoy a reasonable quality of life?
- How can these types of firearms discharge be regulated in a way that has the least impact on the types of firearms discharge that do not prevent residents from enjoying a reasonable quality of life.

Council Action Requested

Motion regarding ordinance 05-2020, an ordinance amendment regarding firearms discharge, gun ranges and nuisance noise

ORDINANCE 05-2020

CITY OF AFTON

WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING SECTION 14-1 OF CHAPTER 14, AND SECTIONS 12-77, 12-207 AND 12-208 OF CHAPTER 12 OF THE CITY CODE REGARDING THE DISCHARGE OF FIREARMS, GUN RANGES, NUISANCES and NOISE

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:

The following sections of the Afton Code of Ordinances shall be amended by adding the <u>bold and underlined</u> language and deleting the ~~strikethrough~~ language.

Sec. 14-1. Use, discharge of firearms.

(a) NOTHING IN THIS SECTION SHALL REGULATE, CONTROL OR PREEMPT THE USE OF FIREARMS FOR SELF DEFENSE WHICH SHALL BE SOLELY REGULATED AND CONTROLLED BY APPLICABLE MN STATE STATUTES (609.06 and 609.65)

(b) Firearm definition – A firearm is defined as any gun from which any projectile is discharged or propelled by means of an explosion, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus, instruments, or equipment used by construction personnel, licensed physicians or veterinarians in the course or scope of their professions.

(c) Within the city, it shall be unlawful for any person to discharge out of doors upon the land of another, including all land owned by the City, any firearm, without having, in possession, written permission from the owner or tenant of such land to discharge such firearm thereon, which must include the full name, address, phone number, and signature of the landowner or lessee as well as the full name of the person given permission to hunt or shoot.

(d) It is unlawful for any person to discharge any firearm in any place or manner so as to endanger any person or property.

(e) It is unlawful for any person to discharge a firearm in a city park, on any school property, or in any property located in an area zoned commercial or industrial with the exception of police officers acting in the scope of their lawful authority.

(f) It is unlawful to discharge a firearm across or within the right of way of any public road or highway.

(g) Firearms may not be discharged:

1. Except by the landowner and his/her immediate family in residence on the property or in the presence of the landowner or lessee of the land, or with the written permission of the landowner or lessee of the land. The person authorized to hunt/shoot must have in their possession the written permission which must include the full name, address, phone number, and signature of the landowner or lessee as well as the full name of the person given permission to hunt or shoot.
2. Within 500 feet of any residence or accessory building on a parcel under separate ownership from the parcel on which the firearm is discharged, unless the person has written permission from the land owner as required in paragraph (g) 1 above.

3. Before 0900 hours or after one-half hour before sunset, except when hunting game or non-game animals in compliance with the requirements of Minnesota Hunting Restrictions and Requirements (MN State Statute 97B)

(h) No firearm shall be discharged in a manner reasonably expected to cause a projectile to cross the boundary of a parcel not under common ownership with the parcel from which the projectile is fired, unless the person has written permission from the land owner as required in paragraph (g) 1 above.

(i) It is unlawful to discharge a firearm while under the influence of a controlled substance or under the influence of alcohol.

(j) Individuals discharging firearms must be adults or must be under the supervision of a responsible adult, with the exception of juveniles 16 and over during the hunting season who meet the legal requirements to hunt according to Minnesota's hunting regulations. Nothing in this paragraph shall prohibit juveniles from hunting in compliance with the requirements of Minnesota Hunting Restrictions and Requirements (MN State Statute 97B)

(k) Other than for allowed hunting, it is unlawful for a person to discharge more than 20 rounds from any firearm within a 24 hour period and on more than one day per calendar month in Afton; with the exception that clay pigeon shooting with shotguns is allowed once per month up to a maximum of 100 rounds and over a maximum time period of two hours, if there is a minimum distance of 1,320 feet from the shooting area to the nearest property line on any adjacent parcel.

Sec. 12-77 Definitions

Gun Range means a commercial or private parcel, or multiple parcels under the same ownership, or facility where skeet and trap shooting or other similar shooting sports and the shooting of rifles, shotguns and pistols takes place whereby firearms discharge occurs more than one day per calendar month, and whereby more than 20 rounds are discharged over any 24 hour period; with the exception that clay pigeon shooting with shotguns once per month up to a maximum of 100 rounds and over a maximum time period of two hours, if there is a minimum distance of 1,320 feet from the shooting area to the nearest property line on any adjacent parcel, is not considered a gun range.

Sec. 12-207. Miscellaneous nuisances.

A. It shall be a nuisance for any person to store or keep any vehicle of a type requiring a license to operate on the public highway, but without a current license attached thereto, whether such vehicle is dismantled or not, outside of an enclosed building in any zoning district.
B. Creating or maintaining a junkyard or vehicle dismantling yard shall be a nuisance and shall be prohibited.
C. The following are declared to be nuisances endangering public health:
1. Causing or suffering the effluent from any cesspool, septic tank, drainfield or human sewage disposal system to discharge upon the surface of the ground, or dumping the contents thereof at any place except as authorized by the state pollution control agency.
2. Causing or suffering the pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
3. Causing or suffering carcasses of animals to not be buried or destroyed or otherwise disposed of within 24 hours after death.
D. The following are declared to be nuisances affecting the public peace and safety,~~:~~**, including interfering unreasonably with the enjoyment of life or property.**

1. The placing or throwing on any street, alley, road, highway, sidewalk or other public property of any glass, tacks, nails, bottles or other nuisances that may injure any person or animal or may cause damage to any pneumatic tire when passing over the same.

