

CITY OF HAM LAKE

15544 Central Avenue NE
Ham Lake, Minnesota 55304
(763) 434-9555
Fax: (763) 434-9599

CITY OF HAM LAKE CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY AGENDA TUESDAY, SEPTEMBER 6, 2022

1.0 CALL TO ORDER - 6:00 P.M. – Pledge of Allegiance

2.0 PUBLIC COMMENT

3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

- 3.1 Introduction of new City Attorney's Scott Baumgartner and Mark Berglund and discussion of scheduling a Workshop Meeting

4.0 CONSENT AGENDA

These items are considered to be routine and will be enacted in one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Agenda and considered in normal sequence. (All items listed on the Consent Agenda are recommended for approval.)

- 4.1 Approval of minutes of August 15, 2022
- 4.2 Approval of claims
- 4.3 Approval of scheduling the Truth-In-Taxation meeting allowing public input for December 5, 2022 at 6:01 p.m. to consider the 2023 Budget and Property Tax Levy
- 4.4 Approval of a Proclamation proclaiming October as Domestic Violence Awareness Month
- 4.5 Approval of a Proclamation proclaiming September 17 – September 23 as Constitution Week
- 4.6 Approval of accepting the 2022 Bituminous Overlay Project and commencement of the one-year warranty period
- 4.7 Approval of a Resolution for the American Rescue Plan Act (ARPA) Funding expenditures for the City of Ham Lake
- 4.8 Approval of appointing Steve Remarke as District Chief 4 of Fire Station #2
- 4.9 Approval of the Lot Line Adjustment requested by Jeffrey Stalberger Jr. between 18001 and 18007 University Avenue NE
- 4.10 Approval of a Resolution changing the name of Able Street NE to Jackson Street NE within the plat of Crosstown Rolling Acres Third Addition

5.0 PLANNING COMMISSION RECOMMENDATIONS

- 5.1 Chad Bakkene requesting a Special Home Occupation Permit to operate Bakkene Machining and Service, a machine and fabrication shop, at 18046 Concord Drive NE (06-32-23-12-0017)

6.0 ECONOMIC DEVELOPMENT AUTHORITY – None

7.0 APPEARANCES – None

8.0 CITY ATTORNEY

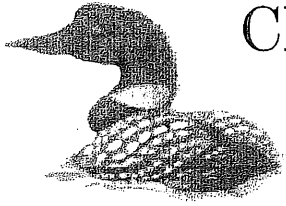
9.0 CITY ENGINEER

10.0 CITY ADMINISTRATOR

11.0 COUNCIL BUSINESS

11.1 Committee Reports

11.2 Announcements and future agenda items



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CITY OF HAM LAKE CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES MONDAY, AUGUST 15, 2022

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, August 15, 2022 at 6:00 p.m. in the Council Chambers at the Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

MEMBERS PRESENT: Mayor Brian Kirkham and Councilmembers Jim Doyle, Gary Kirkeide, Al Parranto and Jesse Wilken

MEMBERS ABSENT: None

OTHERS PRESENT: City Engineer, Dave Krugler; City Administrator, Denise Webster; and Deputy City Clerk, Dawnette Shimek

1.0 CALL TO ORDER - 6:00 P.M. – Pledge of Allegiance

Mayor Kirkham called the meeting to order and the Pledge of Allegiance was recited by all in attendance.

2.0 PUBLIC COMMENT

John Swenson, from Troop 3609, was present and stated he is a Life Scout working toward and Eagle Project.

3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

3.1 ~~Introduction of new City Attorney's, Scott Baumgartner and Mark Berglund (unable to attend)~~

3.2 Commander Paul Lenzmeier, Anoka County Sheriff's Office Monthly Report

Commander Lenzmeier gave a summary of the Sheriff's Report for the month of July 2022.

4.0 CONSENT AGENDA

These items are considered to be routine and will be enacted in one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Agenda and considered in normal sequence. (All items listed on the Consent Agenda are recommended for approval.)

4.1 Approval of minutes of August 1, 2022 and Budget Workshop Meeting Minutes of August 1, 2022

4.2 Approval of claims in the amount of \$259,893.37

4.3 Approval of a 3% increase for RFC Engineering, Inc., effective January 1, 2023

4.4 Approval Resolution No. 22-28 changing the name of Taylor Street NE to Tyler Street NE within the plat of Crosstown Rolling Acres 3rd Addition

4.5 Approval of accepting the Lund's Lakeview Forest street reconstruction project and commencement of the one-year warranty period

4.6 ~~Approval of a Temporary One-Day Liquor License for the Dylan Witschen Foundation (non-profit) at the Willow Tree Winery, 828 Constance Boulevard NE on September 10, 2022 (no longer needed)~~

Motion by Wilken, seconded by Parranto, to approve the August 15, 2022 Consent Agenda as written. All in favor, motion carried.

5.0 **PLANNING COMMISSION RECOMMENDATIONS** - None

6.0 **ECONOMIC DEVELOPMENT AUTHORITY** - None

7.0 **APPEARANCES** - None

8.0 **CITY ATTORNEY** - None

9.0 **CITY ENGINEER** - None

10.0 **CITY ADMINISTRATOR** - None

11.0 **COUNCIL BUSINESS**

11.1 Committee Reports

Councilmember Kirkeide stated that he and Councilmember Wilken met with staff to discuss the requiring of upgrading driveways on county roads when a building permit is applied for through the City. Councilmember Kirkeide stated that Anoka County has no requirements for upgrading driveways on a county road and the city will not enforce the requirement on a county road, but will require it on a City street.

Mayor Kirkham stated that he met one of the City's new Attorney's Scott Baumgartner. Moving forward the City Council will schedule workshops with Attorney Baumgartner to familiarize and review future procedures.

11.2 Announcements and future agenda items - None

Motion by Kirkeide, seconded by Parranto, to adjourn the meeting at 6:11 p.m. All in favor, motion carried.

Dawnette Shimek, Deputy City Clerk

**CITY OF HAM LAKE
CLAIMS SUBMITTED TO COUNCIL
September 6, 2022**

CITY OF HAM LAKE

EFTS, CHECKS, AND BANK DRAFTS	08/16/22 - 09/06/22	
EFT	# 1710 - 1719	\$ 4,485.07
REFUND CHECKS	# 64288 - 64290, 64304 - 64308	\$ 10,600.00
CHECKS	# 64309 - 64354	\$ 78,709.06
BANK DRAFTS	DFT0002411 - DFT0002419	\$ 30,196.27
TOTAL EFTS, CHECKS, AND BANK DRAFTS		<u>\$ 123,990.40</u>
PAYROLL CHECKS		
08/26/22		\$ 54,027.94
CK# 64291 - 64303		\$ 1,175.50
TOTAL PAYROLL CHECKS		<u>\$ 55,203.44</u>
TOTAL OF ALL PAYMENTS		<u><u>\$ 179,193.84</u></u>
VOID CHECKS		
CHECKS		\$ -
EFT		
BANK DRAFTS		

APPROVED BY THE HAM LAKE CITY COUNCIL THIS 6TH DAY OF SEPTEMBER 2022

MAYOR

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER



Packet: ARPKT00519 - 8/17/22 TRUST REFUNDS

Refund Detail

Account Number	Name	Check Date	Check Number	Amount
00216	BUIDERS FIRST SOURCE	8/17/2022	64288	150.00
00274	KEEGAN CHAPUT	8/17/2022	64289	150.00
			Total Refund Amount:	300.00

Revenue Totals

Revenue Code	Total Distribution
TRUST DEPOSITS - TRUST DEPOSITS	300.00
Revenue Totals:	300.00

General Ledger Distribution

Posting Date: 08/17/2022

Account Number	Account Name	Posting Amount	IFT
Fund: 890 - TRUST FUND			
890-10101	Cash-claim on pooled cash	-300.00	Yes
890-11501	Misc receivables	300.00	
	890 Total:	0.00	
Fund: 999 - POOLED CASH			
999-10100	Pooled Cash	-300.00	
999-20702	Due to other funds	300.00	Yes
	999 Total:	0.00	
	Distribution Total:	0.00	



Packet: ARPKT00529 - 8/24/22 TRUST REFUND

Refund Detail

Account Number	Name	Check Date	Check Number	Amount
00266	PAUL MEUNIER	8/24/2022	64290	150.00
Total Refund Amount:				150.00

Revenue Totals

Revenue Code	Total Distribution
TRUST DEPOSITS - TRUST DEPOSITS	150.00
Revenue Totals:	150.00

General Ledger Distribution

Posting Date: 08/24/2022

Account Number	Account Name	Posting Amount	IFT
Fund: 890 - TRUST FUND			
890-10101	Cash-claim on pooled cash	-150.00	Yes
890-11501	Misc receivables	150.00	
	890 Total:	0.00	
Fund: 999 - POOLED CASH			
999-10100	Pooled Cash	-150.00	
999-20702	Due to other funds	150.00	Yes
	999 Total:	0.00	
	Distribution Total:	0.00	



Packet: ARPKT00534 - 8/30/22 TRUST REFUND

Refund Detail

Account Number	Name	Check Date	Check Number	Amount
00178	VICKI VAN DALE	8/30/2022	64304	150.00
Total Refund Amount:				150.00

Revenue Totals

Revenue Code	Total Distribution
TRUST DEPOSITS - TRUST DEPOSITS	150.00
Revenue Totals:	150.00

General Ledger Distribution

Posting Date: 08/30/2022

Account Number	Account Name	Posting Amount	IFT
Fund: 890 - TRUST FUND			
890-10101	Cash-claim on pooled cash	-150.00	Yes
890-11501	Misc receivables	150.00	
	890 Total:	<u>0.00</u>	
Fund: 999 - POOLED CASH			
999-10100	Pooled Cash	-150.00	
999-20702	Due to other funds	150.00	Yes
	999 Total:	<u>0.00</u>	
	Distribution Total:	<u>0.00</u>	



Packet: ARPKT00536 - 08/31/22 TRUST REFUNDS

Refund Detail

Account Number	Name	Check Date	Check Number	Amount
00143	PREMIER CUSTOM HOMES INC	8/31/2022	64305	2,500.00
00218	GARY GAMAYUNOV	8/31/2022	64306	2,500.00
00261	TH CONSTRUCTION OF ANOKA	8/31/2022	64307	2,500.00
00271	PARENT BUILDERS	8/31/2022	64308	2,500.00
Total Refund Amount:				10,000.00

Revenue Totals

Revenue Code	Total Distribution
TRUST DEPOSITS - TRUST DEPOSITS	10,000.00
Revenue Totals:	10,000.00

General Ledger Distribution

Posting Date: 08/31/2022

Account Number	Account Name	Posting Amount	IFT
Fund: 890 - TRUST FUND			
890-10101	Cash-claim on pooled cash	-10,000.00	Yes
890-11501	Misc receivables	10,000.00	
	890 Total:	0.00	
Fund: 999 - POOLED CASH			
999-10100	Pooled Cash	-10,000.00	
999-20702	Due to other funds	10,000.00	Yes
	999 Total:	0.00	
	Distribution Total:	0.00	



City of Ham Lake, MN

Council Approval List

By (None)

Payable Dates 7/18/2022 - 7/18/2022

Post Dates 7/18/2022 - 7/18/2022

Payment Dates 7/18/2022 - 7/18/2022

Payment Number	Vendor Name	Description (Item)	Account Name	Account Number	Amount
DFT0002411	US POSTMASTER	JULY SR CENTER POSTAGE FR	Postage Liability	100-20204	39.67
Grand Total:					39.67



Journal Entry Register

Journal:	JN04930	Controlling Fund:	999	Posting Date:	7/8/2022	Accrual Date:		Added Date:	8/15/2022
Description:	FIX 7/8/22 DEPOSIT			JE Type:		IFT		Adjusting Entry:	N
Account	Account Name	Project Account Key	Description					Debits	Credits
<u>999-10100</u>	Pooled Cash		FIX 7/8/22 DEPOSIT					403.30	
	Cash Type: Deposit		Number: DEP0008101		Check Stock:				
<u>999-20702</u>	Due to other funds		FIX 7/8/22 DEPOSIT						403.30
Total JN04930:								403.30	403.30

Journal:	JN04931	Controlling Fund:	999	Posting Date:	7/28/2022	Accrual Date:		Added Date:	8/15/2022
Description:	FIX 7/28/22 DEPOSIT			JE Type:		IFT		Adjusting Entry:	N
Account	Account Name	Project Account Key	Description					Debits	Credits
<u>999-10100</u>	Pooled Cash		FIX 7/28/22 DEPOSIT					41.57	
	Cash Type: Deposit		Number: DEP0008102		Check Stock:				
<u>999-20702</u>	Due to other funds		FIX 7/28/22 DEPOSIT						41.57
Total JN04931:								41.57	41.57

Journal:	JN04932	Controlling Fund:	999	Posting Date:	7/29/2022	Accrual Date:		Added Date:	8/15/2022
Description:	COMPENSATION CONSULTANTS EXTRA HSA WITHDRAWAL			JE Type:		IFT		Adjusting Entry:	N
Account	Account Name	Project Account Key	Description					Debits	Credits
<u>100-21706</u>	Other payroll deductions		COMPENSATION CONSULTANTS EXTRA HSA					333.32	
<u>999-10100</u>	Pooled Cash		COMPENSATION CONSULTANTS EXTRA HSA						333.32
	Cash Type: Bank Draft		Number: DFT0002412		Check Stock:				
<u>100-10101</u>	Cash		COMPENSATION CONSULTANTS EXTRA HSA			Y			333.32
<u>999-20702</u>	Due to other funds		COMPENSATION CONSULTANTS EXTRA HSA			Y		333.32	
Total JN04932:								666.64	666.64

Journal:	JN04933	Controlling Fund:	999	Posting Date:	4/30/2022	Accrual Date:		Added Date:	8/15/2022
Description:	W/O SCALISE NSF FEE FROM BANK - DUPLICATE			JE Type:		IFT		Adjusting Entry:	N
Account	Account Name	Project Account Key	Description					Debits	Credits
<u>999-10100</u>	Pooled Cash		W/O SCALISE NSF FEE FROM BANK - DUPLICATE					4.00	
	Cash Type: Deposit		Number: DEP0008103		Check Stock:				
<u>100-41701-4130</u>	Credit card & bank fees		W/O SCALISE NSF FEE FROM BANK - DUPLICATE						4.00
<u>100-10101</u>	Cash		W/O SCALISE NSF FEE FROM BANK - DUPLICATE			Y		4.00	
<u>999-20702</u>	Due to other funds		W/O SCALISE NSF FEE FROM BANK - DUPLICATE			Y			4.00
Total JN04933:								8.00	8.00

Journal:	JN04934	Controlling Fund:	999	Posting Date:	5/26/2022	Accrual Date:		Added Date:	8/15/2022
Description:	CORRECT CASH SHORT ON BANK REC			JE Type:		IFT		Adjusting Entry:	N
Account	Account Name	Project Account Key	Description					Debits	Credits
<u>999-10100</u>	Pooled Cash		CORRECT CASH SHORT ON BANK REC					1.00	
	Cash Type: Deposit		Number: DEP0008104		Check Stock:				
<u>100-37601</u>	Refunds & reimbursements		CORRECT CASH SHORT ON BANK REC						1.00
<u>100-10101</u>	Cash		CORRECT CASH SHORT ON BANK REC			Y		1.00	
<u>999-20702</u>	Due to other funds		CORRECT CASH SHORT ON BANK REC			Y			1.00
Total JN04934:								2.00	2.00



Payment Dates 8/18/2022 - 9/6/2022

Payment Number	Vendor Name	Description (Item)	Account Name	Account Number	Amount
1710	OPTUM BANK - 6011	Health Savings Account-6011	Flexible spending	100-21705	54.17
1711	ARAMARK UNIFORM & CAREE	PW UNIFORMS	Clothing & personal protectiv	100-43101-2210	74.57
1711	ARAMARK UNIFORM & CAREE	FIRST AID CABINET	Safety supplies	100-43101-2240	12.00
1711	ARAMARK UNIFORM & CAREE	PARK UNIFORMS	Clothing & personal protectiv	100-44101-2210	25.65
1711	ARAMARK UNIFORM & CAREE	PW UNIFORMS	Clothing & personal protectiv	100-43101-2210	78.27
1711	ARAMARK UNIFORM & CAREE	FIRST AID CABINET	Safety supplies	100-43101-2240	12.00
1711	ARAMARK UNIFORM & CAREE	PARK UNIFORMS	Clothing & personal protectiv	100-44101-2210	25.65
1711	ARAMARK UNIFORM & CAREE	PW UNIFORMS	Clothing & personal protectiv	100-43101-2210	81.26
1711	ARAMARK UNIFORM & CAREE	FIRST AID CABINET	Safety supplies	100-43101-2240	12.00
1711	ARAMARK UNIFORM & CAREE	PARK UNIFORMS	Clothing & personal protectiv	100-44101-2210	25.65
1712	BRODIN PRESS	SEPT HAM LAKER	Editing	211-41704-3125	900.00
1713	CMT JANITORIAL SERVICES	SHERIFF'S OFFICE CLEANING	Cleaning service	100-41702-3430	130.00
1713	CMT JANITORIAL SERVICES	CITY HALL CLEANING	Cleaning service	100-41702-3430	520.00
1713	CMT JANITORIAL SERVICES	FIRE #2 CLEANING	Cleaning service	100-42202-3430	128.00
1713	CMT JANITORIAL SERVICES	FIRE #1 CLEANING	Cleaning service	100-42202-3430	136.00
1713	CMT JANITORIAL SERVICES	PW CLEANING	Cleaning service	100-43104-3430	125.00
1713	CMT JANITORIAL SERVICES	SR CENTER CLEANING	Cleaning service	100-44202-3430	254.00
1714	DAWNETTE SHIMEK	ELECTION MILEAGE	Mileage	100-41302-3960	10.00
1715	DELTA DENTAL PLAN OF MINN	DK COBRA	COBRA receivable	100-11502	42.00
1715	DELTA DENTAL PLAN OF MINN	SEPT DENTAL	Flexible spending	100-21705	901.65
1715	DELTA DENTAL PLAN OF MINN	JK JULY/AUG ADJUSTMENTS	Flexible spending	100-21705	-137.30
1716	DENISE WEBSTER	R#93704 CANCELLED LIQUOR	Beer & liquor license	100-32102	25.00
1717	O'REILLY AUTOMOTIVE STORE	TRAILER JUNCTION BOX	Equipment parts & supplies	100-43101-2320	18.80
1717	O'REILLY AUTOMOTIVE STORE	#71 LIGHT RANGER	Equipment parts & supplies	100-43101-2320	149.99
1717	O'REILLY AUTOMOTIVE STORE	#51 BATTERY CORE CHARGE	Equipment parts & supplies	100-44101-2320	10.00
1717	O'REILLY AUTOMOTIVE STORE	#51 BATTERY	Equipment parts & supplies	100-44101-2320	90.02
1717	O'REILLY AUTOMOTIVE STORE	CONNECTOR	Operating supplies	100-43101-2290	5.49
1717	O'REILLY AUTOMOTIVE STORE	SPINNER, CONNECTOR	Operating supplies	100-43101-2290	23.48
1717	O'REILLY AUTOMOTIVE STORE	OIL FILTER AND OIL	Operating supplies	100-42201-2290	61.41
1718	TERI MCMAHON	ELECTION MILEAGE	Mileage	100-41302-3960	15.31
1719	WICK COMMUNICATIONS-LEA	SEPT HAM LAKER	Printing	211-41704-3970	675.00
64309	ACTIVE911 INC	ACTIVE911 SUBSCRIPTION	Dues & subscriptions	100-42201-3920	585.00
64310	AMERICAN PRESSURE INC	CREEK VALLEY EQUIPMENT RE	Equipment rentals	431-43301-3320	405.39
64311	ANOKA COUNTY TREASURY D	SEPT BROADBAND FIRE #2	Internet & website	100-41301-3220	75.00
64311	ANOKA COUNTY TREASURY D	SEPT BROADBAND	Internet & website	100-41301-3220	37.50
64312	ARCHITECT MECHANICAL INC	MAINT - CITY HALL	Building repair & maintenanc	100-41702-3420	668.10
64312	ARCHITECT MECHANICAL INC	MAINT - FIRE #2	Building repair & maintenanc	100-42202-3420	245.63
64312	ARCHITECT MECHANICAL INC	MAINT - FIRE #1	Building repair & maintenanc	100-42202-3420	363.52
64312	ARCHITECT MECHANICAL INC	MAINT - PUBLIC WORKS	Building repair & maintenanc	100-43104-3420	510.90
64312	ARCHITECT MECHANICAL INC	MAINT - PARK BUILD	Building repair & maintenanc	100-44102-3420	176.85
64313	BAKER TILLY US LLP	JUNE ARPA SMALL BUSINESS	Covid 19	100-41701-4153	525.00
64314	BUSINESS ESSENTIALS	SOAP	Operating supplies	100-44101-2290	75.77
64315	CENTERPOINT ENERGY	CITY HALL	Natural gas	100-41702-3620	93.50
64315	CENTERPOINT ENERGY	FIRE #2	Natural gas	100-42202-3620	30.89
64315	CENTERPOINT ENERGY	FIRE #1	Natural gas	100-42202-3620	33.37
64315	CENTERPOINT ENERGY	PW	Natural gas	100-43104-3620	73.53
64315	CENTERPOINT ENERGY	H.L. PARK PAVILION	Natural gas	100-44102-3620	32.05
64315	CENTERPOINT ENERGY	H.L. PARK BUILDING	Natural gas	100-44102-3620	23.52
64315	CENTERPOINT ENERGY	SR CENTER	Natural gas	100-44202-3620	50.34
64316	CENTRAL WOOD PRODUCTS I	TREE WASTE - STORM CLEAN	Operating supplies	100-43101-2290	150.00
64317	CENTURY COLLEGE	FIRE CEU PROGRAM 2022	Training/conferences/schools	100-42201-3510	1,356.25
64318	COMMERCIAL ASPHALT CO.	4.07 TN HOTMIX	Street repair & maintenance s	100-43101-2330	284.29
64319	CONNEXUS ENERGY	CITY HALL	Electricity	100-41702-3610	1,311.91
64319	CONNEXUS ENERGY	GARAGE	Electricity	100-41702-3610	35.05

