

CHAPTER 616

OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

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616.01 PUBLIC NUISANCE. A public nuisance is a crime against the order and economy of the state and consists in unlawfully doing an act or omitting to perform a duty, which act or omission shall:

- (1) Annoy, injure, or endanger the safety, health, comfort, or repose of any considerable number of persons;
- (2) Offend public decency;
- (3) Unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for passage, a lake, navigable river, bay, stream, canal, or basin, or a public park, square, street, alley, or highway; or
- (4) In any way render a considerable number of persons insecure in life or the use of property.

[R. L. s. 4987] (10241)

616.02 MAINTAINING OR PERMITTING A NUISANCE. Every person who shall commit or maintain a public nuisance, for which no special punishment is prescribed; or who shall wilfully omit or refuse to perform any legal duty relating to the removal of such nuisance; and every person who shall let, or permit to be used, any building or portion thereof, knowing that it is intended to be used for committing or maintaining any such nuisance, shall be guilty of a misdemeanor.

[R. L. s. 4988] (10245)

616.03 OBSTRUCTING HEALTH OFFICER. Every person who shall wilfully oppose or obstruct a health officer or physician charged with the enforcement of the health laws, in performing any legal duty, shall be guilty of a misdemeanor.

[R. L. s. 4990] (10247)

616.04 WILFUL VIOLATION OF HEALTH LAWS. Every person who shall wilfully violate any provision of the health laws, the punishment for which is not specially provided for therein, shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than \$2,000, or by both.

[R. L. s. 4991] (10248)

616.05 ADULTERATION OR IMITATION OF FOODS. Every person who, with intent that the same may be sold as unadulterated or undiluted, shall adulterate or dilute wine, milk, distilled spirits, or malt liquors, or any drug, medicine, food, or drink for man or beast; or shall offer for sale or sell the same as unadulterated or undiluted, or without disclosing to or informing the purchaser that the same has been adulterated or diluted; or shall manufacture, sell, expose, or offer

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for sale, as such article of food or drink, any substance in imitation thereof, without disclosing the imitation by a suitable and plainly visible mark or brand; or with intent that the same may be used as food, drink, or medicine, shall sell, offer or expose for sale, any article whatsoever which to his knowledge has become spoiled, tainted, or for any cause unfit to be used as food, drink, or medicine, where special provision has not otherwise been made by statute for its punishment shall be guilty of a misdemeanor and punished by a fine of not less than \$25 or by imprisonment in the county jail for not less than 30 days.

[R. L. s. 4993] (10250)

616.06 SALE OF UNWHOLESOME POULTRY OR GAME. Every person who shall offer or expose for sale at retail, for human food, at any public market, store, shop, or house, or in or about any street or other public place, any domestic or wild fowls, or any slaughtered rabbits, squirrels, or other small animals, wild or tame, unless the entrails, crops, or other offensive parts are properly drawn and removed shall be guilty of a misdemeanor.

[R. L. s. 4994] (10251)

616.07 PROTECTION OF MEAT AND FISH. Every dealer in slaughtered fresh meats, fish, fowl, or game for human food, at wholesale or retail, at any established place, or as a peddler, in the transportation of such food from place to place to customers, shall protect the same from dust, flies, and other vermin or substance which may injuriously affect it, by securely covering it while being so transported. Every violation of the foregoing provision shall be a misdemeanor punishable by a fine of not less than \$10 or by imprisonment in the county jail for not less than ten days.

[R. L. s. 4995] (10252)

616.08 SALE OF YOUNG VEAL. Subdivision 1. **Prohibited.** No person, firm, or corporation shall sell, offer or expose for sale, or have in possession with intent to sell, the veal of calves killed when less than four weeks old.

Subd. 2. **Penalty.** Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and shall be fined not less than \$50 nor more than \$100 or by imprisonment for a period not to exceed 90 days.