2. The ownership, possession or control of any unused refrigerator or other container, with doors that fasten automatically when closed, of sufficient size to retain any person and that is exposed and accessible to the public without having the doors, lids, hinges or latches removed or having locks to prevent access by the public.

3. Public Nuisance Noises.

It is unlawful for any person to cause or allow to be emitted a Public Nuisance Noise. A Public Nuisance Noise is any noise which unreasonably annoys, injures, interferes with, or endangers the comfort, repose, health or safety of persons residing within separate residences in the same community or neighborhood.

a. Examples of public nuisance noises include, but are not limited to, the following:

1). The discharge of more than 20 rounds from a firearm in a 24 hour period and on more than one day per calendar month in Afton, other than for allowed hunting; with the exception that clay pigeon shooting with shotguns is allowed once per month up to a maximum of 100 rounds and over a maximum time period of two hours, if there is a minimum distance of 1,320 feet from the shooting area to the nearest property line on any adjacent parcel.

2). Those noises listed as prohibited in paragraph D of Sec. 12-208

3). Those noises generated by the operations with hourly restrictions listed in paragraph E of Sec. 12-208 when generated beyond the allowed hours.

b. Exemptions to Public Nuisance Noise Prohibition.

1). Between the hours of 7 a.m. and 8 p.m., the following shall be exempt from this Chapter; except if other state and local restrictions apply:

a). Sounds originating from residential property as a result of temporary projects for the construction, maintenance, or repair of homes, grounds, and appurtenances;

b). Sounds created by the discharge of firearms in the course of legally hunting during any state defined hunting season, and otherwise meeting all other firearm discharge guidelines found in city ordinances.

c). Sounds created by the installation or repair of essential utility services;

d). Sounds originating from temporary, residential construction sites as a result of construction activity

e). Sounds originating from forestry activities

f). Sounds originating from farming activities

Sec. 12-208. Noise.

A. Definitions. Except as provided in this section, words or phrases used in this section and defined in the rules of the state pollution control agency noise section, Mn Rules, § 7030, shall have the meanings given in those rules.

1. A-weighted means a specific weighting of the sound pressure level for the purpose of determining the human response to sound. The specific weighting characteristics and tolerances are those given in American National Standards Institute S1.4-1983, section 5.1.
2. Cut-out or bypass means a mechanism which varies the exhaust system gas flow so as to

discharge the exhaust gas and acoustic energy to the atmosphere without passing through the entire length of the system including all exhaust system sound attenuation components.
3. dB(A) means a unit of sound level expressed in decibels (dB) and A-weighted.
4. Exhaust system means a combination of components which provides an enclosed flow of exhaust gas from engine parts to the atmosphere.
5. Holiday means any day fixed by the United States or by state law for suspension of business in whole or in part.
6. L10 means the sound level, expressed in dB(A) which is exceeded ten percent of the time for a one-hour period, as measured by test procedures approved by the director of the MPCA.
7. L50 means the sound level, expressed in dB(A) which is exceeded 50 percent of the time for a one-hour period, as measured by test procedures approved by the director of the MPCA.
8. MPCA means the state pollution control agency.
9. Noise means any sound not occurring in the natural environment, including but not limited to, sounds emanating from airways, roadways, waterways, industrial, commercial, and residential sources.
10. Noise control officer means the City Zoning Administrator or other person appointed by the City Council.
11. Noise pollution means the presence of any noise or combination of noises in such quantity, at such levels, of such nature and duration, or under such conditions as could potentially be injurious to human health, safety, or welfare; or to animal life; or could interfere unreasonably with the enjoyment of life or property. **Noise pollution includes public nuisance noises, as defined in Sec. 12-207.**
12. Person means any individual, firm, partnership, corporation, trustee, association, the state and its agencies and subdivision, or any body of persons whether incorporated or not. With respect to acts prohibited or required herein, person shall include employees and licensees.

(Paragraphs B and C are not proposed to be amended, so were purposely excluded)

D. Noises prohibited.

1. Horns, audible signaling devices, etc. No person shall sound any signaling device on any vehicle except as a warning of danger.
2. Engine exhausts. No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws, regulations, and this article. No exhaust system on any engine shall be modified, altered, or repaired in any manner, including the use of a muffler cut-out or bypass, that shall amplify or otherwise increase noise above that emitted by the device as originally equipped.
3. Radios, phonographs, paging systems, etc. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for production or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building, shall be prima facie evidence of violation of this section.
4. Social gatherings. No person shall participate in any party or other gathering of people giving rise to noise which disturbs the peace, quiet or repose of the occupants of adjoining or other property. When a police officer determines that a gathering is creating such noise disturbance, the officer shall order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall cooperate with police officers and shall make every reasonable effort to see that the disturbance is abated.
5. Loudspeakers, amplifiers for advertising, etc. No person shall operate or permit the use or

operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public for any purpose whatsoever.

6. Schools, churches, etc. No person shall create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning, church or other place of worship.

E. Hourly restriction on certain operations.

1. Domestic power equipment. No person shall operate a garden or lawn tractor, power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, power device for bug eradication, drill, or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. Snow removal equipment is exempt from this provision.

2. Refuse hauling. No person shall collect or remove garbage or refuse in any residential district except between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday.

3. Construction activities. No person shall engage in or permit construction activities involving the use of any electric, diesel, or gas-powered machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 21ST DAY OFJULY, 2020.