Payment Number	Vendor Name	Description (Item)	Account Name	Account Number	Amount
64319	CONNEXUS ENERGY	SOUTH WELCOME	Electricity	100-41703-3610	14.56
64319	CONNEXUS ENERGY	CITY SIGN	Electricity	100-41703-3610	84.55
64319	CONNEXUS ENERGY	FIRE #1	Electricity	100-42202-3610	436.26
64319	CONNEXUS ENERGY	FIRE #2	Electricity	100-42202-3610	289.18
64319	CONNEXUS ENERGY	SIRENS	Electricity	100-42302-3610	65.00
64319	CONNEXUS ENERGY	PW	Electricity	100-43104-3610	993.82
64319	CONNEXUS ENERGY	CROSSTOWN/HWY 65 SIGNAL	Electricity	100-43401-3610	82.15
64319	CONNEXUS ENERGY	HWY 65/ANDOVER BLVD SIGN	Electricity	100-43401-3610	82.15
64319	CONNEXUS ENERGY	BUNKER/LEXINGTON SIGNALS	Electricity	100-43401-3610	71.91
64319	CONNEXUS ENERGY	HWY 65/BUNKER SIGNALS	Electricity	100-43401-3610	91.73
64319	CONNEXUS ENERGY	STREET LIGHTS #1	Electricity	100-43401-3610	25.38
64319	CONNEXUS ENERGY	HWY 65/CONSTANCE SIGNALS	Electricity	100-43401-3610	134.74
64319	CONNEXUS ENERGY	STREET LIGHTS #2	Electricity	100-43401-3610	280.52
64319	CONNEXUS ENERGY	RADISSON/BUNKER SIGNALS	Electricity	100-43401-3610	85.09
64319	CONNEXUS ENERGY	BUNKER/JEFFERSON SIGNALS	Electricity	100-43401-3610	72.17
64319	CONNEXUS ENERGY	LEXINGTON/CROSSTOWN SIG	Electricity	100-43401-3610	52.62
64319	CONNEXUS ENERGY	HAM LAKE PARK	Electricity	100-44101-3610	114.16
64319	CONNEXUS ENERGY	SODERVILLE PARK WELL	Electricity	100-44101-3610	16.43
64319	CONNEXUS ENERGY	SODERVILLE PARK	Electricity	100-44101-3610	37.83
64319	CONNEXUS ENERGY	HAM LAKE PARK SHELTER	Electricity	100-44102-3610	33.06
64319	CONNEXUS ENERGY	LION'S PARK CONCESSION	Electricity	100-44102-3610	100.92
64319	CONNEXUS ENERGY	LION'S PARK PAVILION	Electricity	100-44102-3610	227.19
64319	CONNEXUS ENERGY	HAM LAKE PARK BUILDING	Electricity	100-44102-3610	125.39
64319	CONNEXUS ENERGY	HAM LAKE PARK CONCESSION	Electricity	100-44102-3610	125.27
64319	CONNEXUS ENERGY	SR CENTER	Electricity	100-44202-3610	706.42
64319	CONNEXUS ENERGY	STREET LIGHTS	Electricity	232-43701-3610	4,700.86
64321	CONNEXUS ENERGY	JULY HAM LAKE WELL	Electricity	100-44101-3610	313.73
64322	DEARBORN LIFE INS CO	SEPT LIFE	Other payroll deductions	100-21706	54.40
64322	DEARBORN LIFE INS CO	SEPT VOL LIFE	Other payroll deductions	100-21706	185.70
64322	DEARBORN LIFE INS CO	CH SEPT LIFE	Life/disability/other insurance	100-43101-1320	3.20
64323	DEHN OIL CO	298 GAL GASOLINE	Fuel	100-43101-2230	999.79
64323	DEHN OIL CO	402 GAL DIESEL	Fuel	100-43101-2230	1,708.50
64324	DIAMOND DOCTOR INC	HAM LAKE BALLFIELD REBUIL	Capital assets	440-44103-5110	3,125.00
64324	DIAMOND DOCTOR INC	SODERVILLE BALLFIELD REBUI	Capital assets	440-44103-5110	3,295.00
64325	ERIK SKOGQUIST	3RD QTR ASSESSING	Assessing/property tax admin	100-41403-3105	9,984.80
64326	FIRE INSTRUCTION & RESCUE	LP EMERGENCIES - HANDS ON	Training/conferences/schools	100-42201-3510	850.00
64327	FIRE SAFETY USA INC	R-2 OIL, FILTER, LIGHT, BUZZE	Fire apparatus repair & maint	100-42201-3450	1,753.00
64328	FLEETPRIDE	#97 FIRE EXTINGUISHER	Operating supplies	100-43101-2290	70.83
64328	FLEETPRIDE	SPARE FIRE EXTINGUISHERS	Operating supplies	100-43101-2290	212.49
64328	FLEETPRIDE	MISC PART	Operating supplies	100-43101-2290	46.30
64329	HAM LAKE HARDWARE INC	MISC PARTS	Operating supplies	100-43101-2290	24.94
64329	HAM LAKE HARDWARE INC	MISC PARTS	Operating supplies	100-43101-2290	89.95
64330	HILDI INC, A DIVISION OF USI	FIRE RELIEF PENSION VALUATI	Audit & actuarial services	100-41402-3115	1,100.00
64331	JIM KAPPELHOFF	SAFETY BOOTS	Clothing & personal protectiv	100-43101-2210	142.50
64332	LANO EQUIPMENT, INC.	#64 COULPER	Equipment parts & supplies	100-43101-2320	-97.34
64332	LANO EQUIPMENT, INC.	#64 WASHER, NUT, SPRING	Equipment parts & supplies	100-43101-2320	7.11
64332	LANO EQUIPMENT, INC.	#64 COUPLER	Equipment parts & supplies	100-43101-2320	100.43
64333	LEPAGE & SONS INC	8/12/22 YARDWASTE	Waste management & recycli	231-43601-3630	426.60
64333	LEPAGE & SONS INC	8/16 YARDWASTE	Waste management & recycli	231-43601-3630	426.60
64334	MARY WELLS	3RD QTR ASSESSING	Assessing/property tax admin	100-41403-3105	9,984.80
64335	MENARDS-BLAINE	PAINT	Operating supplies	100-44101-2290	24.47
64335	MENARDS-BLAINE	LIONS PARK #5 & 6 HYDRANT	Operating supplies	100-44101-2290	66.15
64335	MENARDS-BLAINE	ADAPTER & CLAMPS	Operating supplies	100-44101-2290	3.34
64335	MENARDS-BLAINE	SOFTENER SALT	Operating supplies	100-43101-2290	440.37
64335	MENARDS-BLAINE	#100 BALL VALVE	Equipment parts & supplies	100-43101-2320	17.98
64336	NCPERS GROUP LIFE INSURAN	SEPT `LIFE	Other payroll deductions	100-21706	112.00
64337	NUSS EQUIPMENT GROUP LL	#81 BELTS	Vehicle parts & supplies	100-43101-2340	190.58
64338	PRINT CENTRAL	SURGE PROTECTOR MAILER	Fire prevention-supplies	100-42201-2810	266.37
64339	SHI	2 - L2750DW LASER PRINTERS	Operating supplies	100-42201-2290	630.50
64340	SITEONE LANDSCAPE SUPPLY	SODERVILLE PARK SPRINKLER	Operating supplies	100-44101-2290	31.51

Payment Number	Vendor Name	Description (Item)	Account Name	Account Number	Amount
64341	SMITH BROTHERS DECORATIN	PAINT FOR PARK SIGN	Operating supplies	100-44101-2290	52.83
64341	SMITH BROTHERS DECORATIN	PAINT FOR PARK SIGNS	Operating supplies	100-44101-2290	52.83
64342	SMITH'S SEPTIC & EXCAVATIN	VOID PERMIT 2022-00726	Other construction permits	100-32202	150.00
64343	SUMMIT COMPANIES	RESIDENT EXTINGUISHERS	Fire Extinguisher	100-20203	22.00
64344	TASC	OCT COBRA ADMINISTRATION	Other professional services	100-41701-3190	25.00
64345	TITAN MACHINERY INC	#61 BEARING FLANGE, O-RIN	Equipment parts & supplies	100-43101-2320	784.07
64346	UNLIMITED SUPPLIES INC	FITTINGS, MISC	Operating supplies	100-43101-2290	384.48
64346	UNLIMITED SUPPLIES INC	MISC	Operating supplies	100-43101-2290	493.02
64347	US BANK CORPORATE PAYME	CUSTOMER REBATE	Refunds & reimbursements	100-37601	-133.82
64347	US BANK CORPORATE PAYME	ZOOM-AUGUST Zoom-DW	Dues & subscriptions	100-41201-3920	12.84
64347	US BANK CORPORATE PAYME	IOS-labels-NW	Office supplies	100-41302-2110	42.84
64347	US BANK CORPORATE PAYME	IOS-paperclips-NW	Office supplies	100-41302-2110	4.09
64347	US BANK CORPORATE PAYME	IOS-paperclips-NW	Office supplies	100-41302-2110	2.52
64347	US BANK CORPORATE PAYME	MNGFOA-MNGFOA Annual C	Training/conferences/schools	100-41401-3510	230.00
64347	US BANK CORPORATE PAYME	IOS-copier paper-NW	Office supplies	100-41701-2110	87.90
64347	US BANK CORPORATE PAYME	IOS-rubberbands-NW	Office supplies	100-41701-2110	5.48
64347	US BANK CORPORATE PAYME	IOS-goldenrod paper-NW	Office supplies	100-41701-2110	22.44
64347	US BANK CORPORATE PAYME	IOS-POST ITS-NW	Office supplies	100-41701-2110	17.86
64347	US BANK CORPORATE PAYME	AMAZON-name plate Al Parra	Operating supplies	100-41701-2290	10.78
64347	US BANK CORPORATE PAYME	IOS-paper towels-NW	Operating supplies	100-41701-2290	20.22
64347	US BANK CORPORATE PAYME	IOS-ROLL TOWELS-NW	Operating supplies	100-41701-2290	129.30
64347	US BANK CORPORATE PAYME	AMERICAN FLOOR MATS-lobb	Operating supplies	100-41701-2290	202.88
64347	US BANK CORPORATE PAYME	PANTHEON-AUGUST website-	Software licenses & upgrades	100-41701-2510	300.00
64347	US BANK CORPORATE PAYME	IOS-index tabs, folders-NW	Office supplies	100-42201-2110	25.23
64347	US BANK CORPORATE PAYME	UPS-additional shipping fee-N	Postage	100-42201-2120	12.00
64347	US BANK CORPORATE PAYME	UPS-additional shipping fee-N	Postage	100-42201-2120	6.28
64347	US BANK CORPORATE PAYME	UPS-return shipping fee-NW	Postage	100-42201-2120	124.67
64347	US BANK CORPORATE PAYME	FIRE HOSE DIRECT-G1 FIRE HO	Equipment parts & supplies	100-42201-2320	362.88
64347	US BANK CORPORATE PAYME	AMAZON-fire extinguisher-N	Equipment parts & supplies	100-42201-2320	55.98
64347	US BANK CORPORATE PAYME	FIRE HOSE DIRECT-G1 FIRE HO	Equipment parts & supplies	100-42201-2320	-553.01
64347	US BANK CORPORATE PAYME	FIRE HOSE DIRECT-G1 FIRE HO	Equipment parts & supplies	100-42201-2320	582.12
64347	US BANK CORPORATE PAYME	AMAZON-receiver hitch-NW	Equipment parts & supplies	100-42201-2320	22.96
64347	US BANK CORPORATE PAYME	MFSCB-FIREFIGHTER LICENSI	Professional licenses & certific	100-42201-3520	600.00
64347	US BANK CORPORATE PAYME	MFSCB-LICENSING OVERPAYM	Professional licenses & certific	100-42201-3520	-100.00
64347	US BANK CORPORATE PAYME	IOS-file folders-NW	Office Supplies	100-43101-2110	9.35
64347	US BANK CORPORATE PAYME	IOS-hole punch-NW	Office Supplies	100-43101-2110	3.01
64347	US BANK CORPORATE PAYME	IOS-TOILET PAPER-NW	Operating supplies	100-44201-2290	125.82
64347	US BANK CORPORATE PAYME	IOS-trash can liners-NW	Operating supplies	100-44201-2290	32.67
64349	US POSTAL SERVICE	PERMIT PI 289 MARKETING M	Postage	211-41704-2120	275.00
64350	VALLEY PAVING, INC.	2022 BITUMINOUS OVERLAY	Contractors	431-43301-3810	20,484.13
64351	VERIZON WIRELESS	MR	Phones/radios/pagers	100-42201-3210	41.27
64351	VERIZON WIRELESS	TD, MJ, TK & 2 LAPTOPS	Phones/radios/pagers	100-42401-3210	152.34
64351	VERIZON WIRELESS	JK, JW, JC, CS, EH, & 2 LAPTOP	Phones/radios/pagers	100-43101-3210	294.36
64351	VERIZON WIRELESS	DH, AC	Phones/radios/pagers	100-44101-3210	82.54
64352	VERIZON WIRELESS	612-916-1358 SR CTR	Phones/radios/pagers	100-44201-3210	8.68
64353	WELLINGTON SECURITY SYSTE	VOIDED PERMIT #2022-00238	Building permits	100-32201	60.00
64354	WRIGHT-HENNEPIN COOPERA	SEPT SECURITY MONITORING	Monitoring	100-41702-3145	33.95
64354	WRIGHT-HENNEPIN COOPERA	SEPT ELEVATOR MONITORING	Monitoring	100-41702-3145	10.00
64354	WRIGHT-HENNEPIN COOPERA	CITY HALL CAMERA REPAIR	Building repair & maintenanc	100-41702-3420	200.00
64354	WRIGHT-HENNEPIN COOPERA	SEPT PW FIRE PANEL MONITO	Monitoring	100-43104-3145	52.95
DFT0002413	COMPENSATION CONSULTAN	Health Savings Account	Flexible spending	100-21705	333.32
DFT0002414	EMPOWER	Deferred Compensation	Deferred compensation	100-21704	1,520.00
DFT0002414	EMPOWER	Roth IRA	Deferred compensation	100-21704	100.00
DFT0002415	EMPOWER-HCSP	PTO Pay Out	Other payroll deductions	100-21706	2,168.76
DFT0002416	IRS-Payroll Tax	Federal Withholding	Federal WH/FICA/MC	100-21701	6.64
DFT0002416	IRS-Payroll Tax	Medicare Payable	Federal WH/FICA/MC	100-21701	1.60
DFT0002416	IRS-Payroll Tax	Social Security Payable	Federal WH/FICA/MC	100-21701	6.86
DFT0002416	IRS-Payroll Tax	Federal Withholding	Federal WH/FICA/MC	100-21701	6.63
DFT0002416	IRS-Payroll Tax	Medicare Payable	Federal WH/FICA/MC	100-21701	1.62
DFT0002416	IRS-Payroll Tax	Social Security Payable	Federal WH/FICA/MC	100-21701	6.86

Council Approval List

Payment Dates: 8/18/2022 - 9/6/2022

Payment Number	Vendor Name	Description (Item)	Account Name	Account Number	Amount
DFT0002416	IRS-Payroll Tax	Federal Withholding	Federal WH/FICA/MC	100-21701	6.64
DFT0002416	IRS-Payroll Tax	Medicare Payable	Federal WH/FICA/MC	100-21701	1.60
DFT0002416	IRS-Payroll Tax	Social Security Payable	Federal WH/FICA/MC	100-21701	6.86
DFT0002416	IRS-Payroll Tax	Federal Withholding	Federal WH/FICA/MC	100-21701	5,162.06
DFT0002416	IRS-Payroll Tax	Medicare Payable	Federal WH/FICA/MC	100-21701	1,873.24
DFT0002416	IRS-Payroll Tax	Social Security Payable	Federal WH/FICA/MC	100-21701	7,476.96
DFT0002417	MN STATE DEPT OF REVENUE-	MN State Withholding	State W/H	100-21702	3.76
DFT0002417	MN STATE DEPT OF REVENUE-	MN State Withholding	State W/H	100-21702	3.76
DFT0002417	MN STATE DEPT OF REVENUE-	MN State Withholding	State W/H	100-21702	3.76
DFT0002417	MN STATE DEPT OF REVENUE-	MN State Withholding	State W/H	100-21702	2,441.19
DFT0002418	PERA	Retirement-Coordinated	PERA	100-21703	6,867.27
DFT0002418	PERA	Retirement-Elected Officials	PERA	100-21703	40.84
DFT0002418	PERA	Retirement-Police & Fire	PERA	100-21703	1,146.78
DFT0002419	US POSTMASTER	POSTAGE 6629 x .09	Postage	211-41704-2120	596.61
Grand Total:					112,977.75



City of Ham Lake, MN

Council Approval List

By (None)

Payable Dates 8/11/2022 - 8/11/2022

Post Dates 8/11/2022 - 8/11/2022

Payment Dates 8/11/2022 - 8/11/2022

Payment Number	Vendor Name	Description (Item)	Account Name	Account Number	Amount
DFT0002420	US POSTMASTER	SR CENTER POSTAGE	Postage Liability	100-20204	39.66
Grand Total:					39.66



City of Ham Lake, MN

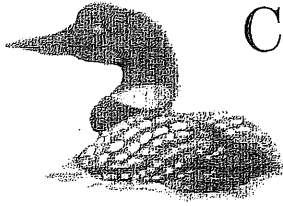
EFT Payroll Check Register Report Summary

Pay Period: 8/7/2022-8/20/2022

Packet: PYPKT01365 - PPE 8/20/22 PAID 8/26/22

Payroll Set: City of Ham Lake - 01

Type	Count	Amount
Regular Checks	13	1,175.50
Manual Checks	0	0.00
Reversals	0	0.00
Voided Checks	0	0.00
Direct Deposits	128	54,027.94
Total	141	55,203.44



CITY OF HAM LAKE

15544 Central Avenue NE
Ham Lake, Minnesota 55304
(763) 434-9555
Fax: (763) 434-9599

PROCLAMATION

OCTOBER OF 2022 IS HEREBY PROCLAIMED AS DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, the community problem of domestic violence has become a critical public health and welfare concern in Anoka County; and

WHEREAS, domestic violence is a crime, the commission of which will not be tolerated in Anoka County and perpetrators of said crime are subject to prosecution and conviction in accordance with the law; and

WHEREAS, over thousands of women, men, and children have and will continue to access assistance from Alexandra House, Inc., a domestic violence service provider; and

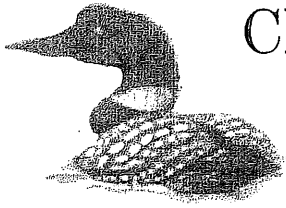
WHEREAS, domestic violence will be eliminated through community partnerships of concerned individuals and organizations working together to prevent abuse while at the same time effecting social and legal change; and

WHEREAS, October is *National Domestic Violence Awareness Month*; and

WHEREAS, DURING *National Domestic Violence Awareness Month*, Anoka County organizations will inform area residents about domestic violence, its prevalence, consequences and what we, as a concerned community can do to eliminate its existence.

NOW, THEREFORE, BE IT RESOLVED AND KNOWN TO ALL that I, Mayor Brian Kirkham, proclaim October to be *Domestic Violence Awareness Month* in the City of Ham Lake.

Brian Kirkham, Mayor



CITY OF HAM LAKE

15544 Central Avenue NE
Ham Lake, Minnesota 55304
(763) 434-9555
Fax: (763) 434-9599

PROCLAMATION

WHEREAS: September 17, 2022, marks the two hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Michael G. Van Kirk by virtue of the authority vested in me as the Mayor of Ham Lake, do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 6th day of September of the year of our Lord two thousand twenty-two.