[1905 c 323 s 1, 2] (10253, 10254)

616.09 IMPURE WATER. Every owner, agent, manager, operator, or any one having charge of any water-works, furnishing water for public or private use, who knowingly permits the appliances of the same to become in a filthy condition, or in such condition that the purity and healthfulness of the water supplied by reason thereof becomes impaired shall be guilty of a felony and punished by imprisonment in the state prison for not more than ten years.

[R. L. s. 5012] (10274)

616.10 COMMON DRINKING CUP IN PUBLIC PLACES. Subdivision 1. **Prohibited.** In order to prevent the spread of communicable diseases, the use of common drinking cups in public places, public conveyances and public buildings, is hereby prohibited.

Subd. 2. **Penalty.** Whoever violates the provisions of this section shall be guilty of a misdemeanor and be liable to a fine of not exceeding \$25 for each offense.

[1913 c 61 s 1, 2] (10277, 10278)

616.11 CARELESS DISTRIBUTION OF DRUGS. Subdivision 1. **Prohibited.** No person, directly or indirectly, by agent or otherwise, shall scatter, distribute, or give away any samples of any medicine, drugs, or medical compounds, salve, or liniment of any kind unless the same is delivered into the hands of an adult person, or mailed to such persons through the regular mail service.

Subd. 2. **Penalty.** Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed \$100 or by imprisonment in the county jail for not to exceed 90 days.

[1905 c 33 s 1, 2] (10275, 10276)

616.12 SALE OF PEYOTE ILLEGAL. No person shall use, sell, transport, or have in possession any peyote or preparation of peyote. The violation of this section shall be a misdemeanor.

[1933 c 333 s 1, 2] (10278-1, 10278-2)

616.13 POSSESSION OF CERTAIN DRUGS. Subdivision 1. **Possession of Cannabin, Marijuana, Hashish, prohibited.** No person shall, in the state of Minnesota, produce or possess the drug Cannabin, otherwise commonly known as Marijuana, Hashish, and other colloquial names, or sell or have in possession for sale

or distribution, or manufacture, or cause to be prepared or manufactured, any compound, salt, derivative, or mixture thereof for use in cigarettes, cigars, liquid, confection, or in any other manner, or use, or induce any person to use, any such product or preparation so manufactured or prepared, or have the drug Cannabis in his possession or control for use or distribution for such purposes.

Subd. 2. **Pharmacist and wholesale druggist excepted.** Nothing herein contained shall prohibit a duly licensed pharmacist from having Cannabis, or any compound, salt, derivative, or mixture thereof, in his possession and from selling and distributing the same for medicinal purposes only; nor shall anything herein contained prohibit a wholesale dealer of drugs from having in his or its possession, and from selling and distributing, Cannabis, or any compound, salt, derivative, or mixture thereof; provided, that such sale and distribution shall be made to duly licensed pharmacists only.

Subd. 3. **Penalty.** Any person who shall violate any provision hereof shall be guilty of a gross misdemeanor; and upon conviction shall be punished as follows: for the first offense, by a fine of not exceeding \$1,000 or by imprisonment for not exceeding one year or by both such fine and imprisonment; and for any subsequent offense, by imprisonment for not less than one year.

Subd. 4. **Enforcement.** Sheriffs, constables, and other police officers shall enforce the provisions of this section, with or without the cooperation of the department of agriculture, dairy, and food, and the departments of health of cities of the first class.

[1935 c 321 s 1, 3, 4] (10278-2a, 10278-2b, 10278-2c)

616.14 BATHING BEACHES. Subdivision 1. **Bathing beach.** A public bathing beach, as the term is used in this section, shall be taken to mean any public land, road or highway adjoining public waters, which have been or may be used for bathing or swimming, or any privately owned place which the public is permitted to frequent or use for bathing.

Subd. 2. **Hennepin county, unlawful to bathe at public beaches at certain times.** In all counties which now have or shall hereafter have a population of 450,000 or more, it shall be unlawful for any person to frequent a public bathing beach or public waters upon which the same immediately borders for the purpose of swimming or bathing, or congregating with others, or to swim or bathe or congregate thereat, between the hours of 10:30 p. m. and 5:00 a. m. of the day following.