SIGNED:

_____

Bill Palmquist, Mayor

ATTEST:

_____

Ronald J. Moorse, City Administrator

Motion by:
Second by:
Perkins:
Wroblewski:
Ross:
Nelson:
Palmquist:

ORDINANCE 01-2019

CITY OF AFTON

WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING SECTION 14-1 OF THE CITY CODE RELATED TO THE USE AND DISCHARGE OF WEAPONS

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:

The following sections of the Afton Code of Ordinances shall be amended by adding the **bold and underlined** language and deleting the ~~strike-through~~ language.

Sec. 14-1. Use, discharge of ~~weapons~~ **firearms**.

(a) **NOTHING IN THIS SECTION SHALL REGULATE, CONTROL OR PREEMPT THE USE OF FIREARMS FOR SELF DEFENSE WHICH SHALL BE SOLELY REGULATED AND CONTROLLED BY APPLICABLE MN STATE STATUTES (609.06 and 609.65)**

(b) **Firearm definition – A firearm is defined as any gun from which any projectile is discharged or propelled by means of an explosion, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus, instruments, or equipment used by construction personnel, licensed physicians or veterinarians in the course or scope of their professions.**

(c) Within the city, it shall be unlawful for any person to discharge out of doors upon the land of another, including all land owned by the City, any firearm, ~~such firearm to include rifle, shotgun, pistol, or device capable of propelling metal pellets by air, spring, CO2, or other means,~~ without having, in ~~his~~ possession, written permission from the owner or tenant of such land to discharge such firearm thereon, **which must include the full name, address, phone number, and signature of the landowner or lessee as well as the full name of the person given permission to hunt or shoot.**

(d) **It is unlawful for any person to discharge any firearm in any place or manner so as to endanger any person or property.**

(e) **It is unlawful for any person to discharge a firearm in a city park, on any school property, or in any property located in an area zoned commercial or industrial with the exception of police officers acting in the scope of their lawful authority.**

(f) **It is unlawful to discharge a firearm across or within the right of way of any public road or highway.**

(g) **Firearms may not be discharged:**

1. **Except by the landowner and his/her immediate family in residence on the property or in the presence of the landowner or lessee of the land, or with the written permission of the landowner or lessee of the land. The person authorized to hunt/shoot must have in their possession the written permission which must include the full name, address, phone number, and signature of the landowner or lessee as well as the full name of the person given permission to hunt or shoot.**
2. **Within 500 feet of any residence or accessory building on a parcel under separate ownership from the parcel on which the firearm is discharged, unless the person has written permission from the land owner as required in paragraph (g) 1 above.**

3. Before 0900 hours or after one-half hour before sunset, except when hunting game or non-game animals in compliance with the requirements of Minnesota Hunting Restrictions and Requirements (MN State Statute 97B)

(h) No firearm shall be discharged in a manner reasonably expected to cause a projectile to cross the boundary of a parcel not under common ownership with the parcel from which the projectile is fired, unless the person has written permission from the land owner as required in paragraph (g) 1 above.

(i) It is unlawful to discharge a firearm while under the influence of a controlled substance or under the influence of alcohol.

(j) Individuals discharging firearms must be adults or must be under the supervision of a responsible adult, with the exception of juveniles 16 and over during the hunting season who meet the legal requirements to hunt according to Minnesota's hunting regulations. Nothing in this paragraph shall prohibit juveniles from hunting in compliance with the requirements of Minnesota Hunting Restrictions and Requirements (MN State Statute 97B)

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 21ST DAY OF MAY, 2019.

SIGNED:

Bill Palmquist, Mayor

ATTEST:

Ronald J. Moorse, City Administrator

Motion by:	Wroblewski
Second by:	Perkins
Perkins:	Aye
Wroblewski:	Aye
Ross:	Nay
Nelson:	Nay
Palmquist:	Aye

Staff Memos and Related Information Regarding the Firearms Discharge Issue and Ordinance Amendment

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date April 25, 2019

Council Memo

To: Mayor Palmquist and Members of the City Council

From: Ron Moorse, City Administrator

Date: April 18, 2019

Re: Ordinance Regarding Discharge of Firearms on Small Lots

At its April 16 regular meeting, the Council agreed that it would review and discuss the revised draft Discharge of Firearms ordinance prepared by Richard Bend and Council member Wroblewski and the initial draft ordinance prepared by staff, as well as the comments received from the public at the Council meeting, as the basis for developing a proposed ordinance for public feedback at a public hearing at the May 21 Council meeting. The revised draft ordinance and the initial draft ordinance are attached.

An outline of the comments received from the public is as follows:

- The ordinance should not conflict with State Statutes
- The ordinance should not prohibit buckshot
- The ordinance should not prohibit shooting/hunting within 1,000 feet of a house, etc. That would prevent hunting on a 10-acre lot. The distance should be 500 feet, which is the same as State Statute.
- Require non-lead ammunition

Ordinance Review Process

From an overall perspective, the key element of the ordinance is the prohibition of discharge of a firearm on lots of less than 5 acres. This restriction addresses a number of concerns that are not addressed by the DNR's hunting regulations. The other element of the ordinance, that can become complex, is the regulation of shooting/target shooting.

Staff recommends the ordinance review process begin with a review of the revised draft ordinance developed by Richard Bend and Council member Wroblewski to decide which provisions to keep, which provisions to remove and which provisions to revise. Then the initial draft ordinance prepared by staff can be reviewed to determine if any provisions in that ordinance should be added to the revised draft ordinance.

