

AN ORDINANCE GOVERNING THE TRANSPORTATION AND USE OF PAINT BALL GUNS

WHEREAS, the use and possession of uncased paint ball guns in motor vehicles constitutes a hazard to public safety on roadways in Kandiyohi County; and

WHEREAS, the discharge of paint ball guns from motor vehicles or from, into, or across the road right of way constitutes a hazard to public safety in Kandiyohi County; and

WHEREAS, paint ball guns are increasingly used to damage houses and motor vehicles; and

WHEREAS, paint ball guns can cause injury when proper protective gear is not worn, which protective gear is often not available or worn in motor vehicles; now

THEREFORE, the Kandiyohi County Board of Commissioners does hereby ordain as follows:

Section A. Definitions.

1. Motor Vehicle: "Motor vehicle" means every vehicle which is self-propelled. "Motor vehicle" does not include an electric personal assistive mobility device or a vehicle moved solely by human power.
2. Paint Ball Gun: "Paint ball gun" means any device, whether or not in the shape or form commonly associated with pistols, handguns, rifles, shotguns, or other firearms, which fires or ejects a plastic or gelatin projectile containing paint, marking dye, or other similar liquid, whether fired or ejected by compressed air, CO₂, springs, mechanical force, explosive charge, or otherwise.
3. County Park: "County park" means any property owned by the County of Kandiyohi which has been designated by the Kandiyohi County Board of Commissioners as a county park.

Section B. Paint Ball Gun Transportation and Safety.

1. A person may not transport a paint ball gun in a motor vehicle in which any

person under the age of 18 is present unless:

- a. The paint ball gun is unloaded, contains a properly installed barrel plug and is in a case expressly made to contain a paint ball gun, and the case fully encloses the paint ball gun by being zipped, snapped, buckled, tied, or otherwise fastened; or
 - b. The paint ball gun is unloaded, contains a properly installed barrel plug, and in the enclosed trunk of the motor vehicle or an area of the motor vehicle not readily accessible by persons in the passenger compartment; or
 - c. All persons under the age of 18 years are in the presence of and under the direct supervision of a parent or guardian of each such person.
2. A person may not discharge or fire a paint ball gun in, toward, or from any motor vehicle.
 3. A person may not discharge or fire a paint ball gun within, across, into, or from the right of way or traveled portion or any township, county, state or federal roadway or highway.
 4. A person shall not possess, discharge, or fire a paint ball gun within, into, or from any Kandiyohi County park.
 5. Any paint ball gun found or used in violation of this ordinance shall be impounded by the Sheriff of Kandiyohi County, or his designee, and held pending disposition of the offense, whereupon it shall be returned to the parent or guardian of any person under the age of 18 claiming ownership, or the owner if over the age of 18.

Section C. Penalties.

1. Any person who violates this ordinance is guilty of a petty misdemeanor, and upon conviction may be punished therefore by a fine not in excess of \$200.00.
2. Any person who commits a second violation of this ordinance is guilty of a misdemeanor as defined by the laws of the State of Minnesota, and upon conviction may be punished therefore as provided by law.

Section 6. Effective Date.

This ordinance shall be effective from and after its adoption and publication.


Dated at Willmar, Minnesota, the 7th day of August, 2007

Commissioners

Kandiyohi County Board of


Harlan Madsen, Chairman

Attest:


Sam Modderman, County Auditor