Subd. 3. **Hennepin county, regulatory ordinances.** The governing bodies or boards of all counties having a population of more than 450,000, and all cities, villages, and towns situated within such counties, shall have authority, by ordinance, resolution, or by-law, to regulate the use of public bathing beaches and public waters immediately bordering thereon for the purpose of bathing or swimming or congregating with the others thereat, within their respective territorial limits, not inconsistent herewith.

Subd. 4. **May close beaches.** If any such body or board shall reasonably determine that the safety, health, morals, or general welfare of the public shall so require, it may, by ordinance, resolution, or by-law, provide that any such public bathing beach shall be closed to bathing, swimming, and congregating after the hour of 9:00 p. m., or after any time between 9:00 a. m. and 10:30 p. m. of any day.

Subd. 5. **Not restrictive.** Nothing in this section shall limit or abrogate any of the existing powers of any body or governing board of any county, city, village, or town.

Subd. 6. **Penalty.** Any person violating any of the provisions hereof shall be guilty of a misdemeanor.

[1933 c. 364 s. 1, 2, 3, 4, 5, 7] (10278-3, 10278-4, 10278-5, 10278-6, 10278-7, 10278-9)

616.15 THROWING OR SCATTERING GARBAGE. Subdivision 1. **Powers of municipalities.** It shall be unlawful for any person to cause or permit garbage or tin cans to be thrown or scattered upon any street, alley, highway, parkway, boulevard, or upon any vacant or occupied real estate, or to fail, neglect, or refuse to remove the same from any such real estate. The term "garbage" shall be construed to mean kitchen offal and all other refuse matter composed of either animal or vegetable substance. The governing body of any county, city, village, or town shall have authority, by ordinance, resolution, or by-law, to prohibit any such acts and to prescribe penalties for violation thereof, as herein provided.

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Subd. 2. **Municipal powers not limited.** Nothing in this section shall limit or abrogate any of the existing powers of the governing body or board of any county, city, village, or town.

Subd. 3. **Penalty.** Any person violating any of the provisions hereof shall be guilty of a misdemeanor.

[1937 c 325 s 1, 2; Ex 1937 c 46 s 1, 2] (10269-1, 10269-2)

616.16 DEPOSIT OF UNWHOLESOME SUBSTANCES. Every person who shall deposit, leave, or keep on or near a highway or route of public travel, on land or water, any noisome or unwholesome substance; or who shall establish, maintain, or carry on, upon or near a highway or route of public travel, on land or water, any business, trade, or manufacture which is noisome or detrimental to the public health; or who shall deposit or cast into any lake, creek, or river wholly or partly in the state, or shall deposit upon the ice of any such lake, creek, or river, the offal from, or the dead body of, any animal shall be guilty of a gross misdemeanor and punished by a fine of not less than \$100 or by imprisonment in the county jail for not less than three nor more than six months.

[R. L. s. 5007] (10269)

616.17 DISPOSITION OF CARCASSES. Subdivision 1. Every person owning or having in charge any domestic animal that has died or been killed on account of disease shall immediately bury the carcass thereof at least three feet deep in the ground, or cause the same to be consumed by fire; provided, however, that the live stock sanitary board, through its secretary and executive officer, may issue a permit to owners of rendering plants, located within the boundaries of Minnesota, provided such rendering plants are operated and conducted as required by law, to remove carcasses of domestic animals and fowl that have died or have been killed on account of disease, over the public highways to their plants for rendering purposes in accordance with the rules and regulations adopted by the live stock sanitary board relative to transportation, rendering, and all other provisions deemed by that board to be necessary to prevent the spread of disease; and to owners of rendering plants located in any adjacent state with which a reciprocal agreement is in effect, as provided in subdivision 2. No person shall sell or offer to sell, or give away such carcass when the animal died or was killed on account of disease, nor convey the same along any public road or upon any land not his own; unless in accordance with a special permit, as hereinbefore provided; nor shall any person negligently or wilfully permit diseased animals owned or controlled by him to escape his control or to run at large. Every violation of any provision of this section shall be a misdemeanor.