Brian Kirkham, Mayor

Memorandum

Date: August 16, 2022
To: Mayor and Councilmembers
From: Tom Collins, City Engineer *TPC*
Subject: 2022 Bituminous Overlay Project

Introduction:

The low quote in the amount of \$358,798.50 from Valley Paving for completion of the 2022 bituminous overlay project was approved at the April 18th Council meeting. The project consists of the overlay of the residential subdivisions of Concord Woods, Fox Tail Ridge, Livgard Addition, North Pines 3rd Addition and Trails End Shores, along with 173rd Avenue from Polk Street to 1,337 feet west and MSA Polk Street from 173rd Avenue to Crosstown Boulevard.

Discussion:

The total amount of work completed is \$363,940.06. This is \$5,141.56 (1.43%) over the contract amount.

Recommendation:

It is recommended that the project be accepted and the attached contractor payment to Valley Paving Inc. be approved. Approval will commence the one-year warranty that the overlay project is free from all defects due to faulty workmanship or defective materials.

Date August 16, 2022

To: Honorable Mayor and Councilmembers
City of Ham Lake
15544 Central Avenue NE
Ham Lake, Minnesota 55304

Ref: 2022 Bituminous Overlay Project

Contractor: Valley Paving, Inc.

Final Payment

ITEM NUMBER	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	TOTAL	PRIOR UNITS	UNITS THIS EST.	UNITS TO DATE	AMOUNT TO DATE
2021.503	MOBILIZATION	LS	1	\$5,500.00	\$5,500.00	1	0	1	\$5,500.00
2232.501	6-FOOT WIDE EDGE MILL BITUMINOUS SURFACE	SY	351	\$3.00	\$1,053.00	693	0	693	\$2,079.00
2331.604	MILL BITUMINOUS SURFACE	SY	26,632	\$0.95	\$25,300.40	32,042	0	32,042	\$30,439.90
2501.609	HAUL BITUMINOUS PAVEMENT RECLAMATION	CY	1,178	\$7.50	\$8,835.00	1,200	321	1,521	\$11,407.50
2360.501	TYPE SPWEA240B WEARING COURSE MIXTURE	TON	3,926	\$80.20	\$314,865.20	3,880.8	0.0	3,880.8	\$311,240.16
2357.502	BITUMINOUS MATERIAL FOR TACK COAT	SY	32,449	\$0.10	\$3,244.90	32,735	0	32,735	\$3,273.50
TOTAL					\$358,798.50				\$363,940.06

SUMMARY

Original Contract Amount	\$358,798.50
Value Completed to Date	\$363,940.06
Amount Retained - 0%	\$0.00
Less Contractor Payment #1	\$343,455.93
AMOUNT DUE	\$20,484.13

CERTIFICATION OF THE CONTRACTOR

I hereby certify that the work performed and the materials supplied under the terms of the Contract for the referenced project, and all authorized changes to the Contract have an actual value under the Contract of the amounts shown on this estimate (and the final quantities of the final estimate are correct) and that this estimate is just and correct and no part of the "Amount Due This Estimate" has been received.

By  Estimate Project Manager Date 8/16/22
Contractor's Authorized Representative (Title)

CERTIFICATION OF THE ENGINEER

I hereby certify that I have prepared or examined this estimate and that the Contractor is entitled to payment of this estimate under the Contract for the referenced project.

By  Date 8/16/22
RFC Engineering, Inc.

Respectfully submitted,

RFC Engineering, Inc.



Tom Collins, P.E.
Ham Lake City Engineer



CITY OF HAM LAKE

MEMO

To: Mayor and Councilmembers
Denise Webster, City Administrator

From: Andrea Murff, Finance/HR Director

Subject: Approval of the American Rescue Plan Act Business/Non-Profit Grant Program Recipients

Introduction/Discussion:

In March of 2021, the U.S. Congress adopted the American Rescue Plan Act (ARPA). The State of Minnesota received approximately \$377 million to allocate out to its jurisdictions with a population below 50,000. In July, the City requested their \$1.776 million allotment and then was notified in December an additional \$58,156.72 of unused funds would be distributed bringing the total amount of ARPA funds to approximately \$1.834 million. The funds can be used for costs after March 3, 2021 and must be obligated to an item by December 31, 2024 and distributed by December 31, 2026.

During the March 21, 2022 Council meeting, a resolution was passed determining the City would be using the Revenue Replacement option to expend the funds. The Revenue Replacement option has a standard allowance of \$10M or less to be used for what the City deems necessary.

Based on the approval of the ARPA Committee, the Fire Department would like to use funding for the following items:

Fire Radios	138,354.60
Fire Pagers	3,984.00
Fire Generator Switch	9,040.00
Fire MSA Bottles/Batteries	11,001.00
Fire Security Cameras	4,840.00
Fire Hose	6,062.40
Total	173,282.00

These items have received quotes and followed Purchasing Policy requirements.

The use of funds for these items would bring the amount of remaining funding to \$1,509,711 with \$1,100,000 being earmarked for the street fund.

Recommendation:

Approval of the Resolution to allocate \$173,282.00 of ARPA funding for Fire Equipment.

RESOLUTION NO. 22-XX

CITY OF HAM LAKE

RESOLUTION APPROVING THE AMERICAN RESCUE PLAN ACT BUSINESS/NON-PROFIT GRANT PROGRAM FUNDING ALLOCATION OF ELIGIBLE GRANT APPLICANTS

WHEREAS, the City of Ham Lake slated to receive a total of \$1.834M in American Rescue Plan Act (ARPA) Funding,

WHEREAS, on March 21, 2022, City Council approved to use the Revenue Replacement option for expending the funds and procedures for approving expenditures,

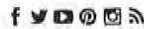
NOW, THEREFORE, BE IT RESOLVED that the City of Ham Lake allocates \$173,282.40 to the following Fire Equipment:

Fire Radios	\$138,354.60
Fire Pagers	\$ 3,984.00
Fire Generator Switch	\$ 9,040.00
Fire MSA Bottles/Batteries	\$ 11,001.00
Fire Security Cameras	\$ 4,840.00
Fire Hose	\$ 6,062.40
<hr/>	
Total	\$173,282.00

Adopted by the City Council of the City of Ham Lake this 6th day of September, 2022.

Brian Kirkham, Mayor

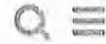
Denise Webster, City Clerk



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ITEMS

- Jafrib Rubber Hose, LDH 4"-5"
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- Armtex Attack Double Jacket Attack Hose
[View/Hide options](#)
- Armtex Attack Double Jacket Attack Hose
[View/Hide options](#)
- Armtex Attack Double Jacket Attack Hose
[View/Hide options](#)
- Jafrib Rubber Hose, LDH 4"-5"
[View/Hide options](#)

QTY	PRICE	TOTAL	
<input type="text" value="2"/>	\$394.00	\$788.00	X
Update Cart			
<input type="text" value="8"/>	\$171.00	\$1,368.00	X
Update Cart			
<input type="text" value="8"/>	\$125.00	\$1,000.00	X
Update Cart			
<input type="text" value="8"/>	\$125.00	\$1,000.00	X
Update Cart			
<input type="text" value="4"/>	\$645.00	\$2,580.00	X
Update Cart			
Subtotal		\$6,736.00	
Discount		\$673.60	
TOTAL		\$6,062.40	

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Camera System Proposal

PO Box 330, 6800 Electric Dr, Rockford, MN 55373
Phone: 763-477-3664 Fax: 763-477-3054 www.wh-security.com

Proposal Number **WHSQ20861**

Date **Aug 27, 2022**

Billing Address	Site Address	Your Sales Rep
City of Ham Lake, 15544 Central Ave Ne Ham Lake, MN 55304-5609 US mrazczkowski@ci.ham-lake.mn.us	City of Ham Lake, 17301 Xylite St NE Ham Lake, MN 55304-5609 US mrazczkowski@ci.ham-lake.mn.us	Andrew Hirsch Product & Service Representative 763-477-3138 adhirsch@whe.org

Equipment Provided Under This Proposal

Description	Location	
Avycon NVR 8 channel	8 Channel NVR	\$815.00
Avycon 5MP H.265 Eyeball IP Camera	Outside camera front driveway	\$290.00
Avycon 5MP H.265 Eyeball IP Camera	Outside camera north side of fire station	\$290.00
Avycon 5MP H.265 Eyeball IP Camera	Inside station	\$290.00
Avycon 5MP H.265 Eyeball IP Camera	Inside station	\$290.00
Security Commercial Install Labor		\$2,000.00
Installation Commercial Equip/Parts		\$75.00
Dahua 22" Monitor HDMI, VGA		\$100.00
Security Camera ADDON Fire Station 1		
Avycon 5MP H.265 Eyeball IP Camera Fixed 2.8mm		\$290.00
Security Commercial Install Labor		\$400.00
Fire Station 2		
Add NVR		
4 Cameras 2 inside and 2 outside		
Wifi extender provided by customer		
Total Cost		\$4,840.00

Payment schedule: Payment to be made as follows

_____ Payment on Completion _____ Down payment - balance upon completion
 _____ Visa/Mastercard _____ Payment Plan

WHS may fax, email, scan, image, or otherwise save, convert, retain and store this Agreement and any other communications, documents, materials, or information regarding this Agreement or its performance into an electronic media or format of any type or form, through means now known or later developed (herein "Electronic Media"). In the sole and absolute discretion of WHS, it may destroy any original "wet ink" copy of this Agreement or other written documents, materials, or information which has been saved, converted, retained, or stored by WHS in Electronic Media. Any unaltered or unadulterated copy of this Agreement or other communications, documents, materials or information produced from Electronic Media will be binding upon the parties and equivalent to an original for all purposes, including court or arbitration proceedings. Subscriber agrees that to the extent any law requires a record to be in writing, the Electronic Media record satisfies the law.

Each party may rely upon the other party's assent to the foregoing Electronic Media practice when such party has signed this Agreement or demonstrated its intent to be bound, whether by electronic signature or otherwise. Such action will signify Subscriber's consent to complete this Agreement electronically and to conduct business by electronic means and through Electronic Media.

WHS offers Subscriber the ability to complete and sign this Agreement using an electronic process and signing by an electronic signature in lieu of a paper-based signature. Subscriber agrees not to electronically sign this Agreement without first reading it and ensuring it has been accurately completed by the Subscriber, thus demonstrating that Subscriber is able to access the electronic Agreement and process used by WHS. If so elected, Subscriber is signing and delivering this Agreement through an electronic signature, rather than using printed paper documents, and is intending to legally bind the Subscriber to this Agreement. Subscriber agrees the electronic signature is legally binding and is the legal equivalent of a manual or "wet ink" signature on a printed copy of this Agreement. Such electronic signature means Subscriber agrees and consents to be legally bound by this Agreement's terms and conditions and constitutes an acceptance and agreement as if actually completed in writing. Subscriber agrees that no third-party certification, authority or other verification is necessary to validate the electronic signature or actions taken by Subscriber and that the lack of such certification or verification will not in any way affect the enforceability of the same. Subscriber agrees that to the extent any law requires a signature, the electronic signature satisfies the law.

Accepted _____ Title _____ Date _____

Sales tax will be added at the time of billing. The prices quoted on this proposal are valid for 30 days from the date shown above.



350 Austin Circle
 Delafield, WI 53018
 (262) 646-5911
 Fax: (262) 646-5912

Ship To: HAM LAKE FIRE DEPARTMENT
 15544 CENTRAL AVE
 HAM LAKE MN 55304

Branch 16 - DELAFIELD, WI		
Date 08/24/2022	Time 8:23:52 (O)	Page 1
Account No HAMPLA002	Phone No 7632351661	Est No 01 003237
Ship Via	Purchase Order QUOTE	
Tax ID No		
	Salesperson 275 / 373	

Invoice To: HAM LAKE FIRE DEPARTMENT
 15544 CENTRAL AVE
 HAM LAKE MN 55304

Attention: MIKE RACZKOWSKI

ESTIMATE EXPIRY DATE: 09/23/2022

QUOTE - ORDER ACKNOWLEDGEMENT

NEW NAME, SAME GREAT COMPANY! 5 ALARM FIRE & SAFETY EQUIPMENT IS NOW
 MACQUEEN EMERGENCY. IF YOU ARE IN NEED OF ANY DOCUMENTS TO UPDATE OUR NAME
 IN YOUR SYSTEM, PLEASE REACH OUT TO AR@MACQUEENGROUP.COM.
 THANK YOU FOR YOUR CONTINUED BUSINESS.

Part#	Description	U	Qty	Price	Amount
10175708	MSA G1 H45LOWPR		6	1358.60	8151.60
	MSA G1 H45LOWPRO CYL W/QC ADPT				
10148741-SP	MSA G1 LITHIUM		6	474.90	2849.40
	MSA G1 LITHIUM BATTERY PACK				
				Subtotal:	11001.00
				Tax:	.00
				TOTAL:	11001.00

Authorization: _____

Shortstop Electric, Inc.

16481 flintwood st
MN 55304

Estimate

Date	Estimate #
7/19/2022	77

Name / Address
Ham Lake Fire Department

			Project
Description	Qty	Rate	Total
Install new generator manuel bypass swich to station 2		0.00	0.00
400 hundred amp 3 phase 240 volt manuel bypass switch		6,430.00	6,430.00
Labor to install with permit		1,910.00	1,910.00
If new wires need to be ran due to size differential on transfer switches		700.00	700.00
Total			\$9,040.00

DATE: 8/23/2022

CUSTOMER: Chief Mike Raczkowski
Ham Lake FD

Sales: Dean R. Daninger
Phone: 612.363.1134
Email: dean.daninger@ancom.org

CONTACT: Chief Mike Raczkowski
NUMBER: 763.2353.1661

QUANTITY	EQUIPMENT DESCRIPTION	UNIT	EXTENDED
----------	-----------------------	------	----------

Quote Only

Pager

4	Unication G5 Dual Band Pager 700-800MHZ and VHF	\$765.00	\$ 3,060.00
---	--	----------	-------------

Includes:

2800 MAh Battery
Charging/programming cable
with power adapter
2 Year warranty



Options

4	3 Year Extended Warranty	\$136.50	\$ 546.00
0	Spare 2800 MAh lithium Ion Battery	\$32.50	\$ -
4	Desk charger	\$94.50	\$ 378.00
0	Nylon Holster with Swivel Clip	\$47.00	\$ -

Customer to program

TOTAL EQUIPMENT INVESTMENT	\$3,984.00
----------------------------	------------

Tax	MN Tax exempt
Shipping	add f for shipping

GRAND TOTAL	\$3,984.00
-------------	------------

DATE: 8/23/2022

CUSTOMER: Mr. Cory DeMuth/Ms. Kelli Rogers
Anoka County
Ham Lake FD Chief Mike Raczkowski

Sales: Dean R. Daninger
Phone: 763.755.3377 Email: dean.daninger@ancom.org

CONTACT: Mr. Cory DeMuth/Ms. Kelli Rogers
PHONE: (763) 324-4756/(763) 324-4766

2022 MN State Contract Pricing 209493

Quantity	Description	List	Discount	Contract	Extended
Motorola APX6000 Digital Portable Radio					
30	H98UCF9PW6BN APX6000 700/800 Portable radio	\$ 3,595.00	28%	\$ 2,588.40	\$ 77,652.00
30	QA05570AA PMNN4486 ADD: LIION IMPRES II 3400 MAH IP68	\$ 110.00	28%	\$ 79.20	\$ 2,376.00
30	H122 NAR6595A ADD: 1/4 Wave 7/800 GPS Stubby Antenna	\$ 26.00	28%	\$ 18.72	\$ 561.60
30	Q58 ENH: 3 YEAR ESSENTIAL SERVICES	\$ 121.00	0%	\$ 121.00	\$ 3,630.00
30	Q806 ADD: Astro Digital Operation	\$ 567.00	28%	\$ 408.24	\$ 12,247.20
30	H38 ADD: Smartzone Operation	\$ 1,320.00	28%	\$ 950.40	\$ 28,512.00
30	Q361 ADD: P25 9600 Baud Trunking	\$ 330.00	28%	\$ 237.60	\$ 7,128.00
Accessories					
30	PMMN4069 IMPRES Remote Speaker Microphone	\$ 143.64		\$ 95.76	\$ 2,872.80
30	NNTN8860 APX IMPRES II Single Unit Charger	\$ 169.56		\$ 112.50	\$ 3,375.00
Options					
0	PMNN4486 ADD: LIION IMPRES II 3400 MAH IP68	\$ 179.30		\$ 106.50	\$ -
0	NNTN7624 IMPRES VEHICULAR CHARGER	\$ 471.00		\$ 292.50	\$ -
0	NNTN8844 Generation II Multi Unit Charger	\$ 1,420.20		\$ 937.50	\$ -

Total **\$ 138,354.60**

Grand Total **\$ 138,354.60**

Purchase order is made out to:

Motorola Solutions
13104 Collections Ctr Drive
Chicago, IL 60693

Order through Anoka County

Please include on the purchase order:

Payment per State contract.
State Bid Contract Number: 209493

Net 30 days

Email copy of Purchase order to:

dean.daninger@ancom.org

Meeting Date: September 6, 2022

CITY OF HAM LAKE
STAFF REPORT

To: Mayor Brian Kirkham and Councilmembers
From: Mike Raczkowski, Fire Chief
Item/Title/Subject: District Chief 4

Introduction/Discussion:

My appointment as Fire Chief created a vacancy in the District Chiefs' position at Fire Station #2. I had not filled it thinking that I would be able to fulfill that position in the evenings, but it has become apparent that there is a need for a more permanent person to handle that role for guidance and support to the firefighters working at that station. A notice to fill the District Chief position was posted, and a Committee conducted interviews. The Committee recommends promoting Steve Remarke into the role of District Chief.

Recommendation:

To accept the recommendation to promote Steve Remarke to District Chief 4.



CITY OF HAM LAKE

15544 Central Avenue NE

Ham Lake, MN 55304

Phone (763) 434-9555

Fax (763) 434-9599

REQUEST FOR AN APPEARANCE BEFORE THE CITY COUNCIL

Date of application 8/15/22

Date of City Council appearance _____

60-day review deadline _____

APPLICANT'S
NAME

Jeffrey David Stalberger (Jr)

STREET
ADDRESS

18001 University Ave NE

CITY, STATE
ZIP

Ham Lake MN 55304

PHONE (daytime)

763-442-9458

NATURE OF REQUEST

Lot line adjustment

18001 - 18007 University Ave NE

You are advised that the 60-day review period required by Minnesota Statutes Chapter 15.99 does not begin to run until all of the required items have been received by the City of Ham Lake.

[Signature]
Signature of applicant

8/15/22
Date

Please attach any relevant information including maps, diagrams, and/or a descriptive narrative.

This form must be submitted to the City staff by 4:00 p.m. on the Monday prior to the Council meeting at which you will be appearing.

Memorandum

Date: September 1, 2022
To: Mayor and Councilmembers
From: Tom Collins, City Engineer *TPC*
Subject: Proposed lot line adjustment – 18001/18007 University Avenue

Introduction:

A lot line adjustment is proposed between the 20.74-acre 18001 University Avenue parcel (<https://gis.anokacountymn.gov/propertysearch/?find=06-32-23-22-0006>) and the 10.00 acre 18007 University Avenue parcel (<https://gis.anokacountymn.gov/propertysearch/?find=06-32-23-22-0005>). The proposed lot line adjustment will increase the 18001 parcel to 28.55 acres and decrease the 18007 parcel to 2.19 acres. A 200-scale aerial photo and a 400 scale half-section map are attached.

Discussion:

A compliance inspection was completed on both septic systems, per 10-101 and 11-450 of City Code. The 18001 septic system was determined to be compliant. The 18007 mound septic system was determined to be non-compliant with Minnesota Rules 7080 due to not having the required 36-inches of separation from redoximorphic features. The Building Department issued a permit on August 25th to bring the 18007 septic system into compliance. As of the writing of this memo, the work had not yet been completed.

The 18007 accessory building, that is located within the front setback, is 864 square feet. Per 9-370.1 of City Code, the maximum accessory building size is 720 square feet for a parcel. Per the Parcel B Building Detail, the rear 6.4 feet of the accessory building is to be removed to bring the size into compliance.

The required 10-foot drainage and utility easements are shown around the perimeter of the revised lot lines. The applicant is eligible to apply for the scheduling of a public hearing for consideration of vacation of portions of the existing drainage and utility easements that reflect the current lot lines.

Recommendation:

It is recommended that the lot line adjustment be approved, subject to the following:

- 18007 accessory building modifications to meet 9-370.1 of City Code.
- Building Department approval of the 18007 septic system being brought into compliance.
- The dedication of 10-foot wide drainage and utility easement on both sides of the revised property lines.