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date May 21, 2019

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: May 16, 2019

Re: Ordinance Amending Sec. 14-1 of the City Code Regarding the Use and Discharge of Firearms – **Public Hearing - Ordinance 01-2019**

Background
At its April 16 regular meeting, the Council agreed that it would review and discuss the revised draft Discharge of Firearms ordinance prepared by Richard Bend and Council member Wroblewski and the initial draft ordinance prepared by staff, as well as the comments received from the public at the Council meeting, as the basis for developing a proposed ordinance for public feedback at a public hearing at the May 21 Council meeting. The Council met in a work session on April 25 to discuss the draft ordinance and public feedback, and provided direction to staff for the preparation of an ordinance for consideration by the Council and for public feedback at a public hearing at the May 21 Council meeting. The proposed ordinance amendment is attached.

Public Hearing
The public hearing is an opportunity for the public to provide feedback regarding the proposed ordinance.

Discussion and Consideration
After receiving the feedback from the public, the Council may discuss and consider the proposed ordinance.

Council Member Wroblewski and Richard Bend Suggested Information
While not included in the final proposed ordinance, Council member Wroblewski and Mayor Bend identified a number of factors to consider when discharging a firearm. These are as follows:

> In determining whether a discharge endangers any person or property and in determining whether a projectile might reasonably be expected to cross a boundary; angle of discharge, type of projectile, potential distance of its travel, land topography, location of parcel boundaries, field of fire, and background beyond the target are all factors which the shooter is responsible to take under consideration prior to discharging a firearm.

COUNCIL ACTION REQUESTED:
Motion regarding Ordinance 01-2019 amending Sec. 14-1 of the City Code regarding the use and discharge of firearms.

Discharge of Firearms Ordinance
4/30/19 revised draft – Wroblewski

NOTHING IN THIS SECTION SHALL REGULATE, CONTROL OR PREEMPT THE USE OF FIREARMS FOR SELF DEFENSE WHICH SHALL BE SOLELY REGULATED AND CONTROLLED BY APPLICABLE MN STATE STATUTES

Firearm definition – A firearm is defined as any gun from which any projectile is discharged or propelled by means of an explosion, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus, instruments, or equipment used by construction personnel, licensed physicians or veterinarians in the course or scope of their professions.

It is unlawful for any person to discharge any firearm in any place or manner so as to endanger any person or property.

It is unlawful for any person to discharge a firearm in a city park, on any school property, or in any property located in an area zoned commercial or industrial with the exception of police officers acting in the scope of their lawful authority.

Firearms may not be discharged:

1. Except by the landowner and his/her immediate family in residence on the property or in the presence of the landowner or lessee of the land, or with the written permission of the landowner or lessee of the land. The person authorized to hunt/shoot must have in their possession the written permission which must include the full name, address, phone number, and signature of the landowner or lessee as well as the full name of the person given permission to hunt or shoot.
2. Within 500 feet of any residence or accessory building on a parcel under separate ownership from the parcel on which the firearm is discharged.
3. Before 0900 hrs. or after one-half hour before sunset, except when hunting game or non-game animals in compliance with MN statutes. This numbered paragraph contains the only noise limitation on discharge of a firearm in Afton.

No firearm shall be discharged in a manner reasonably expected to cause a projectile to cross the boundary of a parcel not under common ownership with the parcel from which the projectile is fired.

In determining whether a discharge endangers any person or property and in determining whether a projectile might reasonably be expected to cross a boundary, angle of discharge, type of projectile, potential distance of its travel, land topography, location of parcel boundaries, field of fire, and background beyond the target are all factors which the shooter is responsible to take under consideration prior to discharging a firearm.

It is unlawful to discharge a firearm while under the influence of a controlled substance or with a blood alcohol content of .04% or above.

Individuals discharging firearms must be adults or be in the presence of and supervised by a responsible adult with the exception of juveniles 16 and over during the hunting season who meet the legal requirements to hunt according to Minnesota's hunting regulations.

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date June 10, 2020

Council Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: June 8, 2020

Re: Regulations Regarding the Discharge of Firearms.

The Council met in a work session on June 3 to discuss options for addressing concerns regarding the discharge of firearms, and particularly residents using their property in a manner similar to a gun range, in that they discharge a high number of rounds per day several days per week. The Council discussed these concerns from both a safety and a noise/nuisance perspective, and directed staff to draft an ordinance amendment that included the following elements:

- new language in the firearms discharge ordinance regarding the number of rounds that could be discharged per day and per week, other than for hunting; as well as language that allows the owner of a homesteaded residential parcel to exceed the maximum number of rounds per day if allowed by the affected neighbors.
- Add a definition of "gun range" that involves the discharge of firearms whereby firearms discharge occurs more than one day per calendar week and whereby more than 20 rounds are discharged over any 24 hour period. (This definition applies to the existing ordinance that prohibits gun ranges in all zoning districts)
- Add language in the nuisance/noise ordinance that adds a definition of public nuisance noises and prohibits such noises.

An ordinance amendment that reflects these elements is attached for the Council's consideration, discussion and feedback.

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date June 3, 2020

Council Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: May 27, 2020

Re: Regulations Regarding the Discharge of Firearms.

In considering regulations regarding the discharge of firearms, the challenge is to find a balance between Afton's history of limited firearms regulations vs. the impacts on the quality of life of residents adjacent to a property on which firearms are being discharged for extended periods of time multiple times per week. Afton's limited firearms regulations are designed to facilitate hunting and hunting-related activities such as sighting-in rifles and occasional clay pigeon shooting. The relatively new firearms discharge ordinance (see attached) added necessary additional regulations regarding distance from houses and shooting across property lines. However, it does not address the noise and safety concerns related to the discharge of firearms on a property for extended periods multiple times per week. There are a number of potential options to consider in relation to addressing these concerns. The options are outlined below.