Subd. 2. The secretary and executive officers of the live stock sanitary board is [are] hereby authorized to enter into reciprocal agreements in behalf of this state with any one or more of the states adjacent to this state, providing for permits to be issued to rendering plants located in either state to transport carcasses to their plants over the public highways of this state and the reciprocating state.

[R L s 5011; 1921 c 486 s 1; 1927 c 218; 1939 c 104; 1949 c 484 s 1] (10273)

616.18 GLANDERED ANIMALS. Every owner or person having the care and control of a horse or other animal having the glanders, who shall knowingly permit such animal to run at large, or be driven upon any highway; or who shall sell, or in any manner dispose of, the same to any other person; and every keeper of a public barn, who shall knowingly permit any horse or other animal having such disease to be stabled in such barn, shall be guilty of a misdemeanor and punished by a fine of not less than \$25 or by imprisonment in the county jail for not less than ten nor more than 90 days.

[R. L. s. 5010] (10272)

616.19 DISEASED SHEEP. Every owner or person in charge of sheep, who shall import or drive into the state, or who shall turn out or suffer to run at large, upon any highway or unenclosed lands, or upon any lands adjoining enclosed lands, occupied by any person for pasturing sheep, any sheep having any contagious disease, or who shall sell, let, or dispose of any such sheep, knowing them to be so diseased, without first apprising the purchaser or person taking them of such disease shall be guilty of a gross misdemeanor and punished by a fine of not less than \$50 nor more than \$200.

[R. L. s. 5009] (10271)

616.20 EXPOSING PERSON WITH CONTAGIOUS DISEASE. Every person who shall wilfully expose himself or another affected with any contagious or infectious disease, in any public place or thoroughfare, except upon his necessary removal in a manner not dangerous to the public health, shall be guilty of a misdemeanor.

[R. L. s. 5008] (10270)

616.21 WILFULLY POISONING FOOD OR BEVERAGES. Every person who shall wilfully mingle poison with any food, drink, or medicine, intended or prepared for the use of a human being, and every person who shall wilfully poison any spring, well, or reservoir of water shall be punished by imprisonment in the state prison for not more than ten years or by a fine of not more than \$500 or by both.

[R. L. s. 5175] (10504)

616.22 GUARDING ICE-CUTTING. Every person cutting ice in or upon any waters wholly or partly in the state, for the purpose of removing the ice, at or before the time of commencing such cutting, shall surround the cuttings and openings with fences or guards sufficient to warn all persons of the same, and shall maintain such fence or guard until the ice has again formed in such openings to the thickness of at least six inches. Every such person who shall fail to comply with any requirement of this section shall be guilty of a misdemeanor.

[R. L. s. 5006] (10268)

616.23 DOORS OF PUBLIC BUILDINGS TO SWING OUTWARD. The doors of all theaters, amphitheaters, opera houses, public halls, dance halls, saloons, taverns, public and private clubs, churches, schools, or places used for public entertainments, exhibitions, or meetings, which are used exclusively or in part for admission to, or egress from, the same, shall be so hung and arranged as to open outwardly and, during any exhibition, entertainment or meeting held therein, shall be kept unlocked and unfastened, and in such condition that, in case of danger or necessity, immediate escape from such building shall not be prevented or delayed. Every owner, agent, or lessee of any such building who shall rent the same or allow it to be used for any of the aforesaid public purposes, without having the doors thereof hung and arranged as hereinbefore provided, shall for each violation of any provision of this section be guilty of a misdemeanor and be punished by a fine of not less than \$25 nor more than \$100 and in default of payment of fine and cost shall be confined in the county jail for not less than 15 nor more than 60 days.