LOT LINE ADJUSTMENT SURVEY

~for~ JEFF AND KATIE STALBERGER
 ~of~ 18001 AND 18007 UNIVERSITY AVENUE NE
 HAM LAKE, MN 55304

EXISTING PROPERTY DESCRIPTION OF #18001 PARCEL

That part of the Northwest Quarter of the Northwest Quarter of Section 6, Township 32, Range 23, Anoka County, Minnesota, lying North of the South Quarter of said Northwest Quarter of the Northwest Quarter, Except that part lying Westerly and Northerly of the following described line: Beginning at a point on the North line of said Northwest Quarter of the Northwest Quarter, distant 552.29 feet Easterly of the Northwest corner thereof, for the purposes of this description, said North line is assumed to bear North 89 degrees 49 minutes 20 seconds West thence South 14 degrees 34 minutes 52 seconds West, a distance of 816.99 feet to the intersection with the North line of the South Quarter thereof; thence Westerly along said North line of the South 180.00 feet a distance of 439.20 feet to the West line of said Northwest Quarter of the Northwest Quarter and there terminating.

Together with an easement for public road and utility purposes over that part of the North 33.00 feet of the South 213.00 feet of the following described tract of land: That part of the said Northwest Quarter of the Northwest Quarter lying North of the South Quarter thereof; lying Westerly of the following described line: Beginning at a point on the North line of said Northwest Quarter of the Northwest Quarter, distant 652.29 feet Easterly of the Northwest corner thereof; for the purposes of this description, said North line is assumed to bear North 89 degrees 49 minutes 20 seconds West; thence South 14 degrees 34 minutes 52 seconds West, a distance of 816.99 feet to the intersection with the North line of the South 180.00 feet of that part of said Northwest Quarter of the Northwest Quarter lying North of the South Quarter thereof, and there terminating, Anoka County, Minnesota.

EXISTING PROPERTY DESCRIPTION OF #18007 PARCEL

That part of the Northwest Quarter of the Northwest Quarter of Section 6, Township 32, Range 23, Anoka County, Minnesota, lying Westerly and northerly of the following described line: Beginning at a point on the north line thereof, distant 652.29 feet easterly of the northeast corner thereof, for the purposes of this description, said north line is assumed to bear North 89 degrees 49 minutes 20 seconds West; thence South 14 degrees 34 minutes 52 seconds West, a distance of 816.99 feet to the intersection with the north line of the south 180.00 feet of that part of said Northwest Quarter of the Northwest Quarter, lying North of the South Quarter thereof; thence Westerly along said north line of the south 180.00 feet a distance of 439.20 feet to the west line of said Northwest Quarter of the Northwest Quarter and there terminating.

PROPOSED PROPERTY DESCRIPTION OF PARCEL A

That part of the Northwest Quarter of the Northwest Quarter of Section 6, Township 32, Range 23, Anoka County, Minnesota, lying North of the South Quarter of said Northwest Quarter of the Northwest Quarter.

EXCEPT

That part of the Northwest Quarter of the Northwest Quarter of Section 6, Township 32, Range 23, Anoka County, Minnesota, described as follows:

Commencing at northwest corner of said Northwest Quarter of the Northwest Quarter, thence on an assumed bearing of South 00 degrees 32 minutes 43 seconds East, along the west line of said Northwest Quarter of the Northwest Quarter, a distance of 427.89 feet to the point of beginning; thence continuing South 00 degrees 32 minutes 43 seconds East, along said west line of the Northwest Quarter of the Northwest Quarter, a distance of 360.81 feet to the intersection with the north line of the south 180.00 feet of that part of said Northwest Quarter of the Northwest Quarter, lying North of the South Quarter thereof; thence North 87 degrees 54 minutes 13 seconds East, along said north line of the south 180.00 feet a distance of 70.00 feet; thence North 45 degrees 29 minutes 18 seconds East a distance of 422.51 feet; thence North 40 degrees 07 minutes 04 seconds West a distance of 121.47 feet; thence South 87 degrees 54 minutes 13 seconds West a distance of 296.80 feet to the point of beginning.

PROPOSED PROPERTY DESCRIPTION OF PARCEL B

That part of the Northwest Quarter of the Northwest Quarter of Section 6, Township 32, Range 23, Anoka County, Minnesota, described as follows:

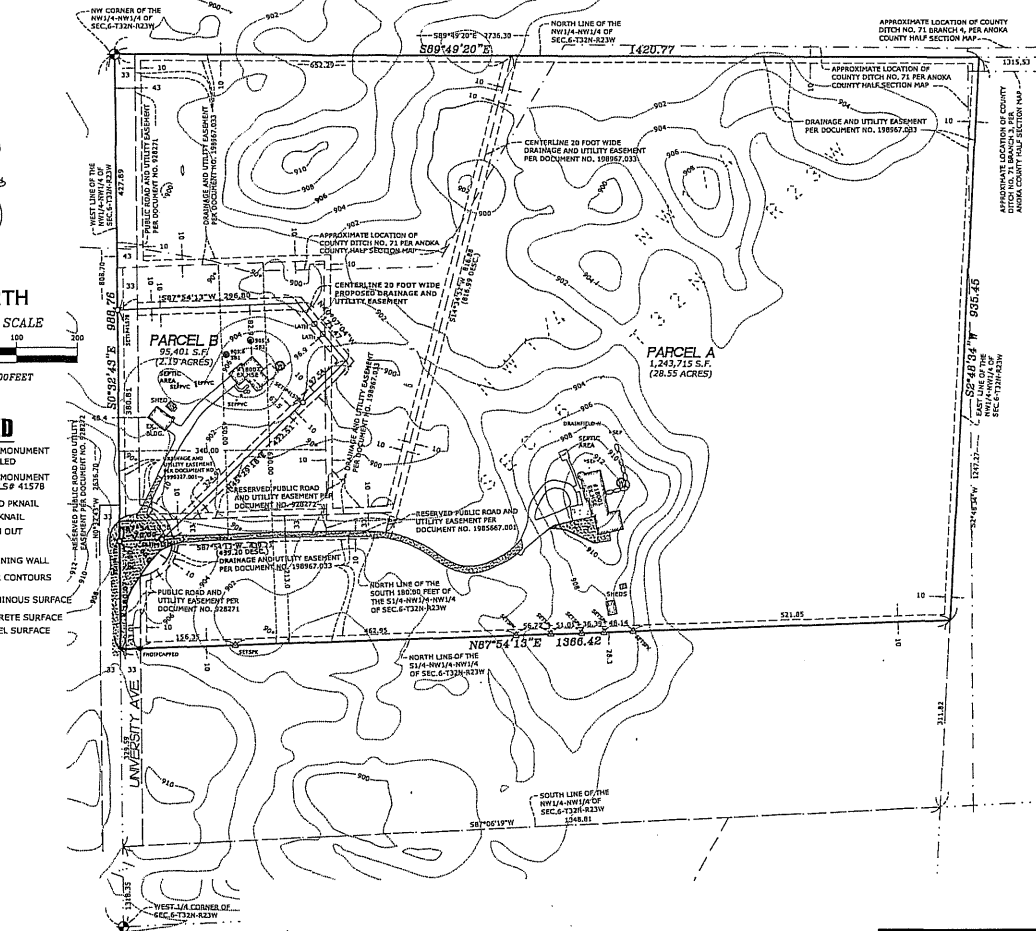
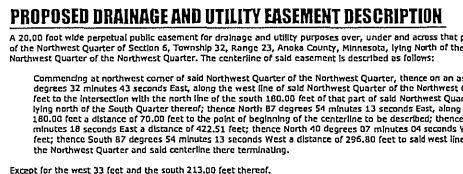
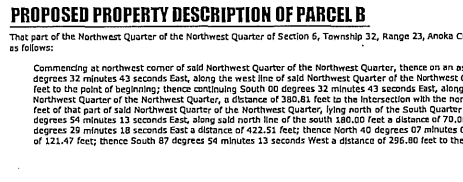
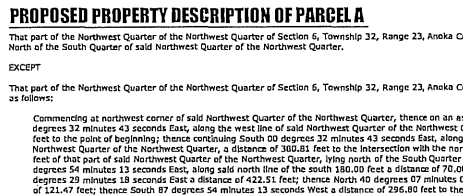
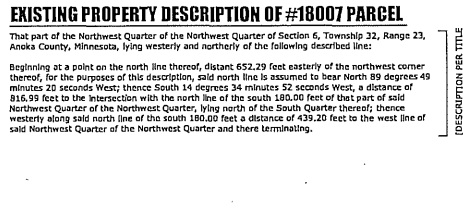
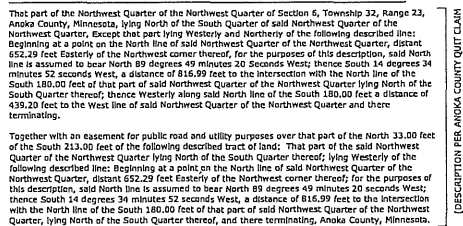
Commencing at northwest corner of said Northwest Quarter of the Northwest Quarter, thence on an assumed bearing of South 00 degrees 32 minutes 43 seconds East, along the west line of said Northwest Quarter of the Northwest Quarter, a distance of 427.89 feet to the point of beginning; thence continuing South 00 degrees 32 minutes 43 seconds East, along said west line of the Northwest Quarter of the Northwest Quarter, a distance of 360.81 feet to the intersection with the north line of the south 180.00 feet of that part of said Northwest Quarter of the Northwest Quarter, lying North of the South Quarter thereof; thence North 87 degrees 54 minutes 13 seconds East, along said north line of the south 180.00 feet a distance of 70.00 feet; thence North 45 degrees 29 minutes 18 seconds East a distance of 422.51 feet; thence North 40 degrees 07 minutes 04 seconds West a distance of 121.47 feet; thence South 87 degrees 54 minutes 13 seconds West a distance of 296.80 feet to the point of beginning.

PROPOSED DRAINAGE AND UTILITY EASEMENT DESCRIPTION

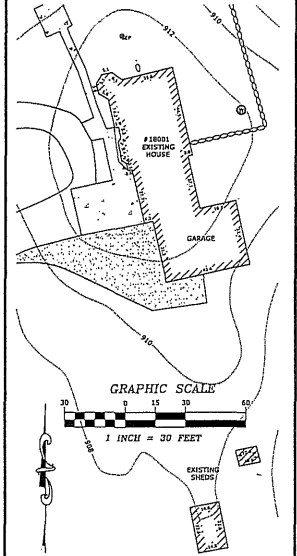
A 20.00 foot wide perpetual public easement for drainage and utility purposes over, under and across that part of the Northwest Quarter of the Northwest Quarter of Section 6, Township 32, Range 23, Anoka County, Minnesota, lying North of the South Quarter of said Northwest Quarter of the Northwest Quarter. The centerline of said easement is described as follows:

Commencing at northwest corner of said Northwest Quarter of the Northwest Quarter, thence on an assumed bearing of South 00 degrees 32 minutes 43 seconds East, along the west line of said Northwest Quarter of the Northwest Quarter, a distance of 808.70 feet to the intersection with the north line of the south 180.00 feet of that part of said Northwest Quarter of the Northwest Quarter, lying north of the South Quarter thereof; thence North 87 degrees 54 minutes 13 seconds East, along said north line of the south 180.00 feet a distance of 70.00 feet to the point of beginning of the centerline to be described; thence North 45 degrees 29 minutes 18 seconds East a distance of 422.51 feet; thence North 40 degrees 07 minutes 04 seconds West a distance of 121.47 feet; thence South 87 degrees 54 minutes 13 seconds West a distance of 296.80 feet to said west line of the Northwest Quarter of the Northwest Quarter and said centerline there terminating.

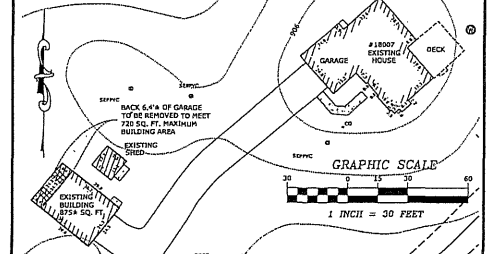
Except for the west 33 feet and the south 213.00 feet thereof.



PARCEL A BUILDINGS DETAIL



PARCEL B BUILDINGS DETAIL



NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 7/18/2022.
- Bearings shown are on Anoka County Coordinate System.
- For the #18001 property, this survey was prepared without the benefit of title work, additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- For the #18007 property, this survey is based upon information found in the commitment for title insurance prepared by The Title Group, Inc. as issuing agents for First American Title Insurance Company, Commitment No. 220640127-1, Revision No. 2, dated effective June 16, 2022.

AREAS

TOTAL AREA	30.74 ACRES
EXISTING #18001 PARCEL	20.74 ACRES
EXISTING #18007 PARCEL	10.00 ACRES
PROPOSED PARCEL A	28.55 ACRES
PROPOSED PARCEL B	2.19 ACRES

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

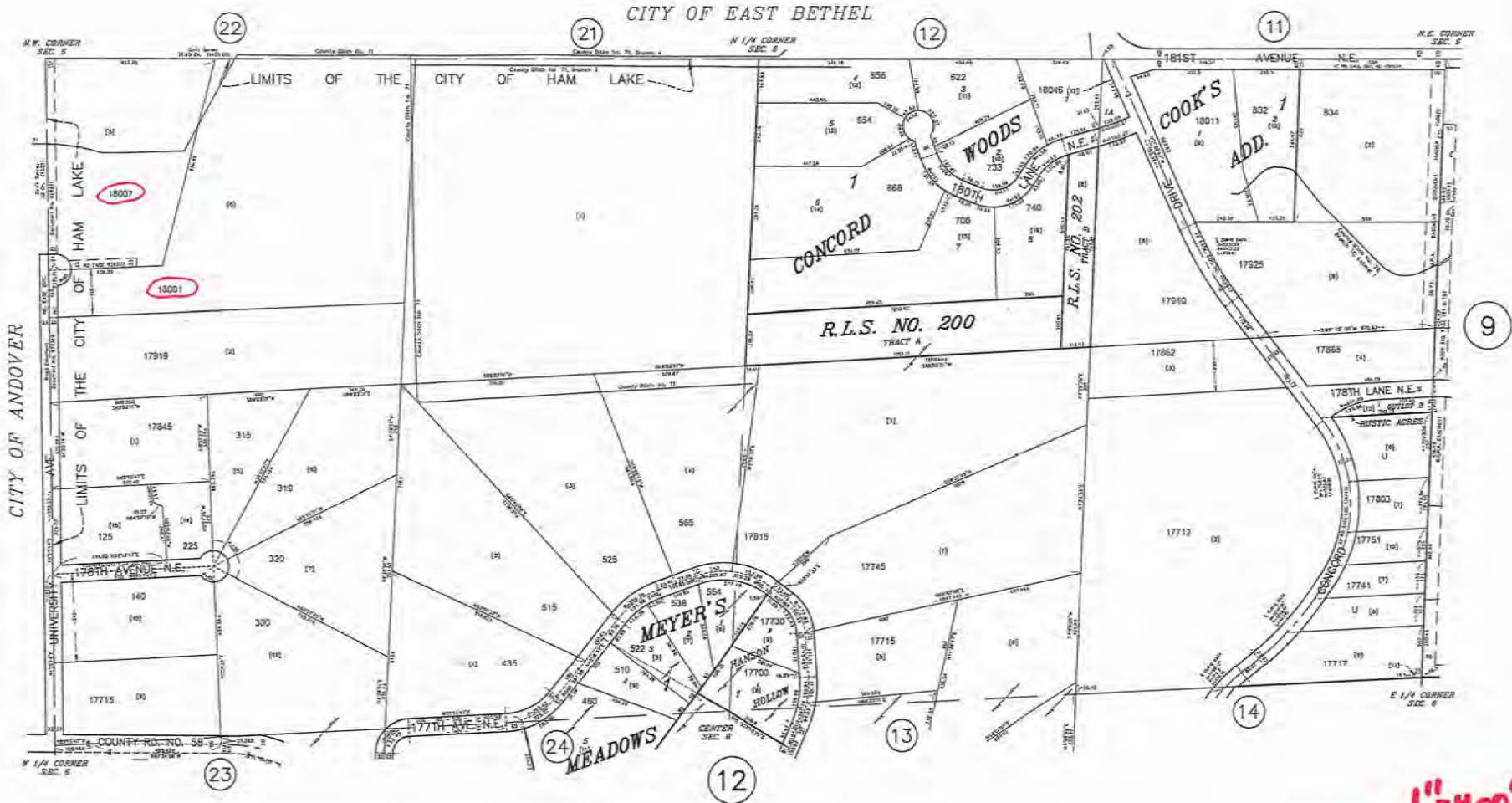
JACOB E. RUD
 Date: 08/29/22 License No. 41578

E.G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

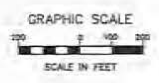
DRAWN BY: JEN	JOB NO: 220759015	DATE: 07/28/22	
CHECK BY: JEN	FIELD CREW: DT-CT		
1	08/29/22	MODIFY EXIST, GARAGE	
2			
3			
NO.	DATE	DESCRIPTION	BY

N 1/2 SECTION 6, T. 32, R. 23

CITY OF HAM LAKE



1"=400'



ANOKA COUNTY
SURVEYOR'S OFFICE
ROOM 224
2100 3RD AVENUE
ANOKA, MN 55303
(763) 324-3200

QUARTER QUARTER INDEX

32	21	13	11	NORTH HALF OF SECTION
+	+	+	+	
23	24	13	14	SOUTH HALF OF SECTION
+	+	+	+	
32	31	42	41	

PROPERTY IDENTIFICATION NUMBER

Section Number	Township	Range	Quarter	Specific
XX	XX	XX	XX	XXXX

SPECIFIC PARCEL NUMBERS ARE IN BRACKETS: (1)

THIS IS A COMPILATION OF RECORDS AS THEY APPEAR IN THE ANOKA COUNTY OFFICES AFFECTING THE AREA SHOWN. THIS DRAWING IS TO BE USED ONLY FOR REFERENCE PURPOSES AND THE COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

9-370.1 Size Limitations An *Accessory Building* shall be no more than one story in height, and the following size limitations shall apply to *Accessory Buildings*:

Lot size	Maximum Accessory Building Size*	
	Front Yard Setback**	Side or Rear Yard Setback***
One acre or less	676 sq. ft.	1000 sq. ft.
1+ acre to 2.5 acres****	<u>720 sq. ft.</u>	1500 sq. ft.
2.5+ acres to 5 acres	800 sq. ft.	2400 sq. ft. <u>unless approved by City Council</u>
5+ acres to 10 acres	1200 sq. ft.	3000 sq. ft. <u>unless approved by City Council</u>
10+ acres	5000 sq. ft. unless approved by City Council	

* Sizes shown are the maximum allowable square feet at foundation level.

** The "Front Yard Setback" is the area between the front of the dwelling unit (primary residential structure) and the street right of way. For all lot sizes, *Accessory Buildings* constructed in this area must also be constructed with the building materials outlined below and be architecturally compatible with the dwelling unit

*** The "Side or Rear Yard Setback" is the area that lies away from the road right of way and behind the front yard setback.

**** For lots greater than one acre and up to 2.5 acres, the size limits shown may be combined to allow one *Accessory Building* in the Side or Rear Yard Setback up to 2250 square feet, and with no additional *Accessory Building* existing or allowed in the Front Yard Setback.

9-370.2 Building Materials For lots which are 5 acres or less in size, the outside surface materials of all *Accessory Buildings* shall, as closely as practical, match the color, texture and style of the like surfaces on the dwelling unit. For lots which are more than 5 acres in size, all *Accessory Buildings* in the Front Yard Setback shall match the dwelling unit as outlined above. Pole-type construction shall be permitted only on lots exceeding 5 acres and only in the Side or Rear Yard Setback.

9-370.3 Height Restriction For lots which are less than 5 acres in size, the maximum height of an *Accessory Building* shall be equal to the height of the *dwelling unit*, or 25 feet, whichever is less.



18007

18001

17919

17845

1" = 200'

Meeting Date: September 6, 2022



**CITY OF HAM LAKE
STAFF REPORT**

To: Mayor and Councilmembers

From: Dawnette Shimek, Deputy City Clerk

Item/Title/Subject: Resolution changing a street name – specifically Able Street NE to Jackson Street NE within the plat of Crosstown Rolling Acres Third Addition

Introduction/Discussion:

Upon review of the plat of Crosstown Rolling Acres Third Addition, it has been discovered that there has been an error in a designation of a street name. Specifically, Able Street NE within the plat of Crosstown Rolling Acres Third Addition.

Recommendation:

I recommend approval of Resolution 22-XX changing the name of Able Street NE to Jackson Street NE within the plat of Crosstown Rolling Acres 3rd Addition.

RESOLUTION NO. 22-XX

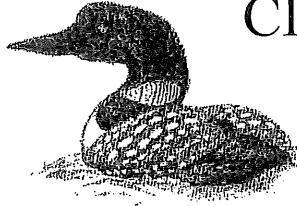
WHEREAS, certain streets within the City of Ham Lake are named inconsistent with the street names as shown on the City of Ham Lake map, and

THEREFORE, BE IT RESOLVED, by the City Council of the City of Ham Lake is changing the street name of Able Street NE to Jackson Street NE, specifically within the plat of Crosstown Rolling Acres Third Addition.