Options for Addressing Excessive Firearms Discharge Concerns

Clarify the Current Prohibition of Gun Ranges
The zoning code specifically prohibits gun clubs and gun ranges in all zoning districts, for the purpose of avoiding the noise impacts of gun ranges. However, there is not a definition of gun range in the code. One option is to add a definition of gun range that includes commercial gun ranges, but also includes the use of any property as a gun range. The prohibition of gun ranges could include specific and limited exceptions for sighting-in rifles prior to a hunting season, for occasional clay pigeon shooting and for other minor, relatively low-impact activities.

Noise Ordinance
The attached noise ordinance (attached to the nuisance ordinance) includes restrictions on noise levels, and requires testing procedures to determine noise exceedances. The noise ordinance is more focused on noise generated by an on-going use rather than temporary exceedances. For example, the two noise levels defined in the ordinances are L10, which relates to noise exceeding the allowed levels 10% of the time for a one hour period, and L50, noise exceeding allowed levels 50% of the time for a one hour period. Noise testing would need to be done to obtain evidence of an exceedance. Also, the noise ordinance does not include allowed noise levels for the Ag zone.

The noise ordinance does include a definition of noise pollution which fits the situation of the discharge of firearms on a property for extended periods multiple times per week. Noise pollution means the presence of any noise or combination of noises in such quantity, at such levels, of such nature and duration, or under such conditions as could potentially be injurious to human health, safety, or welfare; or to animal life; **or could interfere unreasonably with the enjoyment of life or property.**

Firearms Discharge Ordinance
An element of a preliminary firearms discharge ordinance that was proposed early in the ordinance update process was a limitation on the number of rounds that could be discharged on a property over a one week period. The maximum number of rounds was proposed to be between 20 and 50. It was also proposed that, with the exception of hunting, firearms not be discharged on a parcel, or two or more parcels of land under common ownership, on more than one day

per calendar week. A limit on the number of rounds and days per week would prohibit the ability to discharge a large number of rounds multiple times during a week. As indicated above, a specific and limited exception for an activity such as occasional clay pigeon shooting could be included in the ordinance.

Nuisance Ordinance

The attached nuisance ordinance is very narrow and does not currently address activities such as noise and firearms discharge. The nuisance ordinance could be expanded to include impacts from activities such as the discharge of firearms on a property for extended periods multiple times per week. While the standards for determining a nuisance could be less technical than those in the noise ordinance, standards would need to be developed. The nuisance ordinance uses the following language in relation to nuisance impacts: **"detrimental to or shall endanger the public health, safety, comfort or general welfare.** This language could be supplemented with the language from the noise pollution definition: **" or could interfere unreasonably with the enjoyment of life or property."** A more specific standard or example could be the exceedance of a maximum number of rounds per week, as set out in the firearms ordinance paragraph above. Again, the language could include a specific limited exception for an activity such as clay pigeon shooting.

Correspondence Received from Residents Regarding the Firearms Discharge Issue

Ron Moorse

From: Dave Heng <dheng@mmm.com>
Sent: Thursday, February 21, 2019 3:16 PM
To: Ron Moorse; Bill mayor
Cc: Ward 2 Council Member ward2; Kari Kull-Heng
Subject: Afton Firearms Ordinances

Hi Bill and Ron,

My name is Dave Heng and I live at 12312 Meadow Bluff Trail with my wife, Kari, and our three boys, Oliver (8), Wendel (6), and Graham (2). I was emailing last week with Lucia W. and she suggested that I email this concern to you as well. We have a new neighbor that regularly shoots firearms off of his back porch and he does that at a close distance to our home (I would guess that our homes are about 100 feet apart in a residential neighborhood). We've reached out to our neighbor several times now with no response, so we're not sure how to proceed. The regular gunfire causes many issues for us and we're concerned about the safety of the situation. Most importantly, I'm concerned about my kids' welfare and I want them to be able to play outside in a peaceful environment without close gunfire. We've done some digging into firearms laws for the City of Afton and for MN and we're starting to realize that the only guidance given by the City (we think) is that all residents must follow DNR guidelines. From everything I could find online, it sounds like the DNR's guidance is only targeted at hunters that are hunting on other people's land, not their own property. The DNR rule is that firearms are not to be fired on someone else's property within 500 feet of a home. Do you have any suggestions on how to learn more about the laws in Afton or how we may be able to get a new law/ordinance enacted in Afton? Other similar cities have these types of ordinances already (some examples are below) to keep residential areas safe, so there is some precedence in other MN towns. Any thoughts on how to improve this situation? Can you help us out or provide some guidance?
Thank you,
-Dave Heng

Some Additional Gun Law Info for the City of Stillwater as an example:

Can I hunt in Stillwater?

Projectiles are banned within the city limits of Stillwater. It is unlawful to shoot any type of projectile including: guns, BB-guns and bow and arrows.
https://www.ci.stillwater.mn.us/?SEC=C5B60CB7-2D02-4629-B8CD-9264A00722AD#FACB0E44-7A81-4C53-B924-47F0370F163C

Some Additional Gun Law Info for the City of Woodbury as an example:
I did some additional digging into the City of Woodbury's firearms regulations and here is what I found.

1) Woodbury has defined areas that are "closed", "open", or "restricted". The map can be found here: https://www.woodburymn.gov/police/Hunting%20Map.pdf. The majority of Woodbury is closed to firearms.
2) It is unlawful for any person to discharge any firearm* within a "closed area" designated by the City of Woodbury. The Woodbury Public Safety Department may grant a limited permit to allow the discharge of a firearm* by person(s) demonstrating a reasonable necessity for such action.
3) In "open areas" it is unlawful to discharge any firearm* other than a shotgun.
    a. The maximum size shot that may be used in such designated areas is a No. 2 steel shot or smaller, or a No. 4 lead/Bismuch/tungsten/Hevi-Shot or smaller (smaller shot sizes smaller actually go up in numbers, i.e., shot 5, 6, 7, 8). The use of appropriate shot is also dictated by Minnesota Department of Natural Resources regulations. The use of shotgun slugs is prohibited. The Woodbury Public Safety Department may grant a limited permit to allow the discharge of a firearm* other than a shotgun or a shotgun with slugs.