[R L s 5179; 1947 c 23 s 1] (10508)

616.24 FAST DRIVING ON BRIDGE. Whoever rides or drives faster than a walk, upon any bridge, at each end of which a conspicuous signboard is placed upon which is printed the following words and figures: "\$10 fine for riding or driving on this bridge faster than a walk," shall be guilty of a misdemeanor and punished by a fine of \$10 or by imprisonment in the county jail for ten days for each offense.

[R. L. s. 5193] (10531)

616.25 NEGLIGENCE IN RESPECT TO FIRE. Every person who shall negligently or carelessly set on fire, or cause to be set on fire, any woods, prairie, or other combustible material, whether on his own land or not, by means whereof the property of another shall be endangered, or who shall negligently suffer any fire upon his own lands to extend beyond the limits thereof, shall be guilty of a misdemeanor.

[R. L. s. 4997] (10259)

616.26 KEEPING GUNPOWDER UNLAWFULLY. Every person who shall make or keep gunpowder, nitroglycerin, or other explosive or combustible material in a city or village, or carry it through the streets thereof in a quantity or manner prohibited by law or by ordinance of such municipality, shall be guilty of a misdemeanor. Every person who, by the careless, negligent, or unauthorized use or management of gunpowder or other explosive substance, shall injure, or cause injury to, the person or property of another, shall be punished by imprisonment in the county jail for not more than one year.

[R. L. s. 4989] (10246)

616.27 [Obsolete]

616.28 OBSTRUCTING ATTEMPTS TO EXTINGUISH FIRES. Every person who, at the burning of any building, shall be guilty of any disobedience to lawful orders of a public officer or fireman, or of resistance to, or interference with, the lawful efforts of any fireman or company of firemen to extinguish the same, or

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of disorderly conduct likely to prevent the same from being extinguished, or who shall forbid, prevent, or dissuade others from assisting to extinguish the same, shall be guilty of a gross misdemeanor.

[R. L. s. 4998] (10260)

616.29 BOARDING MOVING ENGINES OR CARS. It shall be unlawful for any person, other than a passenger or employee, to get on or off, or attempt to get on or off, or to swing on, or hang on from the outside of, any engine or car or any electric motor or street car upon any railway or track, while such engine, car, motor, or street car is in motion, or switching or being switched. Every person who shall violate any of the foregoing provisions shall be punished by a fine of not more than \$10, and any sheriff, constable, or police officer finding any person in the act of violating any such provision shall arrest, take before a proper court or magistrate, and make a verified complaint against him for such violation.

[R. L. s. 5178] (10507)

616.30 OBSTRUCTING ENGINES ON RAILWAYS. Every person who shall wilfully obstruct any engine or carriage passing upon any railway, so as to endanger the safety of persons in or upon the same, or shall assist or aid therein, shall be punished by imprisonment in the state prison for not more than 20 years; and every person who shall wilfully do, or cause to be done, any act with intent to endanger the safety of persons in or upon any such engine or carriage, or shall aid or assist therein, shall be punished by imprisonment in the state prison for not more than five years or by fine of not less than \$100 nor more than \$500.

[R. L. s. 5177] (10506)

616.31 [Repealed, Laws 1945 c 220 s 6]

616.32 ENGINEERS WHO CANNOT READ. Every person who, as an officer of a corporation or otherwise, shall knowingly employ, as an engineer or engine driver to run locomotives or trains on any railway, a person who cannot read the time-tables and ordinary handwriting, and every person who, being unable to read the time-tables of the road and ordinary handwriting, shall act as an engineer or run a locomotive or train on any railway, shall be guilty of a gross misdemeanor.

[R. L. s. 4999] (10261)

616.33 INTOXICATION OF EMPLOYEES ON TRAINS AND BOATS. Every person who, being employed upon any railway as engineer, conductor, baggage master, brakeman, switch tender, fireman, bridge tender, flagman, or signal man; or person having charge of stations, starting, regulating, or running trains upon a railway; or person employed as captain, engineer, or other officer of a vessel propelled by steam, shall be intoxicated while engaged in the discharge of any such duties, shall be guilty of a gross misdemeanor.