ADOPTED by the City Council of the City of Ham Lake this 6th day of September, 2022.

Brian Kirkham, Mayor

Denise Webster, City Clerk



CITY OF HAM LAKE

15544 Central Avenue NE
Ham Lake, Minnesota 55304
(763) 434-9555
Fax (763) 434-9599

CITY OF HAM LAKE PLANNING COMMISSION AGENDA MONDAY, AUGUST 22, 2022

CALL TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: July 25, 2022

PUBLIC HEARINGS:

6:01 p.m. Chad Bakkene requesting a Special Home Occupation Permit to operate Bakkene Machining and Service, a machine and fabrication shop, at 18046 Concord Drive NE (06-32-23-12-0017).

NEW BUSINESS:

1. None

COMMISSION BUSINESS:

1. City Council Update - None

9-350 Home Occupation Permits

A *Home Occupation* is an occupant-owned enterprise carried on in a residential dwelling, which meets the criteria specified below. A *Home Occupation* permit may be issued by the City Council after review and recommendation by the *Planning Commission*, and subject to any conditions imposed by the City Council. A *Home Occupation* permit may be revoked by the City Council, after affording due process of law to the applicant, if the conditions of issuance or any other ordinance feature are violated. This requirement for a *Home Occupation* permit shall not apply to any enterprise consisting of activities carried out entirely within the dwelling, where all employees live at the residence, where no specialized chemicals are used by the business, where there is no customer traffic, and where there are no physical deliveries requiring vehicles larger than normal small parcel delivery services (USPS, UPS, FedEx, etc).

9-350.1 Criteria The following criteria must be observed for any usage to qualify for a Home Occupation Permit.

- a) **Incidental Usage** The usage must be clearly incidental and subservient to the usage of the premises as a dwelling, and may not occupy a significant portion of the dwelling unit living space;
- b) **Indoors** All activities must be carried on indoors. No outside storage, except the parking of motor vehicles, shall be permitted;
- c) **Parking** No on-street parking shall be generated, and no more than a total of four passenger motor vehicles may be parked at the premises in conjunction with the occupation, including employee and customer parking. All parking shall be on paved surfaces;
- d) **Employees** No more than one employee who does not live at the residence shall be permitted;
- e) **Traffic** The activity may not generate any traffic in excess of that normally generated by a residential dwelling unit;
- f) **Nuisance and Compliance** The usage shall not generate any nuisance, and the landowner shall at all times be compliant with all other municipal codes, and the regulations of all other jurisdictions;

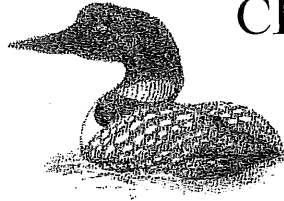
9-350.2 Annual Review All *Home Occupation* permits shall be reviewed annually by the City Staff, and shall automatically be renewed unless complaints have been received, in which case the permit shall be re-submitted to the *Planning Commission* for review and recommendation to the City Council.

9-350.3 Special Home Occupation Permits A party desiring to conduct a Home Occupation in a Garage or Accessory Building under conditions meeting the remaining requirements of Article 9-350 may apply for a Special Home Occupation Permit under the following procedure:

- a)** The applicant shall submit a site plan drawn to scale showing the locations and dimensions of all buildings and driveways on the premises, and identifying the location where the Home Occupation activity will take place.
- b)** The applicant shall submit a narrative in sufficient detail to describe all aspects of the activity to be conducted and the locations of all such activity.
- c)** The Planning Commission shall conduct a Public Hearing on the proposed application, with mailed notice to all resident whose property lines come within 750 feet of the property lines of the applicant's lot, and published notice at least ten days prior to the hearing.
- d)** Following the Public Hearing, the Planning Commission shall make recommendations to the City Council, including such conditions as are deemed appropriate.

Notwithstanding any provision in Article 9-350.1 (a) to the contrary, a Special Home Occupation shall be mainly confined to the Garage or Accessory Building. A Special Home Occupation Permit shall be subject to the same provisions for revocation as Home Occupation Permits. In addition, notwithstanding any provision in Article 9-350.1 to the contrary, a Special Home Occupation may include uses that are normally not found in residential dwellings, as long as there are no obvious outward indicia of the activities being carried on under the Special Home Occupation Permit, no noise generated which is audible to nearby properties, no odor or vibration generated that is detectable to nearby properties, no outside storage which is visible from nearby properties or public ways and no customer traffic.

Special Home Occupations may involve up to one commercial delivery/pickup by outside delivery service van (such as UPS or Federal Express) or postal vehicle per day. Deliveries of goods produced at the site may be limited in scope and frequency by the approval process, including specifying the type of delivery vehicles that can be used, and including prohibition on commercial logos being displayed on delivery vehicles.



CITY OF HAM LAKE

15544 Central Avenue NE
Ham Lake, Minnesota 55304
(763) 434-9555
Fax (763) 434-9599

CITY OF HAM LAKE PLANNING COMMISSION MINUTES MONDAY, AUGUST 22, 2022

The Ham Lake Planning Commission met for its regular meeting on Monday, August 22, 2022 in the Council Chambers at Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

MEMBERS PRESENT: Chair Brian Pogalz and Commissioners Dave Ringler, Kyle Lejonvarn, Scott Heaton, Jeff Entsminger and Jonathan Fisher

MEMBERS ABSENT: Commissioner Erin Dixon

OTHERS PRESENT: Building and Zoning Official, Mark Jones and Building and Zoning Clerk, Jennifer Bohr

CALL TO ORDER: Chair Pogalz called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was recited by all in attendance.

APPROVAL OF MINUTES:

Motion by Lejonvarn, seconded by Fisher, to approve the minutes of the July 25, 2022 Planning Commission meeting as written. All present in favor, motion carried.

PUBLIC HEARING:

Chad Bakkene requesting a Special Home Occupation Permit to operate Bakkene Machining and Service, a machine and fabrication shop, at 18046 Concord Dr NE (06-32-23-12-0017).

Chad and Melanie Bakkene were present. Mr. Bakkene stated he has been a maintenance machinist for 30 years and wants to start his own machine shop business out of his garage as renting property is too expensive. Mr. Bakkene stated the machines he will primarily operate are a CNC lathe and CNC mill along with other machines such as a saw and disc sander. Chair Pogalz asked Mr. Bakkene about climate control in the garage. Mr. Bakkene stated it would be heated in the winter and he would use a window air conditioning unit in the summer; he only opens the doors to bring something in and out. Chair Pogalz asked if the CNC machines would require their own foundation and what type of electrical service is needed to operate them. Mr. Bakkene stated the CNC machines do not require a separate foundation and he will be using an electrical three phase converter. Chair Pogalz asked if the parts manufactured will primarily be for printing machines. Mr. Bakkene stated he will be doing field service work for anything

that has to do with the print industry; he will not be bringing any large machines back to work on in the shop as he is trying to get away from that type of work. Mr. Bakkene stated he intends to apply for a Federal Firearms License (FFL) so he can do gunsmithing and manufacture parts for firearms. Chair Pogalz asked about the statement in his narrative related to equipment delivered by large (semi) truck. Mr. Bakkene stated that type of delivery would occur when he buys a machine center for his shop. Mr. Bakkene stated 99% of what he creates or works on can be held in his hand. Commissioner Ringler completed the inspection, a copy which is on file. Commissioner Ringler stated he met with Mr. Bakkene and observed the garage setup. Commissioner Ringler stated the garage was neat and clean, he saw a CNC lathe in place and discussed various subjects noted in the narrative such as types of delivery vehicles, operating hours, customer traffic and FFL regulations with Mr. Bakkene. Mr. Bakkene stated there will not be any large equipment dropped off to be worked on and he has decided that operating hours will be 7:00 a.m. to 9:00 p.m. seven days a week. Mr. Bakkene stated anyone who obtains a FFL cannot meet customers at random locations; they must meet at his shop, gun shows or federal, state or local sanctioned competitions. Mr. Bakkene stated any time a serialized, controlled part changes hands, the record of where the transfer took place has to be logged; he would like customers to be able to drop off and pickup items at his shop. Commissioner Lejonvarn asked if the lathe machine was setup and if it was turned on to hear how noisy it was. Commissioner Ringler said it was not turned on. Chair Pogalz asked Building and Zoning Official Mark Jones to comment. Building and Zoning Official Jones stated the City Code for Special Home Occupation Permits states there is to be no customer traffic; this is also noted in the memo in the packet; if the Commission allows customer traffic, that is in violation of the City Code. Building and Zoning Official Jones reminded the Commission that a previous application for two residents who wanted to operate a BBQ catering business from their garage, had a condition that no customer traffic was allowed. Building and Zoning Official Jones stated he has had conversations with Attorney Murphy to clarify what types of businesses are allowed on residential properties; Attorney Murphy stated if the operation is residential in nature it would be allowed, if it is commercial or industrial in nature it would not be allowed. Building and Zoning Official Jones stated the Commission will need to decide what category applies to a machine shop. Building and Zoning Official Jones stated machining and fabricating businesses are normally found in a commercial setting, which, according to the direction provided by the City Attorney, would not be considered residential in nature. Building and Zoning Official Jones stated that in the past we have told residents they can't have a machine shop in an accessory building; CNC machines are generally used in commercial settings. Building and Zoning Official Jones stated the City has allowed gunsmithing in residential settings in past. Commissioner Heaton asked for clarification on the difference between a Home Occupation Permit and a Special Home Occupation Permit. Building and Zoning Official Jones stated the difference between the two types of permits is the location of where the work will be done – inside of a house or residential dwelling or an accessory building; if operating in an accessory building, the provisions of a Special Home Occupation Permit apply. Chair Pogalz asked what home daycare falls under. Building and Zoning Official Jones stated it is a residential use which is licensed through Anoka County. Commissioner Fisher stated they have customer traffic as do massage therapists. Building and Zoning Official Jones asked the Commissioners to keep in mind that some occupations are specific, approved uses in residential districts. Commissioner

Heaton asked Mr. Bakkene if he could send and receive items via mail delivery. Mr. Bakkene stated out of state customers will mail items. Mr. Bakkene stated he felt requiring items to be mailed by local customers seemed excessive. Mr. Bakkene commented on the differences between Home Occupation Permits and Special Home Occupation Permits. Mr. Bakken stated if someone comes to a residence to get a haircut, and walks into a house, traffic is OK, but if they walk into my shop, traffic is not OK; residents that offer daycare can generate traffic multiple times a day, if I have one to two customers a day that's an issue? Mr. Bakkene stated it feels odd to him to have a restriction on traffic for his type of business in comparison to other businesses such as daycare. Mr. Bakkene stated his business would generate very little noise, the garage is insulated and sheet rocked and the doors are never open; none one of the machines are very loud, the air compressor is the loudest and can barely be heard when standing in the driveway and there are no neighbors within 275 feet. Mr. Bakkene stated he currently works in his garage now and hasn't had any issues. Mr. Bakkene stated his business will have an occasional drop off and activity would be similar to a friend coming over; most drop offs would occur in the evening.

Chair Pogalz opened the public hearing at 6:18 p.m. and asked for public comment.

Steve Flaherty, 835 181st Avenue NE. Mr. Flaherty stated he wanted to understand what type of business Mr. Bakkene was going to operate. Mr. Flaherty stated his concern was truck traffic; 181st Avenue NE already has enough truck traffic.

David Downs, 17815 Jefferson Street NE. Mr. Downs stated he wanted to know if there was going to be noise and odor; earlier discussion answered most of his questions. Mr. Downs asked if Mr. Bakkene would be firing any test shots from the firearms he works on. Mr. Bakkene stated he would not be firing the weapons.

Mark and Renee Ryan, 17925 Concord Drive NE. Mr. and Mrs. Ryan were not present but submitted a letter stating they object to the operation of a machine shop in the area; *"it is a residential neighborhood and we want it to keep it as such"*. Their comments were read by Chair Pogalz, a copy which is on file.

Chair Pogalz closed the public hearing at 6:23 p.m.

Chair Pogalz asked for additional discussion. Commissioner Heaton commented on the way City Code was written related to customer traffic in Sections 9-350.1 and 9-350.3. Commissioner Heaton stated he felt the amount of traffic Mr. Bakkene anticipates for his business (average of less than one per day) could be considered normal residential traffic. Chair Lejonvarn asked Mr. Bakkene if it was possible for him to conduct business through the mail. Mr. Bakkene stated he could conduct business through the mail; it would result in more delivery truck traffic. Chair Pogalz asked what leverage the City had if Mr. Bakkene's request was approved but later found to be an issue for nearby residents and the City. Building and Zoning Clerk Bohr stated Section 9-350.2 states Home Occupation or Special Home Occupation Permits shall be reviewed and renewed annually unless complaints have been received, in which case the permit shall be resubmitted to the Planning Commission for review and recommendation to the City Council. Building and

Zoning Official Jones stated he has corresponded with Attorney Murphy about stipulations in City Code related to Home Occupation and Special Home Occupation Permits; Attorney Murphy's advice was to ensure applicants are meeting the provisions of the code; if they don't, the City cannot accept their application. Building and Zoning Official Jones stated the way the City Code is written may not sound right, but it is the code; a code change would be needed to accommodate Mr. Bakkene's desire to have customer traffic or allow customers to drop off and pick up items. There was discussion among the Commissioners on previous Home Occupation and Special Home Occupation Permit applications. Commissioner Lejonvarn asked Building and Zoning Official Jones what his recommendation is. Building and Zoning Official Jones stated his recommendation is to allow gunsmithing but, per code, no customer traffic. Chair Pogalz asked Commissioner Ringler for his recommendation. Commissioner Ringler stated his recommendation is to approve Mr. Bakkene's request for a Special Home Occupation permit with the conditions of: no outside storage, items may be dropped off and picked up or mailed, that there is no noise generated audible to neighboring properties, no odor or vibration generated that is detectable to nearby properties, one commercial delivery/pickup by outside delivery service per day, no additional employees, no machinery can be brought in for repairs, business hours of 7 a.m. to 9 p.m., seven days a week, meeting all city, state and county requirements. Commissioner Lejonvarn stated he felt the condition of allowing items to be dropped off and picked up should be removed with only mail delivery being allowed so the recommendation meets current City Code. Chair Pogalz stated code is interpreted in different ways by different people. Chair Pogalz stated the Planning Commission can forward a recommendation not to approve the request. Commissioner Lejonvarn restated that Mr. Bakkene stated he could operate by receiving items via mail which would comply with current City Code. Commissioner Heaton stated he didn't feel the application should be turned down as he felt what Mr. Bakkene was proposing fit 9-350.1.e - customer traffic would not be outside of normal residential levels of traffic. Commissioner Heaton stated one could interpret no customer traffic actually means no customer traffic outside of normal customer traffic. Commissioner Lejonvarn stated that would be reading something more into the code than what is written. Commissioner Heaton stated we're always reading into what is written. Commissioner Heaton stated he could make a recommendation related to customer traffic either way but if a condition of no customer traffic was recommended it would be with the intent that a future code change would permit some customer traffic. Commissioner Lejonvarn stated he felt listing a condition of no customer traffic is the right thing to do. There was discussion about the future impact on the applicant if code changed and allowed customer traffic. Commissioner Entsminger asked Mr. Bakkene what his opinion is of the Planning Commission making a recommendation of no customer traffic pending the Planning Commission looking into changing code. Mr. Bakkene stated if he could never have any customers he would have a difficult time; "no one within 20 miles will take the time to send something by mail, they will just go somewhere else". Mr. Bakkene feels the provision in City Code of not allowing any customer traffic, for his possible one customer a day, is too stringent. Commissioner Fisher stated there appears to be a conflict with the provisions of City Code and the FFL regulations. **Motion by Ringler, seconded by Fisher, to recommend approval of a Special Home Occupation Permit as requested by Chad Bakken to operate Bakkene Machining and Service, a machine and fabrication shop, at 18046 Concord Drive NE, subject to no outside storage, receiving and returning items via customer drop**

off, pick up or via mail service, no noise generated being audible to neighboring properties, no odor or vibration generated that is detectable to nearby properties, one commercial delivery/pickup by outside delivery service per day, no additional employees, no machinery can be brought in for repairs, business hours of 7 a.m. to 9 p.m., seven days a week, obtaining a Federal Firearms License and providing a copy of the license to the City before creating parts or working on any firearms, no discharging of firearms on-site, meeting all City, State, County and Federal requirements. Commissioners Ringler, Entsminger, Heaton and Fisher voted yes. Chair Pogalz and Commissioner Lejonvarn voted no. **Motion carried.** *This item will be placed on the September 6, 2022 City Council Agenda.*

Chair Pogalz stated he is not opposed to what Mr. Bakkene is trying to do; the reason he voted no is due to the way the code is written related to customer traffic, the Commission should not be recommending approval of this application with a condition that allows customer traffic.

NEW BUSINESS: None

COMMISSION BUSINESS:

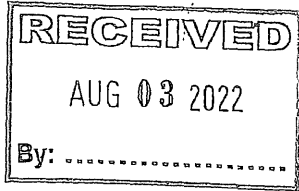
City Council Update

Commissioner Fisher asked about changing provisions in Section 9-350, could it be a future agenda item. **Motion by Fisher, seconded by Heaton, requesting City Council to direct the Planning Commission to review the provisions of Article 9-350, Home Occupation and Special Home Occupation Permits. All present in favor, motion carried.** Commissioner Entsminger will attend the September 6, 2022 City Council meeting.

ADJOURNMENT:

Motion by Heaton, seconded by Fisher, to adjourn the Planning Commission meeting at 6:51 p.m. All present in favor, motion carried.

Jennifer Bohr
Building and Zoning Clerk



CITY OF HAM LAKE

15544 Central Avenue NE

Ham Lake, MN 55304

Phone (763) 434-9555 Fax (763) 235-1697

PLANNING REQUEST

Date of Application ~~8/1/22~~ 8/3/22

Date of Receipt 8-3-2022

Receipt # 93635

Meeting Appearance Dates:
Planning Commission 8-22-22

City Council 9-6-22

Please check request(s):

- Metes & Bounds Conveyance
- Sketch Plan
- Preliminary Plat Approval*
- Final Plat Approval
- Rezoning*
- Multiple Dog License*

- Commercial Building Site
- Certificate of Occupancy
- Home Occupation Permit (Special)
- Conditional Use Permit (New)*
- Conditional Use Permit (Renewal)
- Other

***NOTE: Advisory Signage is required for land use alterations and future road connections. This application also requires a Public Hearing. Such fees shall be deducted from deposit.**

Development/Business Name: Bakkene Machining and Service

Address/Location of property: 18046 Concord Dr. Ne.

Legal Description of property: Lot 1 Block 1 Concord Woods

PIN # 06-32-23-12-0017 Current Zoning R-1 Proposed Zoning no change

Notes: See attached narrative

Applicant's Name: Chad Bakkene

Business Name: Bakkene Machining and Service

Address 18046 Concord Dr. Ne.

City Ham Lake State Mn Zip Code 55304

Phone _____ Cell Phone 651-206-2076 Fax _____

Email address Chad@bakkeneservices.com

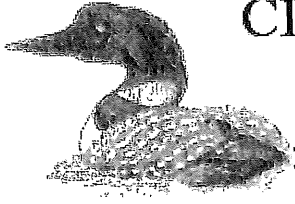
You are advised that the 60-day review period required by Minnesota Statutes Chapter 15.99 does not begin to run until all of the required items have been received by the City of Ham Lake.

SIGNATURE Chad Bakkene DATE 8/3/22

- FOR STAFF USE ONLY -

ACTION BY: Planning Commission 8-22-22
City Council _____

PROPERTY TAXES CURRENT YES NO



CITY OF HAM LAKE

15544 Central Avenue NE
Ham Lake, Minnesota 55304
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Fax (763) 434-9599

NOTICE OF PUBLIC HEARING
CITY OF HAM LAKE
COUNTY OF ANOKA
STATE OF MINNESOTA

TAKE NOTICE, that pursuant to the requirements of Minnesota Law, a Public Hearing shall be held before the Ham Lake Planning Commission on Monday, August 22, 2022 at 6:01 p.m. at the City Hall located at 15544 Central Avenue NE for the purpose of considering the application of Chad Bakkene requesting a Special Home Occupation Permit to operate Bakkene Machining and Service (a machining and fabricating business) at 18046 Concord Drive NE, a parcel of land situated in the City of Ham Lake, Anoka County, Minnesota and which is described as follows to wit:

PIN# 06-32-23-12-0017

LOTS 1 & 1A BLOCK 1 CONCORD WOODS

At such hearing both written and oral comments will be heard.

DATED: August 12, 2022

Jennifer Bohr
Building & Zoning Clerk
City of Ham Lake

Special Home Occupation Permit Request Narrative

Chad Bakkene
18046 Concord Dr. Ne.
Ham Lake, Mn. 55304



Property is on the west side of tee at 181st and Concord Dr. ne.