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

From: Clay Diggins <Clay.Diggins@slumberland.com>

Date: 5/25/20 08:59 (GMT-06:00)

To: ward3 <ward3@ci.afton.mn.us>

Cc: Clay Diggins <Clay.Diggins@slumberland.com>

Subject: Afton culture

Hi Stan,

I want to keep you updated on the shooting situation since Deb and Larry joined the city council meeting last Tuesday.

Friday evening going into Memorial weekend I got home from work. Deb was working in the flowerbeds outside our back door when all at once rapid fire shooting began. This was over the top and we called the Sheriff to report. I also videoed a sequence from my back doorstep capturing the noise level.

Deputy Sheriff Nick Davis called to say he was on his way and while on the phone with him I put the speakerphone on and he heard the rapid fire shooting clearly.

Nick called and met the shooter at the end of his driveway. I understand we where not the only ones calling this incident into the police. The shooter reported to the deputy that they where shooting a 5.56 caliber high powered rife. This accounts for the very loud reports. It is also very disturbing to learn that this was happening. A 5.56 caliber can kill someone at over half a mile and I have no idea where the shooters muzzle was pointing. Clearly not ok. I know Washington county is deemed a slug only zone for hunting for this very reason. I didn't count how many rounds where fired but likely over 100. The rifle is a semiautomatic which fires in very quick fashion. The impression this makes is dramatic and frightening.

Deputy Davis then stopped over at our place where we learned others had called in as well and not the first time. I told him we would be calling the shooter in more frequently and he agreed it was good to do that. The frequency and number of complaints may give credence to the fact that the need for change is urgent.

We later spoke with our neighbors Trish and Larry. Their property also adjoins the shooter's. They where out on their deck Friday evening when the shooting started and ran inside for safety. They also took a recording of part of the incident. I also happen to know that they have two small grandchildren who come to visit and have been frightened to death by the shooting. This is just not right.

I will get both recordings to you and I also ask you to share this report with the council.

Having lived in Afton for over 30 years I have never brought up an issue to the city council before. The culture of Afton has always been one of respect where people are considerate of the community. Many people and families are out walking and cycling on our roads and Imagine their reaction when rapid fire shooting erupts. Especially difficult for children. Active shooting ranges is not the Afton we value.

I say this from the perspective of an avid outdoorsman myself who regularly visits one of the commercial shooting ranges where shooting is safely managed. There are many safe options close by for shooters to use where they can enjoy their sport and not threaten others.

As long time residents who value the Afton lifestyle my family appreciates the work you and the council are doing to protect what we have.

Clay Diggins

As an aside, there was additional shooting Sunday evening that I did not call in. Too tired.

Sent from my iPhone

Ron Moorse

From: Ward 2 Council Member ward2
Sent: Monday, June 8, 2020 7:34 PM
To: Ron Moorse
Cc: Bill mayor
Subject: FW: Firearms Discharge Ordinance

More input from another resident.

Lucia

From: Clay Diggins [mailto:Clay.Diggins@slumberland.com]
Sent: Sunday, June 7, 2020 12:49 PM
To: ward2 <ward2@ci.afton.mn.us>
Subject: Re: Firearms Discharge Ordinance

Well written Lucia. I agree with you 100%. I also am a gun owner and avid hunter who goes to established and legal gun ranges to target practice.

Thank you for your leadership on this issue on behalf of Afton.

Clay

Sent from my iPhone

On Jun 7, 2020, at 9:53 AM, ward2 <ward2@ci.afton.mn.us> wrote:

> Hi everyone –
>
> As most of you if not all of you are aware, early last year there was an ongoing and excessive discharge of rifle fire in Ward 2 in a 2.5 acre neighborhood. It eventually caused a young family to move out of our city for fear for their young children who were no longer able to play in their own backyard – fear for their own safety - and also because of the complete disregard for the peace and comfort of his neighbors by the violator. Our firearms discharge ordinance was woefully inadequate as it was basically useless. I worked hard to help draft the discharge of firearms ordinance we currently have. It was a compromise of suggestions made for consideration by the full council and the vote was closer than I had expected or liked but it passed 3-2.
>
> The CC at that time did not have an appetite to address the issue that was left dangling – that is the excessive discharge of firearms that occurs more and more often in our city beyond the 500 foot requirement from a neighboring building. As a cop and a resident of this city for 25 years I understood that this problem would crop up again and again unless the issue of people shooting excessively and running their own gun ranges was addressed. Well at the last CC meeting we received public input from two separate parcel owners highlighting the excess rifle and other firearms discharges occurring next to them. Mr Ross – Ward 3 CC member – advised the discharges were beyond anything he ever expected would occur in Afton, that it was well beyond reasonable, and that we needed to do something to prohibit such. It is significant that Mr Ross voted against the current ordinance – which both of the citizens noted was inadequate to address these issues. I also noted again – as I have every meeting

dealing with this issue – that Gun Ranges are not an allowed use in any zone in Afton per our ordinances.

So we had a CC work session last Wednesday discussing the matter. We have another work session this Wednesday at 5 pm. Like our CC meetings it is available to be viewed by the public per the instructions for Zoom noted in the packet. At this meeting I expect a more detailed draft of revisions to code and ordinance will be provided and discussed for possible action at the next CC meeting.