[R. L. s. 5000] (10262)

616.34 FAILURE TO RING BELL. Every engineer driving a locomotive on any railway, who shall fail to ring the bell or sound the whistle upon such locomotive, or cause the same to be rung or sounded, at least eighty rods from any place where such railway crosses a traveled road or street, on the same level, except in cities, or to continue the ringing of such bell or sounding of such whistle at intervals until such locomotive and the train thereto attached shall have completely crossed such road or street, shall be guilty of a misdemeanor.

[R. L. s. 5001] (10263)

616.35 OTHER VIOLATIONS OF DUTY. Every engineer, conductor, brakeman, switch tender, train dispatcher, or any other officer, agent, or servant of any railway company, who shall be guilty of any wilful violation or omission of his duty as such officer, agent, or servant, by which human life or safety shall be endangered, for which no punishment is specially prescribed, shall be guilty of a misdemeanor.

[R. L. s. 5002] (10264)

616.36 LIABILITY OF PERSONS HANDLING STEAMBOATS OR STEAM BOILERS; PENALTY. Every person who shall apply, or cause to be applied, to a steam boiler a higher pressure of steam than is allowed by law, or by the inspector, officer, or person authorized to limit the same; every captain or other person having charge of the machinery or boiler of a steamboat used for the conveyance of passengers in the waters of this state, who, from ignorance or gross neglect, or for the purpose of increasing the speed of the boat, shall create, or

cause to be created, an undue and unsafe pressure of steam; and every engineer or other person having charge of a steam boiler, steam engine, or other apparatus for generating or employing steam, employed in a railway, manufactory, or other mechanical works, who shall wilfully, or from ignorance or gross neglect, create, or allow to be created, such an undue quantity of steam as to burst the boiler, engine, or apparatus, or cause any other accident, whereby human life is endangered, shall be guilty of a gross misdemeanor.

[R. L. s. 5003] (10265)

616.37 DANGEROUS EXHIBITIONS. Every proprietor, lessee, or occupant of any place of amusement, or any plat of ground, or building, who shall use or allow it to be used for the exhibition of skill in throwing any sharp instrument at or toward any human being, or who shall aim or discharge, or allow to be aimed or discharged, at or toward any human being, any bow-gun, pistol, or firearm of any description, shall be guilty of a misdemeanor.

[R. L. s. 5004] (10266)

616.38 ACROBATIC EXHIBITIONS. Every proprietor, occupant, or lessee of any place where acrobatic exhibitions are held, who shall permit any person to perform on any trapeze, rope, pole, or other acrobatic contrivance, without network, or other sufficient means of protection from falling or other accident, shall be guilty of a gross misdemeanor, and, for the first offense, punished by a fine of \$250 and for each subsequent offense by a fine of \$250 and imprisonment in the county jail for not less than three months nor more than one year.

[R. L. s. 5005] (10267)

616.39 ITINERANT CARNIVALS. Subdivision 1. **Prohibited.** Itinerant carnivals, as defined in subdivision 2, are hereby declared to be a public nuisance and are prohibited.

Subd. 2. **Itinerant carnival.** An itinerant carnival, within the meaning and for the purposes of this section, is any itinerant carnival, show, act, or exhibition, or any other carnival, show, act, or exhibition, which is held in the open or indoors or upon or within any public or private grounds of the state, or of any incorporated municipality thereof at which congregates and assembles, with or without payment of an admission fee, a promiscuous gathering of people, as spectators or otherwise, and at which lewd or obscene features are a part, or at which any gambling concessions are given or games of chance practiced, or in or about which actors or other persons connected therewith are engaged in immoral pursuits, or at which attractions are exhibited which affect the health or morals of the community.

Subd. 3. **Penalties.** Any person who shall participate in allowing or conducting any itinerant carnival herein prohibited shall be guilty of a misdemeanor and shall be punishable by a fine of not less than \$50 nor exceeding \$100 or by imprisonment in the county jail or the city workhouse for not less than 30 days nor more than three months.