Zoned R-1

8/01/22(revised 8/22/22)

Requesting a Special Home Occupation Permit for a full time one-person, garage-based machine shop, fabrication, repair/service business and FFL holder(gunsmithing).

- Machining/fabricating side of business will primarily be short run for products designed and made in house, gunsmithing, and support for service side of business, which will include off-site service/repair for the commercial offset printing industry(30 years as a Maintenance Machinist in printing industry), transitioning to all in house machining & gunsmithing, hopefully in the next 2-3 years.
- No retail sales or store front on premise.
- Customer meetings will by appointment, for drop off and pick up.
- Deliveries will typically be UPS/Fed Ex with the occasional piece of shop equipment delivered via large truck. No large pieces of equipment for repair will be brought on sight.
- Material used on site will be picked up by me.
- Shipping of products will be done off site(UPS Store/FedEx location/Post Office) until enough business allows for pickup from premise as needed(up to once daily during normal business hours/day).
- Garage is 24'x36' with 2/3rds being for machines, workbenches, toolboxes and storage cabinets. The other 1/3 left open for fabricating or equipment repair.
- Storage of machining chips will be stored in barrels in pole barn until being taken to the scrap yard by me.
- Noise from the business will be minimal. 1 CNC lathe, 1 CNC machining center and the space is fully insulated and sheet rocked. Doors/windows rarely open as the space is temperature controlled. An exhaust fan, per mechanical code to be added for use while welding.
- Business hours will be 7am to 9pm, daily.
- No non-residence employees.
- 3-5 year goal is to be able to replace aging pole barn at the back of the property with a new building and move the business into it.

Suggestions for questions to be asked of Chad Bakkene related to his Special Home Occupation Permit

- 1) What will be used for storage of firearms taken in from customers.

- 2) Explain gunsmithing activity that will be done.

- 3) What type of license is Chad applying for?
 - a. 01 – Dealing. Limited gunsmithing activity with customer's gun
 - b. 07 – Fabricator/Machinist. Could machine out a receiver.

Anoka County Parcel Viewer



Parcel Information: Approx. Acres: 2.19
06-32-23-12-0017 Commissioner: JULIE BRAASTAD
18046 CONCORD DR NE
HAM LAKE
MN 55304
Plat: CONCORD WOODS

Owner Information:
BAKKENE, CHAD
18046 CONCORD DR NE
HAM LAKE
MN
55304





CITY OF HAM LAKE

15544 Central Avenue NE
Ham Lake, Minnesota 55304
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NOTICE OF PUBLIC HEARING
CITY OF HAM LAKE
COUNTY OF ANOKA
STATE OF MINNESOTA

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PIN# 06-32-23-12-0017

LOTS 1 & 1A BLOCK 1 CONCORD WOODS

At such hearing both written and oral comments will be heard.

DATED: August 12, 2022

Jennifer Bohr
Building & Zoning Clerk
City of Ham Lake

We are not in favor of operating a business out of this location at his home! This will only lead to others wanting to do some type of work; we don't need this in our neighborhood. Also concerned about air and water pollution cutting oils, cleaners etc. No control!

*Gerald E. Carda
Shirley F. Carda*



CITY OF HAM LAKE

15544 Central Avenue NE
Ham Lake, Minnesota 55304
(763) 434-9555
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NOTICE OF PUBLIC HEARING CITY OF HAM LAKE COUNTY OF ANOKA STATE OF MINNESOTA

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DATED: August 12, 2022

Jennifer Bohr
Building & Zoning Clerk
City of Ham Lake

Jennifer Bohr

8-17-22

Mark and Renee Ryan live @ 17925 Concord Drive. We object to the request to put a machine shop at 18046 Concord Dr. This is a residential neighborhood and we want to keep us as such! Please do not allow this to happen!

*Thanks
Mark Ryan & Renee Ryan*

Meeting Date: August 22, 2022

CITY OF HAM LAKE
STAFF REPORT

To: Members of the Planning Commission

From: Mark Jones, Building and Zoning Official

Subject: Special Home Occupation Permit Request for Chad Bakkene 18046 Concord Dr NE

Introduction/Discussion:

Chad Bakkene is requesting a Special Home Occupation Permit to operate a fabrication/machine shop and repair and service business, with gunsmithing. At this time Mr. Bakkene provides offsite repair service for commercial printing businesses; he has been employed for 30 years as a maintenance machinist in the printing industry. Per Mr. Bakkene, this would be a full-time, one-person shop running Computer Numerical Control (CNC) equipment to fabricate parts. Mr. Bakkene is in the process in obtaining his Federal Firearms License to open the gunsmithing service. Printing equipment needing repair will be delivered by trucks larger than normal delivery trucks seen for residential deliveries. All meetings with customers are to be off site.

9-350.3 Special Home Occupation, Permits Special Home Occupations may involve up to one commercial delivery/pickup by outside delivery service van (such as UPS or Federal Express) or postal vehicle per day. Deliveries of goods produced at the site may be limited in scope and frequency by the approval process, including specifying the type of delivery vehicles that can be used, and including prohibition on commercial logos being displayed on delivery vehicles. no outside storage which is visible from nearby properties or public ways and no customer traffic

Recommendation:

In discussions with Joe Murphy, Home Occupation and Special Home Occupation intent was to be related to a residential use only not a commercial or industrial use. Running CNC equipment for fabrication of parts, other than for gunsmithing, could be considered a commercial use. Allowing delivery of equipment for repair would also be a commercial use. I recommend approval of a Special Home Occupation Permit for Chad Bakkene subject to meeting all state and county requirements for gunsmithing only. No obvious outward indicia of the activities being carried on under the Special Home Occupation Permit, no customer traffic, no noise generated which is audible to nearby properties, no odor, no outside storage which is visible from nearby properties or public ways and meeting all applicable city requirements.

Special Home Occupation Permit Request Narrative

Chad Bakkene

18046 Concord Dr. Ne.

Ham Lake, Mn. 55304

Property is on the west side of tee at 181st and Concord Dr. ne.

Zoned R-1

8/01/22

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- Customer meetings will off site.
- Deliveries will typically be UPS/Fed Ex with the occasional(a few times per year?) piece of equipment delivered via large truck. Material used on site will be picked up by me.
- Shipping of products will be done off site(UPS Store/FedEx location/Post Office) until enough business allows for pickup from premise as needed(up to once daily during normal business hours/day).
- Garage is 24'x36' with 2/3rds being for machines, workbenches, toolboxes and storage cabinets. The other 1/3 left open for fabricating or equipment repair.
- Storage of machining chips will be stored in barrels in pole barn until being taken to the scrap yard by me.
- Noise from the business will be minimal. 1 CNC lathe, 1 CNC machining center and the space is fully insulated and sheet rocked. Doors/windows rarely open as the space is temperature controlled. An exhaust fan, per mechanical code to be added for use while welding.
- Operation hours will be typical of a small business, from early morning to late evening(7am - 9/10pm), depending on need, 7 days a week sometimes, but more typically 8/9AM -7PMish.
- No non-residence employees.
- 3-5 year goal is to be able to replace aging pole barn at the back of the property with a new building and move the business into it.



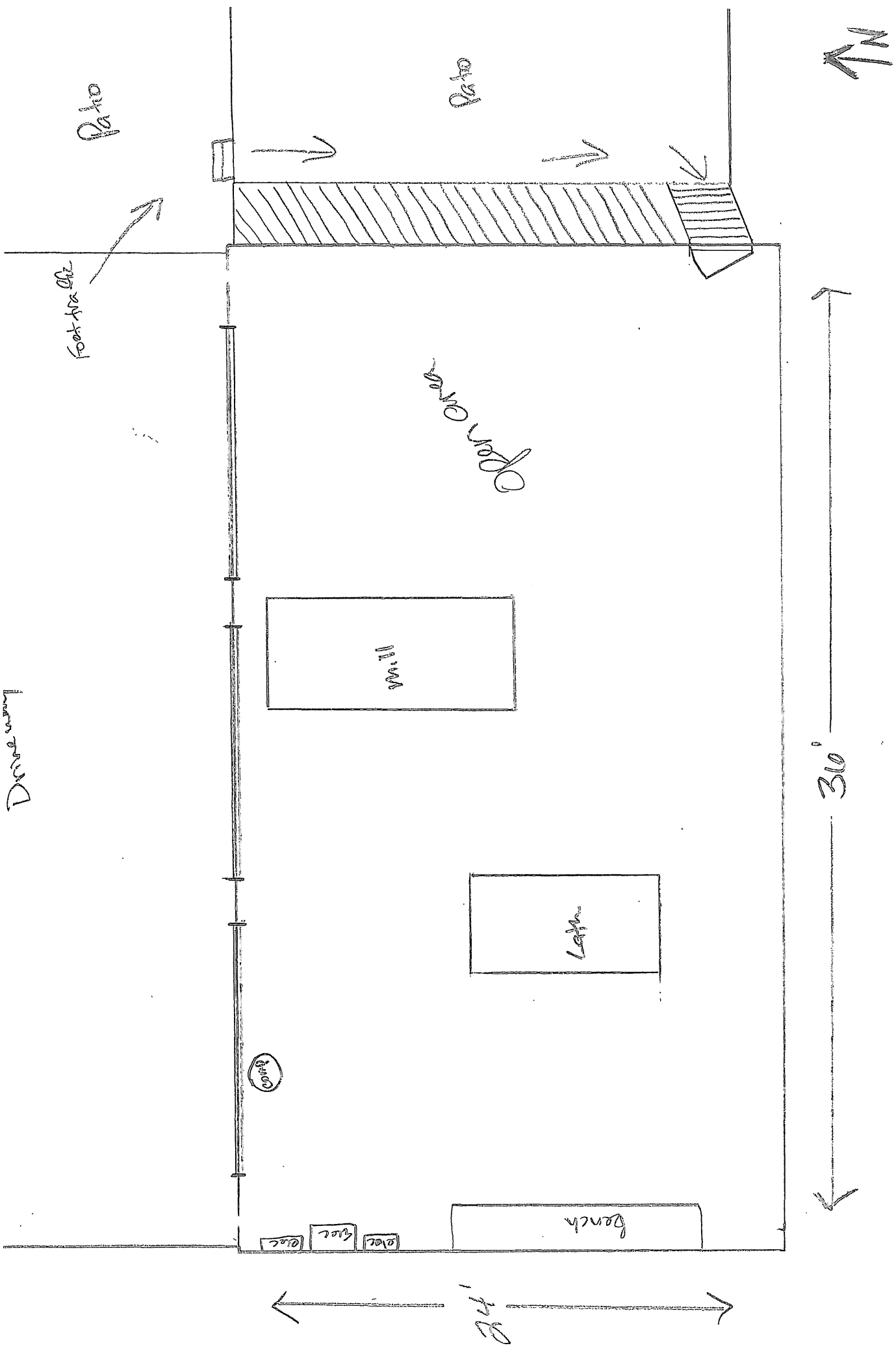
Well

Septic

Shop
19.5x19.5
20x36

Septic
Pumps
20x36

145'





9-350 Home Occupation Permits

A *Home Occupation* is an occupant-owned enterprise carried on in a residential dwelling, which meets the criteria specified below. A *Home Occupation* permit may be issued by the City Council after review and recommendation by the *Planning Commission*, and subject to any conditions imposed by the City Council. A *Home Occupation* permit may be revoked by the City Council, after affording due process of law to the applicant, if the conditions of issuance or any other ordinance feature are violated. This requirement for a *Home Occupation* permit shall not apply to any enterprise consisting of activities carried out entirely within the dwelling, where all employees live at the residence, where no specialized chemicals are used by the business, where there is no customer traffic, and where there are no physical deliveries requiring vehicles larger than normal small parcel delivery services (USPS, UPS, FedEx, etc).

9-350.1 Criteria The following criteria must be observed for any usage to qualify for a Home Occupation Permit.

- a) Incidental Usage** The usage must be clearly incidental and subservient to the usage of the premises as a dwelling, and may not occupy a significant portion of the dwelling unit living space;
- b) Indoors** All activities must be carried on indoors. No outside storage, except the parking of motor vehicles, shall be permitted;
- c) Parking** No on-street parking shall be generated, and no more than a total of four passenger motor vehicles may be parked at the premises in conjunction with the occupation, including employee and customer parking. All parking shall be on paved surfaces;
- d) Employees** No more than one employee who does not live at the residence shall be permitted;
- e) Traffic** The activity may not generate any traffic in excess of that normally generated by a residential dwelling unit;
- f) Nuisance and Compliance** The usage shall not generate any nuisance, and the landowner shall at all times be compliant with all other municipal codes, and the regulations of all other jurisdictions;

9-350.2 Annual Review All *Home Occupation* permits shall be reviewed annually by the City Staff, and shall automatically be renewed unless complaints have been received, in which case the permit shall be re-submitted to the *Planning Commission* for review and recommendation to the City Council.

9-350.3 Special Home Occupation Permits A party desiring to conduct a Home Occupation in a Garage or Accessory Building under conditions meeting the remaining requirements of Article 9-350 may apply for a Special Home Occupation Permit under the following procedure:

- a)** The applicant shall submit a site plan drawn to scale showing the locations and dimensions of all buildings and driveways on the premises, and identifying the location where the Home Occupation activity will take place.
- b)** The applicant shall submit a narrative in sufficient detail to describe all aspects of the activity to be conducted and the locations of all such activity.
- c)** The Planning Commission shall conduct a Public Hearing on the proposed application, with mailed notice to all resident whose property lines come within 750 feet of the property lines of the applicant's lot, and published notice at least ten days prior to the hearing.
- d)** Following the Public Hearing, the Planning Commission shall make recommendations to the City Council, including such conditions as are deemed appropriate.

Notwithstanding any provision in Article 9-350.1 (a) to the contrary, a Special Home Occupation shall be mainly confined to the Garage or Accessory Building. A Special Home Occupation Permit shall be subject to the same provisions for revocation as Home Occupation Permits. In addition, notwithstanding any provision in Article 9-350.1 to the contrary, a Special Home Occupation may include uses that are normally not found in residential dwellings, as long as there are no obvious outward indicia of the activities being carried on under the Special Home Occupation Permit, no noise generated which is audible to nearby properties, no odor or vibration generated that is detectable to nearby properties, no outside storage which is visible from nearby properties or public ways and no customer traffic.

Special Home Occupations may involve up to one commercial delivery/pickup by outside delivery service van (such as UPS or Federal Express) or postal vehicle per day. Deliveries of goods produced at the site may be limited in scope and frequency by the approval process, including specifying the type of delivery vehicles that can be used, and including prohibition on commercial logos being displayed on delivery vehicles.

Jennifer Bohr

From: Schoonmaker, Cynthia L. <Cynthia.L.Schoonmaker@usdoj.gov>
Sent: Thursday, August 25, 2022 2:07 PM
To: Jennifer Bohr
Subject: RE: Your Help Please
Attachments: atf_p_5300.4-updated_2014_firearms_reference_guide_3-7-15.pdf

Caution: This email originated outside our organization; please use caution.

Good Afternoon Jennifer,

Good to hear from you. I've attached the ATF regulations. The licensees are regulated under the Gun Control Act, Section 27 CFR 478 in the reference guide. There isn't a clear cut answer to your question within the regulations. We first take a look at the definitions in 27 CFR 478.11 to determine the following,

- *Business premises – they must have a premises from which to operate
- *Dealer – defines the conduct of business at the premises
- * Engaged in the business – (c) Dealer in Firearms, (d) Gunsmith

Then we look at conduct of business away from the licensed premises– 27 CFR 478.100 (bona fide sporting event or gun show) – Licensees conducting business away from their licensed premises are allowed to do this temporarily and not as a regular course of business to transfer firearms within their State of Operation. The business premises is their stated operational location.

Gunsmith activity (under Rulings, Procedures, and Industry Circulars toward the back of the guide) - ATF Rul. 73-13 a gunsmith will not be required to have business premises open to the public or have regular business hours. A gunsmith performs work on customer guns per their instruction only. However it sounds as though he will also be involved in dealing in firearms and this would not apply.

Give me a call if you need to.

Thanks, Cindy



Cindy Schoonmaker
Senior Industry Operations Investigator
Bureau of Alcohol, Tobacco, Firearms & Explosives
St. Paul II Area Office
30 E., 7th Street Ste 1900
St. Paul, MN 55101
Cell 651-470-8752

From: Jennifer Bohr <JBohr@ci.ham-lake.mn.us>
Sent: Thursday, August 25, 2022 8:24 AM
To: Schoonmaker, Cynthia L. <Cynthia.Schoonmaker@atf.gov>
Subject: [EXTERNAL] Your Help Please

Hi Cynthia!

We have corresponded in the past regarding home based businesses in our city that do work with or on firearms. We have another resident requesting a permit from the City to do gunsmithing and I need verification on something.

The applicant stated he would like gunsmithing in an accessory building on his residential property if the City approves a permit. The type of permit he will need currently states whomever they are issued to cannot have customer traffic. The applicant said firearms can only change hands at his location of business, in this case his residence, or he must meet customers at gun shows or federal, state or local sanctioned competitions to either deliver or receive a firearm. Can you tell me if what he stated is accurate? If so, could you please provide the Code or Regulation that states that? I would like to clearly understand what is required and present it to administration for discussion on how best to manage this situation and any others that may arise in the future.

Thanks in advance for your help!
Jennifer

Jennifer Bohr

Building & Zoning Clerk/Deputy City Clerk

City of Ham Lake

763-434-9555

www.ci.ham-lake.mn.us

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Enforcement Programs and Services

ATF

Federal Firearms Regulations Reference Guide

2014



FEDERAL FIREARMS REGULATIONS REFERENCE GUIDE 2014

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(7) Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Attorney General for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Attorney General may require. The Attorney General shall implement a system whereby the licensee can positively identify and establish that an individual requesting information via telephone is employed by and authorized by the agency to request such information.

(h) Licenses issued under the provisions of subsection (c) of this section shall be kept posted and kept available for inspection on the premises covered by the license.

(i) Licensed importers and licensed manufacturers shall identify by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Attorney General shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

*Tom
Shad*

(j) A licensed importer, licensed manufacturer, or licensed dealer may, under rules or regulations prescribed by the Attorney General, conduct business temporarily at a location other than the location specified on the license if such temporary location is the location for a gun show or event sponsored by any national, State, or local organization, or any affiliate of any such organization devoted to the collection, competitive use, or other sporting use of firearms in the community, and such location is in the State which is specified on the license. Records of receipt and disposition of firearms transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the licensee and retained on the location specified on the license. Nothing in this subsection shall authorize any licensee to conduct business in or from any motorized or towed vehicle. Notwithstanding the provisions of subsection (a) of this section, a separate fee shall not be required of a licensee with respect to business conducted under this subsection. Any inspection or examination of inventory

or records under this chapter by the Attorney General at such temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at such temporary location. Nothing in this subsection shall be construed to authorize the Attorney General to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license. Nothing in this subsection shall be construed to diminish in any manner any right to display, sell, or otherwise dispose of firearms or ammunition, which is in effect before the date of the enactment of the Firearms Owners' Protection Act, including the right of a licensee to conduct "curios or relics" firearms transfers and business away from their business premises with another licensee without regard as to whether the location of where the business is conducted is located in the State specified on the license of either licensee.

(k) Licensed importers and licensed manufacturers shall mark all armor piercing projectiles and packages containing such projectiles for distribution in the manner prescribed by the Attorney General by regulation. The Attorney General shall furnish information to each dealer licensed under this chapter defining which projectiles are considered armor piercing ammunition as defined in section 921(a)(17)(B).

(l) The Attorney General shall notify the chief law enforcement officer in the appropriate State and local jurisdictions of the names and addresses of all persons in the State to whom a firearms license is issued.

§ 924 Penalties.

(a) (1) Except as otherwise provided in this subsection, subsection (b), (c), (f), or (p) of this section, or in section 929, whoever—

(A) knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter or in applying for any license or exemption or relief from disability under the provisions of this chapter;

(B) knowingly violates subsection (a)(4), (f), (k), or (q) of section 922;

(C) knowingly imports or brings into the United States or any possession thereof any firearm or ammunition in violation of section 922(l); or

(D) willfully violates any other provision of this chapter, shall be fined under this title, imprisoned not more than five years, or both.

(2) Whoever knowingly violates subsection (a)(6), (d), (g), (h), (i), (j), or (o) of section 922 shall be fined as provided in this title, imprisoned not more than 10 years, or both.

(3) Any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly—

(A) makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or

(B) violates subsection (m) of section 922, shall be fined under this title, imprisoned not more than one year, or both.

(4) Whoever violates section 922(q) shall be fined under this title, imprisoned for not more than 5 years, or both. Notwithstanding any other provision of law, the term of imprisonment imposed under this paragraph shall not run concurrently with any other term of imprisonment imposed under any other provision of law. Except for the authorization of a term of imprisonment of not more than 5 years made in this paragraph, for the purpose of any other law a violation of section 922(q) shall be deemed to be a misdemeanor.