Immediately after our last CC meeting, I submitted the original draft considerations proposed last year to our City Administrator to be reconsidered. I have also emailed him with my suggestions for consideration for this next go round as I discussed at the last work session.

These incidents of excess gunfire and operating private gun ranges are increasing. The two I am personally aware of involve relatively new residents to our city. I will reiterate that no one is advocating for taking away anyone's right to own firearms or possess legal firearms. I am not aware of any CC member advocating for prohibiting legal hunting in our city. Anyone saying this is what the City is proposing is not telling the truth. I am a retired cop and a former Use of Force and Firearms instructor as well as a former SWAT operator. I enjoy target shooting but I have never in my 28 years of owning property in Afton, discharged my firearm or done any target shooting on my property for safety concerns and out of respect for my neighbor's rights to peace and quiet. There are plenty of target/gun ranges around that are regulated, controlled, safe and environmentally conscious.

I would encourage any of you with concerns regarding this issue to email the City Administrator, Mayor, and entire CC about your views and ask that your concerns be read at the next meeting as I believe the city may be voting to take action this month. The last time this occurred there was plenty of blow back by some "guns rights" advocates some of whom repeated untruths about the City prohibiting ownership of firearms or halting hunting. I think it's important for this city's residents to make their voices heard so that a vocal minority (some of whom may not even reside in Afton) does not dictate for Afton what is in the residents' best interests.

I have recordings of only a sliver of what led to this renewed action on this issue. It is way beyond anything that any reasonable person living in our city should have to tolerate. It is against our own code prohibiting gun ranges. I urge everyone to put themselves in the position of having a neighbor right next door to you discharging firearms as target shooting in disregard of everyone else – and remember they wear good ear protection when they do so and the discharge and safety considerations impact not only kids, grandkids, adults, but also horses, dogs, birds, and our beloved wildlife. Those are our Afton values as I have always viewed them.

Best regards to you and wishing you good health during this Covid crisis –

Lucia Wroblewski
Ward 2 CC member

Ron Moorse

From: Ward 2 Council Member ward2
Sent: Monday, June 8, 2020 7:32 PM
To: Ron Moorse
Cc: Bill mayor
Subject: FW: Firearms Discharge Ordinance

More info regarding firearms from a resident.

Lucia

From: Bill Rahn [mailto:waywardrahn@gmail.com]
Sent: Sunday, June 7, 2020 12:44 PM
To: ward2 <ward2@ci.afton.mn.us>
Subject: Re: Firearms Discharge Ordinance

Thank You Lucia!
We hear gunshots frequently coming from a mile or more away from us to the North. Occasionally I suspect that someone is using a "bumpstock" type device.
It used to be happening with our next door neighbor (I think I mentioned it to you when you visited back in March), but it was not a frequent occurrence, and that property is now empty. The noise from the north is on a (nearly) daily basis.

Thanks for all you do!
Stay Safe!

On Sun, Jun 7, 2020 at 9:53 AM ward2 <ward2@ci.afton.mn.us> wrote:

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Ron Moorse

From: Ron Moorse
Sent: Tuesday, June 16, 2020 3:27 PM
To: Bill mayor; Anne Perkins; Ward 2 Council Member ward2; ward 3; Randy ward4
Subject: FW: Produced amendments for the ordinance for discharge of firearms, gun ranges, etc.

I am forwarding an email regarding the firearms discharge ordinance.
Ron

From: ward1 <ward1@ci.afton.mn.us>
Sent: Tuesday, June 16, 2020 3:21 PM
To: Ron Moorse <rmoorse@ci.afton.mn.us>
Subject: FW: Produced amendments for the ordinance for discharge of firearms, gun ranges, etc.

Hi Ron,

Could you please forward this to the other Council members and mayor for tonight's discussion?

Thank you!
Annie

From: raisedbychickens@gmail.com <raisedbychickens@gmail.com>
Sent: Monday, June 15, 2020 3:09 PM
To: ward1 <ward1@ci.afton.mn.us>
Subject: Produced amendments for the ordinance for discharge of firearms, gun ranges, etc.

Hello Annie,
I just left you voice mail.

I'm a resident of Ward 1 (on 36th St. S.) and want to provide some feedback regarding the "meeting date June 16, 2020 council action memo" dated June 9th.

Overall, I want to thank you for your work on this issue.

I have one piece of input. I would suggest that in the updates to #3 (public nuisance noises), a.1, that you consider the minimum distance from which firearms can be discharged be measured relative to the *nearest property line* of any adjacent parcel, not the *nearest house* on any adjacent parcel.

The current ordinance allows a property owner to discharge firearms next to their property line as long as the person discharging the firearms maintains a minimum distance of 500 feet from any residence or accessory building on a parcel under separate ownership (see Section 14-1, item (g), number 2). That seems odd – I don't see a minimum distance from the property line? Perhaps in at least the updates for the clay pigeons you could think about making sure that people don't discharge the rounds next to their property line, which could interfere with the enjoyment of neighbors who are outside and behind their house, even if the house is at least 1320 feet away.

Thanks,

Val
651-261-0947

Ron Moorse

From: Ron Moorse
Sent: Monday, June 29, 2020 9:01 AM
To: Julie Yoho
Subject: firearms email

Julie,
Another firearms email.
Ron

----- Forwarded Message -----
From: James Rickard <jgrickard@yahoo.com>
To: Ron Moorse <rmoorse@ci.afton.mn.us>
Cc: Ward2 <ward2@ci.afton.mn.us>; Lucia and Jen <ljlabsdance@gmail.com>
Sent: Tuesday, June 16, 2020, 10:49:04 AM CDT
Subject: Comments for Public Hearing

Mr. Moorse,

Could you please read the following comments into the public record during the hearing on the proposed changes to Afton's firearms discharge ordinances.