[1923 c 428 s 1, 2, 3] (10242, 10243, 10244)

616.40 ENDURANCE CONTESTS. Subdivision 1. **Marathons prohibited.** It shall be unlawful for any person, firm, or corporation to advertise, operate, maintain, attend, promote, or aid in the advertising, operating, maintaining, or promoting of any mental or physical endurance contest exhibition, performance, or show in the nature of a "marathon," "walkathon," "skatathon," or any other such endurance contest of a like or similar character or nature, whether under that or other names, whether or not an admission is charged, for a period longer than 24 hours.

Subd. 2. **Exceptions.** Nothing in this section shall apply to the continuance of bicycle-riding contests of no longer duration than six days, the ordinary amateur or professional athletic events or contests, or high school, college, and intercollegiate athletic sports.

Subd. 3. **Penalty.** Any person, firm, or corporation participating in, attending, or promoting any such contest and violating any of the provisions of this section, shall be guilty of a misdemeanor.

[1935 c 228 s 1, 2] (10267-1, 10267-2)

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616.41 DEADLY WEAPONS. Every person who shall manufacture, or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument or weapon of the kind usually known as a slung-shot, sand-club, or metal knuckles; or who shall attempt to use against another, or with intent so to use, shall carry, conceal, or possess, any of the weapons hereinbefore specified, or any dagger, dirk, knife, pistol, or other dangerous weapon, shall be guilty of a gross misdemeanor. The possession by any person, other than a public officer, of any such weapon concealed or furtively carried on the person shall be presumptive evidence of carrying, concealing, or possessing with intent to use the same.

[R. L. s. 4996; 1917 c. 243 s. 1] (10255)

616.42 SALE OF ARMS OR AMMUNITION. Subdivision 1. **Sale to minors prohibited; consent.** No person, in any city in this state, shall sell, give, loan, or in anywise furnish any firearm, or air gun, or ammunition, to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate of such city.

Subd. 2. **Penalty.** Any person who violates any provision of this section is guilty of a misdemeanor.

[1917 c 244 s 1, 2; 1949 c 358 s 3] (10256, 10257)

616.43 BLANK CARTRIDGE FIREARMS, CERTAIN FIRECRACKERS, PROHIBITED. Every person who shall manufacture, use, sell, or keep for sale within this state any blank cartridge pistols, blank cartridge revolver, or other blank cartridge firearms, blank cartridges, caps containing dynamite, and firecrackers exceeding three inches in length, and exceeding one-half of an inch in diameter, shall be guilty of a misdemeanor.

[1907 c. 28 s. 1] (10258)

616.433 FIREWORKS. As used in sections 616.433 to 616.438, the term "fireworks" means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks. The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25 hundredths grains or less of explosive compound are used and toy pistol caps which contain less than 20 hundredths grains of explosive mixture.

[1941 c. 125 s. 1]

616.434 SALE OF FIREWORKS PROHIBITED. Except as otherwise provided in sections 616.433 to 616.438, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks.

[1941 c. 125 s. 2]

616.435 PUBLIC DISPLAYS OF FIREWORKS BY MUNICIPALITIES EXCEPTED. Sections 616.433 to 616.438 shall not prohibit supervised public displays of fireworks by cities, villages, and boroughs, fair associations, amusement parks, and other organizations. Except when such display is given by a municipality or fair association within its own limits, no display shall be given unless a permit therefor has first been secured. Every application for such a permit shall be made in writing to the municipal clerk at least 15 days in advance of the date of the display. The application shall be promptly referred to the chief of the fire department who shall make an investigation to determine whether the operator of the display is competent and whether the display is of such a character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The fire chief shall report the results of this investigation to the clerk and if he reports that in his opinion the operator is competent and that the display as planned will conform to safety requirements, including the rules and regulations of the state fire marshal hereinafter provided for, the clerk shall issue a permit for the display when the applicant pays a permit fee of \$2.00. When the supervised public display for which a permit is sought is to be held outside the

limits of an incorporated municipality, the application shall be made to the county auditor and the duties imposed by such sections upon the clerk of the municipality shall be performed in such case by the county auditor. The duties imposed on the fire chief of the municipality by such sections shall be performed in such case by the county sheriff. After such permit shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit so granted shall be transferable. The state fire marshal shall adopt reasonable rules and regulations not inconsistent with the provisions of such sections to insure that fireworks displays are given safely.