(5) Whoever knowingly violates subsection (s) or (t) of section 922 shall be fined under this title, imprisoned for not more than 1 year, or both.

(6)(A)(i) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

and large capacity ammunition feeding devices?

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Subpart J—[Reserved]

Subpart K—Exportation

- § 478.171 Exportation.

Editor's Note:

Foreign offenses no longer qualify as crimes punishable by imprisonment for a term exceeding 1 year.

Curios or relics. Firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

(a) Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof;

(b) Firearms which are certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curios or relics of museum interest; and

(c) Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less.

Editor's Note:

ATF Publication 5300.11, *Firearms Curios and Relics List*, consists of lists of those firearms determined to be curios or relics from 1972 to the present.

Customs officer. Any officer of the U.S. Customs and Border Protection, any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law to perform the duties of a customs officer.

Dealer. Any person engaged in the business of selling firearms at wholesale or retail; any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; or any person who is a pawnbroker. The term shall include any person who engages in such business or occupation on a part-time basis.

Destructive device. (a) Any explosive, incendiary, or poison gas (1) bomb,

(2) grenade, (3) rocket having a propellant charge of more than 4 ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) device similar to the devices described in the preceding paragraphs of this definition; (b) any part of a weapon (other than a shotgun shell which the Director finds generally recognized as particularly suitable for sporting purposes) by which the action of any explosive or other propellant, and which has any bore of more than one-half inch in diameter; and (c) any combination of parts either designed or intended for use in converting any device into a destructive device described in paragraph (a) or (b) of this section and from which a destructive device may be readily assembled. The term shall not include any device which is neither designed nor redesigned for use as a weapon, although originally designed for use as a weapon, which is redesigned for use as a signalling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10, United States Code; or any other device which the Director finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational, or cultural purposes.

Director. The Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, the Department of Justice, Washington, DC.

Director of Industry Operations. The principal ATF official in a Field Operations division responsible for administering regulations in this part.

Discharged under dishonorable conditions. Separation from the U.S. Armed Forces resulting from a dishonorable discharge or dismissal adjudged by a general court-martial. The term does not include any separation from the Armed Forces resulting from any other discharge, e.g., a bad conduct discharge.

Division. A Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Engaged in the business—(a) Manufacturer of firearms. A person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal

objective of livelihood and profit through the sale or distribution of the firearms.

*Gunsmith =
A person who
makes or repairs
firearms.*

(d) Gunsmith. A person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit, but such a term shall not include a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms;

(e) Importer of firearms. A person who devotes time, attention, and labor to importing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms imported; and,

(f) Importer of ammunition. A person who devotes time, attention, and labor to importing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition imported.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return form, or other document or, where no form of declaration is prescribed, with the declaration:

"I declare under the penalties of perjury that this—(insert type of document, such as, statement, application, request, certificate), including the documents submit-

§ 478.47 Issuance of license.

(a) Upon receipt of a properly executed application for a license on ATF Form 7, ATF Form 7CR, or ATF Form 8 Part II, the Chief, Federal Firearms Licensing Center, shall, upon finding through further inquiry or investigation, or otherwise, that the applicant is qualified, issue the appropriate license. Each license shall bear a serial number and such number may be assigned to the licensee to whom issued for so long as the licensee maintains continuity of renewal in the same location (State).

(b) The Chief, Federal Firearms Licensing Center, shall approve a properly executed application for license on ATF Form 7, ATF Form 7CR, or ATF Form 8 Part II, if:

(1) The applicant is 21 years of age or over;

(2) The applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited under the provisions of the Act from shipping or transporting in interstate or foreign commerce, or possessing in or affecting commerce, any firearm or ammunition, or from receiving any firearm or ammunition which has been shipped or transported in interstate or foreign commerce;

(3) The applicant has not willfully violated any of the provisions of the Act or this part;

(4) The applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application; and

(5) The applicant has in a State (i) premises from which he conducts business subject to license under the Act or from which he intends to conduct such business within a reasonable period of time, or (ii) in the case of a collector, premises from which he conducts his collecting subject to license under the Act or from which he intends to conduct such collecting within a reasonable period of time.

(c) The Chief, Federal Firearms Li-

ensing Center, shall approve or the Director of Industry Operations shall deny an application for a license within the 60-day period beginning on the date the properly executed application was received: Provided, That when an applicant for license renewal is a person who is, pursuant to the provisions of §478.78, §478.143, or §478.144, conducting business or collecting activity under a previously issued license, action regarding the application will be held in abeyance pending the completion of the proceedings against the applicant's existing license or license application, final determination of the applicant's criminal case, or final action by the Director on an application for relief submitted pursuant to §478.144, as the case may be.

(d) When the Director of Industry Operations or the Chief, Federal Firearms Licensing Center fails to act on an application for a license within the 60-day period prescribed by paragraph (c) of this section, the applicant may file an action under section 1361 of title 28, United States Code, to compel ATF to act upon the application.

§ 478.48 Correction of error on license.

(a) Upon receipt of a license issued under the provisions of this part, each licensee shall examine same to ensure that the information contained thereon is accurate. If the license is incorrect, the licensee shall return the license to the Chief, Federal Firearms Licensing Center, with a statement showing the nature of the error. The Chief, Federal Firearms Licensing Center, shall correct the error, if the error was made in his office, and return the license. However, if the error resulted from information contained in the licensee's application for the license, the Chief, Federal Firearms Licensing Center, shall require the licensee to file an amended application setting forth the correct information and a statement explaining the error contained in the application. Upon receipt of the amended application and a satisfactory explanation of the error, the Chief, Federal Firearms Licensing Center, shall make the correction on the license and return same to the licensee.

(b) When the Chief, Federal Firearms Licensing Center, finds through any means other than notice from the licensee that an incorrect license has been issued, the Chief, Federal Firearms Licensing Center, may require the holder of the incorrect license to (1) return the license for correction, and (2)

if the error resulted from information contained in the licensee's application for the license, the Chief, Federal Firearms Licensing Center, shall require the licensee to file an amended application setting forth the correct information, and a statement explaining the error contained in the application. The Chief, Federal Firearms Licensing Center, then shall make the correction on the license and return same to the licensee.

§ 478.49 Duration of license.

The license entitles the person to whom issued to engage in the business or activity specified on the license, within the limitations of the Act and the regulations contained in this part, for a three year period, unless terminated sooner.

§ 478.50 Locations covered by license.

The license covers the class of business or the activity specified in the license at the address specified therein. A separate license must be obtained for each location at which a firearms or ammunition business or activity requiring a license under this part is conducted except:

(a) No license is required to cover a separate warehouse used by the licensee solely for storage of firearms or ammunition if the records required by this part are maintained at the licensed premises served by such warehouse;

(b) A licensed collector may acquire curios and relics at any location, and dispose of curios or relics to any licensee or to other persons who are residents of the State where the collector's license is held and the disposition is made;

(c) A licensee may conduct business at a gun show pursuant to the provision of §478.100; or

(d) A licensed importer, manufacturer, or dealer may engage in the business of dealing in curio or relic firearms with another licensee at any location pursuant to the provisions of §478.100.

§ 478.51 License not transferable.

Licenses issued under this part are not transferable. In the event of the lease, sale, or other transfer of the operations authorized by the license, the successor must obtain the license required by this part prior to commencing such operations. However, for rules on right of succession, see §478.56.

(iii) An official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State. This exception only applies if the firearm or ammunition is shipped, transported, possessed, or received in the official's or visitor's official capacity, except if the visitor is a private individual who does not have an official capacity; or

(iv) A foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business;

(6) Has been discharged from the Armed Forces under dishonorable conditions;

(7) Who, having been a citizen of the United States, has renounced citizenship;

(8) Is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

(i) Was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

(ii)(A) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(B) By its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury, or

(9) Has been convicted of a misdemeanor crime of domestic violence.

(d) **Manufacture, importation, and sale of armor piercing ammunition by licensed importers and licensed manufacturers.** A licensed importer or licensed manufacturer shall not import or manufacture armor piercing ammunition or sell or deliver such ammunition, except:

(1) For use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof;

(2) For the purpose of exportation; or

(3) For the purpose of testing or experimentation authorized by the Director under the provisions of §478.149.

(e) **Transfer of armor piercing ammunition by licensed dealers.** A licensed dealer shall not willfully transfer armor piercing ammunition: Provided, That armor piercing ammunition received and maintained by the licensed dealer as business inventory prior to August 28, 1986, may be transferred to any department or agency of the United States or any State or political subdivision thereof if a record of such ammunition is maintained in the form and manner prescribed by §478.125(c). Any licensed dealer who violates this paragraph is subject to license revocation. See subpart E of this part. For purposes of this paragraph, the Director shall furnish each licensed dealer information defining which projectiles are considered armor piercing. Such information may not be all-inclusive for purposes of the prohibition on manufacture, importation, or sale or delivery by a manufacturer or importer of such ammunition or 18 U.S.C. 929 relating to criminal misuse of such ammunition.

§ 478.100 Conduct of business away from licensed premises.

(a)(1) A licensee may conduct business temporarily at a gun show or event as defined in paragraph (b) if the gun show or event is located in the same State specified on the license: Provided, That such business shall not be conducted from any motorized or towed vehicle. The premises of the gun show or event at which the licensee conducts business shall be considered part of the licensed premises. Accordingly, no separate fee or license is required for the gun show or event locations. However, licensees shall comply with the provisions of §478.91 relating to posting of licenses (or a copy thereof) while conducting business at the gun show or event.

(2) A licensed importer, manufacturer, or dealer may engage in the business of dealing in curio or relic firearms with another licensee at any location.

(b) A gun show or an event is a function sponsored by any national, State, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

(c) Licensees conducting business at locations other than the premises specified on their license under the provisions of paragraph (a) of this section shall maintain firearms records in the form and manner prescribed by subpart H of this part. In addition, records of firearms transactions conducted at such locations shall include the location of the sale or other disposition, be entered in the acquisition and disposition records of the licensee, and retained on the premises specified on the license.

§ 478.101 Record of transactions.

Every licensee shall maintain firearms and armor piercing ammunition records in such form and manner as is prescribed by subpart H of this part.

§ 478.102 Sales or deliveries of firearms on and after November 30, 1998.

(a) Background check. Except as provided in paragraph (d) of this section, a licensed importer, licensed manufacturer, or licensed dealer (the licensee) shall not sell, deliver, or transfer a firearm to any other person who is not licensed under this part unless the licensee meets the following requirements:

(1) Before the completion of the transfer, the licensee has contacted NICS;

(2)(i) NICS informs the licensee that it has no information that receipt of the firearm by the transferee would be in violation of Federal or State law and provides the licensee with a unique identification number; or

(ii) Three business days (meaning days on which State offices are open) have elapsed from the date the licensee contacted NICS and NICS has not notified the licensee that receipt of the firearm by the transferee would be in violation of law; and

(3) The licensee verifies the identity of the transferee by examining the identification document presented in accordance with the provisions of §478.124(c).

Example for paragraph (a). A licensee contacts NICS on Thursday, and gets a "delayed" response. The licensee does not get a further response from NICS. If State offices are not open on Saturday and Sunday, 3 business days would have elapsed on the following Tuesday. The licensee may transfer the firearm on the next day, Wednesday.

(b) Transaction number. In any transaction for which a licensee receives a transaction number from NICS (which shall include either a NICS transaction number or, in States where the State is recognized as a point of contact for NICS checks, a State transaction number), such number shall be recorded on a firearms transaction record, Form 4473, which shall be retained in the records of the licensee in accordance with the provisions of §478.129. This applies regardless of whether the transaction is approved or denied by NICS, and regardless of whether the firearm is actually transferred.

(c) Time limitation on NICS checks. A NICS check conducted in accordance with paragraph (a) of this section may be relied upon by the licensee only for use in a single transaction, and for a period not to exceed 30 calendar days from the date that NICS was initially contacted. If the transaction is not completed within the 30-day period, the licensee shall initiate a new NICS check prior to completion of the transfer.

Example 1 for paragraph (c). A purchaser completes the Form 4473 on December 15, 1998, and a NICS check is initiated by the licensee on that date. The licensee is informed by NICS that the information available to the system does not indicate that receipt of the firearm by the transferee would be in violation of law, and a unique identification number is provided. However, the State imposes a 7-day waiting period on all firearms transactions, and the purchaser does not return to pick up the firearm until January 22, 1999. The licensee must conduct another NICS check before transferring the firearm to the purchaser.

Example 2 for paragraph (c). A purchaser completes the Form 4473 on January 25, 1999, and arranges for the purchase of a single firearm. A NICS check is initiated by the licensee on that date. The licensee is informed by NICS that the information available to the system does not indicate that receipt of the firearm by the transferee would be in violation of law, and a unique identification

number is provided. The State imposes a 7-day waiting period on all firearms transactions, and the purchaser returns to pick up the firearm on February 15, 1999. Before the licensee executes the Form 4473, and the firearm is transferred, the purchaser decides to purchase an additional firearm. The transfer of these two firearms is considered a single transaction; accordingly, the licensee may add the second firearm to the Form 4473, and transfer that firearm without conducting another NICS check.

Example 3 for paragraph (c). A purchaser completes a Form 4473 on February 15, 1999. The licensee receives a unique identification number from NICS on that date, the Form 4473 is executed by the licensee, and the firearm is transferred. On February 20, 1999, the purchaser returns to the licensee's premises and wishes to purchase a second firearm. The purchase of the second firearm is a separate transaction; thus, a new NICS check must be initiated by the licensee.

(d) Exceptions to NICS check. The provisions of paragraph (a) of this section shall not apply if—

(1) The transferee has presented to the licensee a valid permit or license that—

(i) Allows the transferee to possess, acquire, or carry a firearm;

(ii) Was issued not more than 5 years earlier by the State in which the transfer is to take place; and

(iii) The law of the State provides that such a permit or license is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by the transferee would be in violation of Federal, State, or local law: Provided, That on and after November 30, 1998, the information available to such official includes the NICS;

(2) The firearm is subject to the provisions of the National Firearms Act and has been approved for transfer under 27 CFR part 479; or

(3) On application of the licensee, in accordance with the provisions of §478.150, the Director has certified that compliance with paragraph (a)(1) of this section is impracticable.

(e) The document referred to in paragraph (d)(1) of this section (or a copy thereof) shall be retained or the required information from the document shall be recorded on the firearms transaction record in accordance with the provisions of §478.131.

(Approved by the Office of Management and Budget under control number 1140-0045)

§ 478.103 Posting of signs and written notification to purchasers of handguns.

(a) Each licensed importer, manufacturer, dealer, or collector who delivers a handgun to a nonlicensee shall provide such nonlicensee with written notification as described in paragraph (b) of this section.

(b) The written notification (ATF I 5300.2) required by paragraph (a) of this section shall state as follows:

(1) The misuse of handguns is a leading contributor to juvenile violence and fatalities.

(2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents, and save lives.

(3) Federal law prohibits, except in certain limited circumstances, anyone under 18 years of age from knowingly possessing a handgun, or any person from transferring a handgun to a person under 18.

(4) A knowing violation of the prohibition against selling, delivering, or otherwise transferring a handgun to a person under the age of 18 is, under certain circumstances, punishable by up to 10 years in prison.

FEDERAL LAW

The Gun Control Act of 1968, 18 U.S.C. Chapter 44, provides in pertinent part as follows:

18 U.S.C. 922(x)

(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to—

(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—

(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except—

(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

(II) with respect to ranching or farming activities as described in clause (i) a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohib-

ited by Federal, State, or local law from possessing a firearm;

(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

(B) The court may use the contempt power to enforce subparagraph (A).

(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

18 U.S.C. 924(a)(6)

(6)(A)(i) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

(ii) A juvenile is described in this clause if—

(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(x)(2); and

(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

(B) A person other than a juvenile who knowingly violates section 922(x)—

(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.

(c) This written notification shall be delivered to the nonlicensee on ATF I 5300.2, or in the alternative, the same written notification may be delivered to the nonlicensee on another type of written notification, such as a manufacturer's or importer's brochure accompanying the handgun; a manufacturer's or importer's operational manual accompanying the handgun; or a sales receipt or invoice applied to the handgun package or container delivered to

shall be recorded not later than the seventh day following the date such manufacture or other acquisition was made.

(b) A record of firearms disposed of by a manufacturer to another licensee and a separate record of armor piercing ammunition dispositions to governmental entities, for exportation, or for testing or experimentation authorized under the provision of §478.149 shall be maintained by the licensed manufacturer on the licensed premises. For firearms, the record shall show the quantity, type, model, manufacturer, caliber, size or gauge, serial number of the firearms so transferred, the name and license number of the licensee to whom the firearms were transferred, and the date of the transaction. For armor piercing ammunition, the record shall show the manufacturer, caliber or gauge, quantity, the name and address of the transferee to whom the armor piercing ammunition was transferred, and the date of the transaction. The information required by this paragraph shall be entered in the proper record book not later than the seventh day following the date of the transaction, and such information shall be recorded under the format prescribed by §478.122, except that the name of the manufacturer of a firearm or armor piercing ammunition need not be recorded if the firearm or armor piercing ammunition is of the manufacturer's own manufacture.

(c) Notwithstanding the provisions of paragraph (b) of this section, the Director of Industry Operations may authorize alternate records to be maintained by a licensed manufacturer to record the disposal of firearms and armor piercing ammunition when it is shown by the licensed manufacturer that such alternate records will accurately and readily disclose the information required by paragraph (b) of this section. A licensed manufacturer who proposes to use alternate records shall submit a letter application, in duplicate, to the Director of Industry Operations and shall describe the proposed alternate record and the need therefor. Such alternate records shall not be employed by the licensed manufacturer until approval in such regard is received from the Director of Industry Operations.

(d) Each licensed manufacturer shall maintain separate records of the sales or other dispositions made of firearms to nonlicensees. Such records shall be maintained in the form and manner as

prescribed by §§478.124 and 478.125 in regard to firearms transaction records and records of acquisition and disposition of firearms.

(Approved by the Office of Management and Budget under control number 1140-0067)

§ 478.124 Firearms transaction record.

(a) A licensed importer, licensed manufacturer, or licensed dealer shall not sell or otherwise dispose, temporarily or permanently, of any firearm to any person, other than another licensee, unless the licensee records the transaction on a firearms transaction record, Form 4473: Provided, That a firearms transaction record, Form 4473, shall not be required to record the disposition made of a firearm delivered to a licensee for the sole purpose of repair or customizing when such firearm or a replacement firearm is returned to the person from whom received.

(b) A licensed manufacturer, licensed importer, or licensed dealer shall retain in alphabetical (by name of purchaser), chronological (by date of disposition), or numerical (by transaction serial number) order, and as a part of the required records, each Form 4473 obtained in the course of transferring custody of the firearms.

(c)(1) Prior to making an over-the-counter transfer of a firearm to a non-licensee who is a resident of the State in which the licensee's business premises is located, the licensed importer, licensed manufacturer, or licensed dealer so transferring the firearm shall obtain a Form 4473 from the transferee showing the transferee's name, sex, residence address (including county or similar political subdivision), date and place of birth; height, weight and race of the transferee; the transferee's country of citizenship; the transferee's INS-issued alien number or admission number; the transferee's State of residence; and certification by the transferee that the transferee is not prohibited by the Act from transporting or shipping a firearm in interstate or foreign commerce or receiving a firearm which has been shipped or transported in interstate or foreign commerce or possessing a firearm in or affecting commerce.

(2) In order to facilitate the transfer of a firearm and enable NICS to verify the identity of the person acquiring the firearm, ATF Form 4473 also requests certain optional information. This infor-

mation includes the transferee's social security number. Such information may help avoid the possibility of the transferee being misidentified as a felon or other prohibited person.

(3) After the transferee has executed the Form 4473, the licensee:

(i) Shall verify the identity of the transferee by examining the identification document (as defined in §478.11) presented, and shall note on the Form 4473 the type of identification used;

(ii) [Reserved]

(iii) Must, in the case of a transferee who is an alien admitted to the United States under a nonimmigrant visa who states that he or she falls within an exception to, or has a waiver from, the prohibition in section 922(g)(5)(B) of the Act, have the transferee present applicable documentation establishing the exception or waiver, note on the Form 4473 the type of documentation provided, and attach a copy of the documentation to the Form 4473; and

(iv) Shall comply with the requirements of §478.102 and record on the form the date on which the licensee contacted the NICS, as well as any response provided by the system, including any identification number provided by the system.

(4) The licensee shall identify the firearm to be transferred by listing on the Form 4473 the name of the manufacturer, the name of the importer (if any), the type, model, caliber or gauge, and the serial number of the firearm.

(5) The licensee shall sign and date the form if the licensee does not know or have reasonable cause to believe that the transferee is disqualified by law from receiving the firearm and transfer the firearm described on the Form 4473.

(d) Prior to making an over-the-counter transfer of a shotgun or rifle under the provisions contained in §478.96(c) to a nonlicensee who is not a resident of the State in which the licensee's business premises is located, the licensee so transferring the shotgun or rifle, and such transferee, shall comply with the requirements of paragraph (c) of this section.