Thank you.

Mr. Mayor and members of the Afton City Council,

As a resident of Afton, I am in support of the proposed changes to Afton's firearms discharge ordinance. The right to bear arms does not provide the right to use them in ways that infringe on other's rights of tranquility. I believe the proposed changes do not place undue burden on those who wish to enjoy use of firearms on their property. I wish to point out however that the language of the ordinance will NOT fully preserve the intended tranquility as they only place limits on the "owner" of the property. This language will not prevent shooting parties where friends, family and others are involved. I urge the City to clarity this language to ensure the intended outcomes of the ordinance changes are achieved.

Thank you for your consideration and your service to the Community.

James Rickard
5650 Odell Avenue South

Ron Moorse

From: Ron Moorse
Sent: Monday, June 29, 2020 8:44 AM
To: Julie Yoho
Subject: FW: Firearms Discharge Ordinance

Julie,
Another firearms email.
Ron

From: Ray Lehman [mailto:raylehman@hotmail.com]
Sent: Sunday, June 7, 2020 10:33 AM
To: ward2 <ward2@ci.afton.mn.us>
Subject: RE: Firearms Discharge Ordinance

Thank you for your work and insight on this issue. I have often heard a lot of shots fired with what sound like large and rapid fire weapons. Mostly coming from the west of me on 50th and Trading Post. As an Army veteran and ex hunter I know the sound.
I support your efforts on this issue. I again thank you for your efforts and well written informational email.
Regards
Ray

Dear Afton City Council,

We would like to offer our apologies for contributing to a situation that finds you contemplating a large change in the firearms ordinance for our city. We are now aware of the fact that our shooting over the past few weeks has been overly loud and unpleasant to some of our neighbors. We are sincerely sorry if it has disturbed or frightened anyone. That was certainly not our intent.

Unfortunately, we were unable to reach out to any of these neighbors before things escalated to this point. The city administrator and the sheriff's deputies could not reveal the identity of those complaining. The former mayor recently attempted to organize a meeting but evidently there was no interest in meeting with us prior to this point.

We believe that this issue can and should be worked out between reasonable people and even if our neighbors are unwilling to speak with us, we plan to greatly reduce any disturbance we cause.

We respectfully ask for the opportunity to do so before significantly changing a policy that could negatively affect a large number of Afton's citizens and bring us one step closer to becoming Woodbury.

Sincerely,

Curtis and Lisa Dunn

Jenny Moore

From: Ward 2 Council Member ward2
Sent: Monday, July 27, 2020 8:09 PM
To: Ron Moorse
Subject: RE: Firearms discharge incident

Ron,

On 7-25-20 (Saturday night) I actually witnessed a handful of intermittent shots at about 2152 hours when I got home and got out of my truck in my driveway. It was one shot followed by 10 seconds or so and then there would be another surprise shot. It was lightly raining and completely dark at that time. It sounded like it was east and possibly south from my place at 4081 Neal Av. They were clear gunshots and sounded louder than handgun and sounded a distance away.

Five minutes after coming inside my home it began raining harder and storming. And I got a call from our Mayor asking if I'd heard the shots and I told him I had and clarified where it sounded like they were coming from. A neighbor near him called him and reported it sounded like it was west of them toward Neal. So the sounds were likely somewhere in Afton between my place and the State Park.

I was not home that evening. I had left at 5 pm and got home at 9:52 pm.

You can count me as a witness. I know what gunfire sounds like and it was clearly gunfire in the dark and in the rain. I think it's important that we count this incident as real and part of the history of this issue and that it was witnessed by a number of legitimate witnesses who reported the same thing.

Hope you had a good weekend Ron!

Lucia

From: Ron Moorse <rmoorse@ci.afton.mn.us>
Sent: Monday, July 27, 2020 8:36 AM
To: Bill mayor <mayor@ci.afton.mn.us>; Anne Perkins <ward1@ci.afton.mn.us>; Ward 2 Council Member ward2 <ward2@ci.afton.mn.us>; ward 3 <ward3@ci.afton.mn.us>; Randy ward4 <ward4@ci.afton.mn.us>
Subject: Firearms discharge incident

On Saturday night, there was gunfire going on for an extended period of time, north and west of Afton State Park, to the point that a ranger from the State Park called the sheriff. The exact location of the gunfire was unclear. It was a shot every 20-30 seconds for an extended part of the evening. It started up again after it was dark outside, and the number of shots increased and the intervals decreased.
Ron

July 21, 2020 City Council Meeting Highlights

The Council:

- Approved the Sevenich subdivision at 10 Coulee Ridge Road
- Approved a revised ordinance amendment regarding barbed wire fencing, with language as follows:
  Barbed wire and razor wire fencing are prohibited, except in the case of
  1). Agricultural uses
  2). In the industrial zones at the top of a security fence if the height of the barbed wire is not less than six (6) feet from grade and the fence is located not less than one hundred (100) feet from a residence.

- Approved a reduced speed limit of 35 MPH on 50th Street east of County Road 21
- Directed staff to do necessary research and bring a proposal to the August 18 Council meeting for equipment and technology necessary to enable live streaming of Council and Planning Commission meetings, as well as the ability for the public to participate via Zoom
- Approved CarlsonSV to provide contracted accounting services when the current contracted City Accountant retires in 2021.
- Extended the current Mayor-Declared Local Emergency related to the Covid-19 Pandemic through at least August 21, 2020