[1941 c. 125 s. 3]

616.436 CONSTRUCTION OF SECTIONS 616.433 TO 616.438. Nothing in sections 616.433 to 616.438 shall be construed to prohibit any resident wholesaler, dealer, or jobber, from selling at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks for shipment directly out of the state; or the use of fireworks by airplanes and railroads, or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

[1941 c. 125 s. 4]

616.437 OFFICERS MAY SEIZE ILLEGAL FIREWORKS. The state fire marshal, or any sheriff, police officer, constable, or local fire marshal, shall seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of sections 616.433 to 616.438.

[1941 c. 125 s. 5]

616.438 VIOLATION. Any person violating the provisions of sections 616.433 to 616.437 shall be guilty of a misdemeanor.

[1941 c. 125 s. 6]

616.44 SETTING SPRING GUNS. Whoever shall set a so-called trap or spring gun, pistol, rifle, or other deadly weapon, shall be punished as follows:

(1) If no injury results therefrom to any human being, by imprisonment in the county jail for not less than six months, or by a fine of not more than \$500, or by both;

(2) If injuries not fatal result therefrom to any human being, by imprisonment in the state prison for not more than five years; and

(3) If the death of any human being results therefrom, by imprisonment in the state prison for not less than ten, nor more than 15, years.

[R. L. s. 5176] (10505)

616.45 MACHINE GUNS. Subdivision 1. **Definition.** Any firearm capable of loading or firing automatically the magazine of which is capable of holding more than 12 cartridges shall be a machine gun within the provisions of this section.

Any firearm capable of automatically reloading after each shot is fired, whether firing singly by separate trigger pressure or firing continuously by continuous trigger pressure; which firearm shall have been changed, altered, or modified to increase the magazine capacity from the original design as manufactured by the manufacturers thereof, or by the addition thereto of extra or longer grips or stocks to accommodate such extra capacity, or by the addition, modification, or attachment thereto of any other device capable of increasing the magazine capacity thereof, shall be a machine gun within the provisions of this section.

A 22-caliber light sporting rifle, capable of firing continuously by continuous trigger pressure, shall be a machine gun within the provisions of this section; but a 22-caliber light sporting rifle, capable of automatically reloading but firing separately by separate trigger pressure for each shot, shall not be a machine gun, within the provisions of this section, and shall not be prohibited hereunder, whether having a magazine capacity of 12 cartridges or more. If the same shall have been changed, altered, or modified, as prohibited in the second sentence of this subdivision, then the same shall be a machine gun within the provisions of this section.

Subd. 2. Application; exceptions. This section shall not apply to sheriffs, coroners, constables, policemen, or other peace officers, or to any warden, superintendent, or head keeper of any prison, penitentiary, county jail, or other institution

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for retention of any person convicted of or accused of crime, while engaged in the discharge of official duties, or to any public official engaged in the enforcement of law; nor to any person or association possessing a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; when such officers and persons and associations so excepted shall make and file with the bureau of criminal apprehension of this state, within 30 days after the passage of this section, a written report showing the name and address of such person or association and the official title and position of such officers and showing a particular description of such machine gun now owned or possessed by them, or shall make such report as to hereafter acquired machine guns within ten days of the acquisition thereof; nor to any person legally summoned to assist in making arrests or preserving peace, while the person so summoned is engaged in assisting such officer; nor shall this section apply to the armed forces of the United States or of the State of Minnesota.

Subd. 3. **Prohibition and penalty.** Any person who shall own, control, use, possess, sell, or transport a machine gun in violation of this section shall be guilty of a felony.

[1933 c 190 s 1, 2, 3] (10255-1, 10255-2, 10255-3)