(e) Prior to making a transfer of a firearm to any nonlicensee who is not a resident of the State in which the licensee's business premises is located, and such nonlicensee is acquiring the firearm by loan or rental from the licensee for temporary use for lawful sporting purposes, the licensed importer, licensed manufacturer, or licensed dealer so furnishing the firearm, and such transferee, shall comply with the provisions of paragraph (c) of this section.

(f) Form 4473 shall be submitted, in duplicate, to a licensed importer, licensed manufacturer, or licensed dealer by a transferee who is purchasing or otherwise acquiring a firearm by other than an over-the-counter transaction, who is not subject to the provisions of §478.102(a), and who is a resident of the State in which the licensee's business premises are located. The Form 4473 shall show the name, address, date and place of birth, height, weight, and race of the transferee; and the title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered. The transferee also must date and execute the sworn statement contained on the form showing, in case the firearm to be transferred is a firearm other than a shotgun or rifle, the transferee is 21 years or more of age; in case the firearm to be transferred is a shotgun or rifle, the transferee is 18 years or more of age; whether the transferee is a citizen of the United States; the transferee's State of residence; the transferee is not prohibited by the provisions of the Act from shipping or transporting a firearm in interstate or foreign commerce or receiving a firearm which has been shipped or transported in interstate or foreign commerce or possessing a firearm in or affecting commerce; and the transferee's receipt of the firearm would not be in violation of any statute of the State or published ordinance applicable to the locality in which the transferee resides. Upon receipt of such Forms 4473, the licensee shall identify the firearm to be transferred by listing in the Forms 4473 the name of the manufacturer, the name of the importer (if any), the type, model, caliber or gauge, and the serial number of

the firearm to be transferred. The licensee shall prior to shipment or delivery of the firearm to such transferee, forward by registered or certified mail (return receipt requested) a copy of the Form 4473 to the principal law enforcement officer named in the Form 4473 by the transferee, and shall delay shipment or delivery of the firearm to the transferee for a period of at least 7 days following receipt by the licensee of the return receipt evidencing delivery of the copy of the Form 4473 to such principal law enforcement officer, or the return of the copy of the Form 4473 to the licensee due to the refusal of such principal law enforcement officer to accept same in accordance with U.S. Postal Service regulations. The original Form 4473, and evidence of receipt or rejection of delivery of the copy of the Form 4473 sent to the principal law enforcement officer, shall be retained by the licensee as a part of the records required to be kept under this subpart.

(g) A licensee who sells or otherwise disposes of a firearm to a nonlicensee who is other than an individual, shall obtain from the transferee the information required by this section from an individual authorized to act on behalf of the transferee. In addition, the licensee shall obtain from the individual acting on behalf of the transferee a written statement, executed under the penalties of perjury, that the firearm is being acquired for the use of and will be the property of the transferee, and showing the name and address of that transferee.

(h) The requirements of this section shall be in addition to any other recordkeeping requirement contained in this part.

(i) A licensee may obtain, upon request, an emergency supply of Forms 4473 from any Director of Industry Operations. For normal usage, a licensee should request a year's supply from the ATF Distribution Center (See §478.21).

(Paragraph (c) approved by the Office of Management and Budget under control numbers 1140-0045, 1140-0020, and 1140-

0060; paragraph (f) approved by the Office of Management and Budget under control number 1140-0021; all other recordkeeping approved by the Office of Management and Budget under control number 1140-0020)

§ 478.125 Record of receipt and disposition.

(a) Armor piercing ammunition sales by licensed collectors to nonlicensees. The sale or other disposition of armor piercing ammunition by licensed collectors shall be recorded in a bound record at the time a transaction is made. The bound record shall be maintained in chronological order by date of sale or disposition of the armor piercing ammunition, and shall be retained on the licensed premises of the licensee for a period not less than two years following the date of the recorded sale or disposition of the armor piercing ammunition. The bound record entry shall show:

- (1) The date of the transaction;
- (2) The name of the manufacturer;
- (3) The caliber or gauge;
- (4) The quantity of projectiles;
- (5) The name, address, and date of birth of the nonlicensee; and
- (6) The method used to establish the identity of the armor piercing ammunition purchaser.

The format required for the bound record is as follows: (See Table 3)

However, when a commercial record is made at the time a transaction is made, a licensee may delay making an entry into the bound record if the provisions of paragraph (d) of this section are complied with.

(b) Armor piercing ammunition sales by licensed collectors to licensees. Sales or other dispositions of armor

TABLE 3: Disposition Record of Armor Piercing Ammunition

Date	Manufacturer	Caliber or gauge	Quality of projectiles	Purchaser		Enter a (x) in the "known" column if purchaser is personally known to you. Otherwise, establish the purchaser's identification		
				Name and address	Date of birth	Known	Driver's License	Other type (specify)

piercing ammunition from a licensed collector to another licensee shall be recorded and maintained in the manner prescribed in §478.122(b) for importers: *Provided*, That the license number of the transferee may be recorded in lieu of the transferee's address.

(c) Armor piercing ammunition sales by licensed dealers to governmental entities. A record of armor piercing ammunition disposed of by a licensed dealer to a governmental entity pursuant to §478.99(e) shall be maintained by the licensed dealer on the licensed premises and shall show the name of the manufacturer, the caliber or gauge, the quantity, the name and address of the entity to which the armor piercing ammunition was transferred, and the date of the transaction. Such information shall be recorded under the format prescribed by §478.122(b). Each licensed dealer disposing of armor piercing ammunition pursuant to §478.99(e) shall also maintain a record showing the date of acquisition of such ammunition which shall be filed in an orderly manner separate from other commercial records maintained and be readily available for inspection. The records required by this paragraph shall be retained on the licensed premises of the licensee for a period not less than two years following the date of the recorded sale or disposition of the armor piercing ammunition.

(d) Commercial records of armor piercing ammunition transactions. When a commercial record is made at the time of sale or other disposition of armor piercing ammunition, and such record contains all information required by the bound record prescribed by paragraph (a) of this section, the licensed collector transferring the armor piercing ammunition may, for a period not exceeding 7 days following the date of such transfer, delay making the required entry into such bound record: *Provided*, That the commercial record pertaining to the transfer is:

(1) Maintained by the licensed collector separate from other commercial documents maintained by such licensee, and

(2) Is readily available for inspection on the licensed premises until such time as the required entry into the bound record is made.

(e) Firearms receipt and disposition by dealers. Each licensed dealer shall enter into a record each receipt and disposition of firearms. In addition, before commencing or continuing a firearms business, each licensed dealer shall inventory the firearms possessed for such business and shall record same in the record required by this paragraph. The record required by this paragraph shall be maintained in bound form under the format prescribed below. The purchase or other acquisition of a firearm shall, except as provided in paragraph (g) of this section, be recorded not later than the close of the next business day following the date of such purchase or acquisition. The record shall show the date of receipt, the name and address or the name and license number of the person from whom received, the name of the manufacturer and importer (if any), the model, serial number, type, and the caliber or gauge of the firearm. The sale or other disposition of a firearm shall be recorded by the licensed dealer not later than 7 days following the date of such transaction. When such disposition is made to a nonlicensee, the firearms transaction record, Form 4473, obtained by the licensed dealer shall be retained, until the transaction is recorded, separate from the licensee's Form 4473 file and be readily available for inspection. When such disposition is made to a licensee, the commercial record of the transaction shall be retained, until the transaction is recorded, separate from other commercial documents maintained by the licensed dealer, and be readily available for inspection. The record shall show the

date of the sale or other disposition of each firearm, the name and address of the person to whom the firearm is transferred, or the name and license number of the person to whom transferred if such person is a licensee, or the firearms transaction record, Form 4473, serial number if the licensed dealer transferring the firearm serially numbers the Forms 4473 and files them numerically. The format required for the record of receipt and disposition of firearms is as follows: **(See Table 4)**

(f) Firearms receipt and disposition by licensed collectors. (1) Each licensed collector shall enter into a record each receipt and disposition of firearms curios or relics. The record required by this paragraph shall be maintained in bound form under the format prescribed below. The purchase or other acquisition of a curio or relic shall, except as provided in paragraph (g) of this section, be recorded not later than the close of the next business day following the date of such purchase or other acquisition. The record shall show the date of receipt, the name and address or the name and license number of the person from whom received, the name of the manufacturer and importer (if any), the model, serial number, type, and the caliber or gauge of the firearm curio or relic. The sale or other disposition of a curio or relic shall be recorded by the licensed collector not later than 7 days following the date of such transaction. When such disposition is made to a licensee, the commercial record of the transaction shall be retained, until the transaction is recorded, separate from other commercial documents maintained by the licensee, and be readily available for inspection. The record shall show the date of the sale or other disposition of each firearm curio or relic, the name and address of the person to whom the firearm curio or relic is transferred, or the name and license number of the person to whom transferred if such person is a licensee,

TABLE 4: Firearms Acquisition and Disposition Record

Description of firearm					Receipt		Disposition		
Manufacturer and/or importer	Model	Serial No.	Type	Caliber or gauge	Date	Name and address or name and license No.	Date	Name	Address or license No. if licensee, or Form 4473 Serial No. if Forms 4733 filed numerically

and the date of birth of the transferee if other than a licensee. In addition, the licensee shall cause the transferee, if other than a licensee, to be identified in any manner customarily used in commercial transactions (e.g., a driver's license), and note on the record the method used.

(2) The format required for the record of receipt and disposition of firearms by collectors is as follows: (See Table 5)

(g) Commercial records of firearms received. When a commercial record is held by a licensed dealer or licensed collector showing the acquisition of a firearm or firearm curio or relic, and such record contains all acquisition information required by the bound record prescribed by paragraphs (e) and (f) of this section, the licensed dealer or licensed collector acquiring such firearm or curio or relic, may, for a period not exceeding 7 days following the date of such acquisition, delay making the required entry into such bound record: Provided, That the commercial record is, until such time as the required entry into the bound record is made, (1) maintained by the licensed dealer or licensed collector separate from other commercial documents maintained by such licensee, and (2) readily available for inspection on the licensed premises: Provided further, That when disposition is made of a firearm or firearm curio or relic not entered in the bound record under the provisions of this paragraph, the licensed dealer or licensed collector making such disposition shall enter all required acquisition information regarding the firearm or firearm curio or relic in the bound record at the time such transfer or disposition is made.

(h) Alternate records. Notwithstanding the provisions of paragraphs (a),

(e), and (f) of this section, the Director of Industry Operations may authorize alternate records to be maintained by a licensed dealer or licensed collector to record the acquisition and disposition of firearms or curios or relics and the disposition of armor piercing ammunition when it is shown by the licensed dealer or the licensed collector that such alternate records will accurately and readily disclose the required information. A licensed dealer or licensed collector who proposes to use alternate records shall submit a letter application, in duplicate, to the Director of Industry Operations and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed dealer or licensed collector until approval in such regard is received from the Director of Industry Operations.

(i) Requirements for importers and manufacturers. Each licensed importer and licensed manufacturer selling or otherwise disposing of firearms or armor piercing ammunition to nonlicensees shall maintain such records of such transactions as are required of licensed dealers by this section.

(Approved by the Office of Management and Budget under control number 1140-0032)

§ 478.125a Personal firearms collection.

(a) Notwithstanding any other provision of this subpart, a licensed manufacturer, licensed importer, or licensed dealer is not required to comply with the provisions of §478.102 or record on a firearms transaction record, Form 4473, the sale or other disposition of a firearm maintained as part of the licensee's personal firearms collection: **Provided**, That

(1) The licensee has maintained the firearm as part of such collection for 1 year from the date the firearm was transferred from the business inventory into the personal collection or otherwise acquired as a personal firearm,

(2) The licensee recorded in the bound record prescribed by §478.125(e) the receipt of the firearm into the business inventory or other acquisition,

(3) The licensee recorded the firearm as a disposition in the bound record prescribed by §478.125(e) when the firearm was transferred from the business inventory into the personal firearms collection or otherwise acquired as a personal firearm, and

(4) The licensee enters the sale or other disposition of the firearm from the personal firearms collection into a bound record, under the format prescribed below, identifying the firearm transferred by recording the name of the manufacturer and importer (if any), the model, serial number, type, and the caliber or gauge, and showing the date of the sale or other disposition, the name and address of the transferee, or the name and business address of the transferee if such person is a licensee, and the date of birth of the transferee if other than a licensee. In addition, the licensee shall cause the transferee, if other than a licensee, to be identified in any manner customarily used in commercial transactions (e.g., a drivers license). The format required for the disposition record of personal firearms is as follows: (See Table 6)

(b) Any licensed manufacturer, licensed importer, or licensed dealer selling or otherwise disposing of a firearm

TABLE 5: Firearms Collectors Acquisition and Disposition Record

Description of firearm					Receipt		Disposition			
Manufacturer and/or importer	Model	Serial No.	Type	Caliber or gauge	Date	Name and address or name and license No.	Date	Name and address or name and license No.	Date of birth if nonlicensee	Driver's license No. or other identification if nonlicensee

from the licensee's personal firearms collection under this section shall be subject to the restrictions imposed by the Act and this part on the dispositions of firearms by persons other than licensed manufacturers, licensed importers, and licensed dealers.

(Approved by the Office of Management and Budget under control number 1140-0032)

§ 478.126 Furnishing transaction information.

(a) Each licensee shall, when required by letter issued by the Director of Industry Operations, and until notified to the contrary in writing by such officer, submit on Form 5300.5, Report of Firearms Transactions, for the periods and at the times specified in the letter issued by the Director of Industry Operations, all record information required by this subpart, or such lesser record information as the Director of Industry Operations in his letter may specify.

(b) The Director of Industry Operations may authorize the information to be submitted in a manner other than that prescribed in paragraph (a) of this section when it is shown by a licensee that an alternate method of reporting is reasonably necessary and will not unduly hinder the effective administration of this part. A licensee who proposes to use an alternate method of reporting shall submit a letter application, in duplicate, to the Director of Industry Operations and shall describe the proposed alternate method of reporting and the need therefor. An alternate method of reporting shall not be employed by the licensee until approval in such regard is received from the Director of Industry Operations.

(Approved by the Office of Management and Budget under control number 1140-0032)

§ 478.126a Reporting multiple sales or other disposition of pistols and revolvers.

Each licensee shall prepare a report of multiple sales or other disposition when-

ever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person: Provided, That a report need not be made where pistols or revolvers, or any combination thereof, are returned to the same person from whom they were received. The report shall be prepared on Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers. Not later than the close of business on the day that the multiple sale or other disposition occurs, the licensee shall forward two copies of Form 3310.4 to the ATF office specified thereon and one copy to the State police or to the local law enforcement agency in which the sale or other disposition took place. Where the State or local law enforcement officials have notified the licensee that a particular official has been designated to receive Forms 3310.4, the licensee shall forward such forms to that designated official. The licensee shall retain one copy of Form 3310.4 and attach it to the firearms transaction record, Form 4473, executed upon delivery of the pistols or revolvers.

Example 1. A licensee sells a pistol and revolver in a single transaction to an unlicensed person. This is a multiple sale and must be reported not later than the close of business on the date of the transaction.

Example 2. A licensee sells a pistol on Monday and sells a revolver on the following Friday to the same unlicensed person. This is a multiple sale and must be reported not later than the close of business on Friday. If the licensee sells the same unlicensed person another pistol or revolver on the following Monday, this would constitute an additional multiple sale and must also be reported.

Example 3. A licensee maintaining business hours on Monday through Saturday sells a revolver to an unlicensed person on Monday and sells another revolver to the same person on the following Saturday. This does not constitute a multiple sale and need not be reported

since the sales did not occur during five consecutive business days.

(Approved by the Office of Management and Budget under control number 1140-0003)

§ 478.127 Discontinuance of business.

Where a licensed business is discontinued and succeeded by a new licensee, the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, the records shall be delivered within 30 days following the business discontinuance to the ATF Out-of-Business Records Center, 244 Needy Road, Martinsburg, West Virginia 25405, or to any ATF office in the division in which the business was located; Provided, however, Where State law or local ordinance requires the delivery of records to other responsible authority, the Chief, Federal Firearms Licensing Center may arrange for the delivery of the records required by this subpart to such authority: Provided further, That where a licensed business is discontinued and succeeded by a new licensee, the records may be delivered within 30 days following the business discontinuance to the ATF Out-of-Business Records Center or to any ATF office in the division in which the business was located.

§ 478.128 False statement or representation.

(a) Any person who knowingly makes any false statement or representation in applying for any license or exemption or relief from disability, under the provisions of the Act, shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both.

(b) Any person other than a licensed manufacturer, licensed importer, licensed dealer, or licensed collector who knowingly makes any false statement or representation with respect to any information required by the provisions of the Act or this part to be kept in the records of a person licensed under the Act or

TABLE 6: Disposition Record of Personal Firearms

Description of firearm					Disposition		
Manufacturer and/or importer	Model	Serial No.	Type	Caliber or gauge	Date	Name and address (business address if licensee)	Date of birth of nonlicensee

this part shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both.

(c) Any licensed manufacturer, licensed importer, licensed dealer, or licensed collector who knowingly makes any false statement or representation with respect to any information required by the provisions of the Act or this part to be kept in the records of a person licensed under the Act or this part shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

§ 478.129 Record retention.

(a) Records prior to Act. Licensed importers and licensed manufacturers may dispose of records of sale or other disposition of firearms prior to December 16, 1968. Licensed dealers and licensed collectors may dispose of all records of firearms transactions that occurred prior to December 16, 1968.

(b) Firearms transaction record. Licensees shall retain each Form 4473 and Form 4473(LV) for a period of not less than 20 years after the date of sale or disposition. Where a licensee has initiated a NICS check for a proposed firearms transaction, but the sale, delivery, or transfer of the firearm is not made, the licensee shall record any transaction number on the Form 4473, and retain the Form 4473 for a period of not less than 5 years after the date of the NICS inquiry. Forms 4473 shall be retained in the licensee's records as provided in §478.124(b); Provided, That Forms 4473 with respect to which a sale, delivery or transfer did not take place shall be separately retained in alphabetical (by name of transferee) or chronological (by date of transferee's certification) order.

(c) Statement of intent to obtain a handgun, reports of multiple sales or other disposition of pistols and revolvers, and reports of theft or loss of firearms. Licensees shall retain each Form 5300.35 (Statement of Intent to Obtain a Handgun(s)) for a period of not less than 5 years after notice of the intent to obtain the handgun was forwarded to the chief law enforcement officer, as defined in §478.150(c). Licensees shall retain each copy of Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for a period of not less than 5 years after the date of sale or other disposition. Licensees shall retain each copy of Form 3310.11 (Federal Firearms Licensee Theft/Loss Report) for a period

of not less than 5 years after the date the theft or loss was reported to ATF.

(d) Records of importation and manufacture. Licensees will maintain permanent records of the importation, manufacture, or other acquisition of firearms, including ATF Forms 6 and 6A as required by subpart G of this part. Licensed importers' records and licensed manufacturers' records of the sale or other disposition of firearms after December 15, 1968, shall be retained through December 15, 1988, after which records of transactions over 20 years of age may be discarded.

(e) Records of dealers and collectors under the Act. The records prepared by licensed dealers and licensed collectors under the Act of the sale or other disposition of firearms and the corresponding record of receipt of such firearms shall be retained through December 15, 1988, after which records of transactions over 20 years of age may be discarded.

(f) Retention of records of transactions in semiautomatic assault weapons. The documentation required by §§478.40(c) and 478.132 shall be retained in the licensee's permanent records for a period of not less than 5 years after the date of sale or other disposition.

(Paragraph (b) approved by the Office of Management and Budget under control number 1512-0544; Paragraph (c) approved by the Office of Management and Budget under control numbers 1512-0520, 1512-0006, and 1512-0524; Paragraph (f) approved by the Office of Management and Budget under control number 1512-0526; all other recordkeeping approved by the Office of Management and Budget under control number 1512-0129)

§ 478.131 Firearms transactions not subject to a NICS check.

(a) (1) A licensed importer, licensed manufacturer, or licensed dealer whose sale, delivery, or transfer of a firearm is made pursuant to the alternative provisions of §478.102(d) and is not subject to the NICS check prescribed by §478.102(a) shall maintain the records required by paragraph (a) of this section.

(2) If the transfer is pursuant to a permit or license in accordance with §478.102(d)(1), the licensee shall either retain a copy of the purchaser's permit or license and attach it to the firearms transaction record, Form 4473, or record on the firearms trans-

action record, Form 4473, any identifying number, the date of issuance, and the expiration date (if provided) from the permit or license.

(3) If the transfer is pursuant to a certification by ATF in accordance with §§478.102(d)(3) and 478.150, the licensee shall maintain the certification as part of the records required to be kept under this subpart and for the period prescribed for the retention of Form 5300.35 in §478.129(c).

(b) The requirements of this section shall be in addition to any other recordkeeping requirements contained in this part.

(Approved by the Office of Management and Budget under control number 1140-0045)

§ 478.132 Dispositions of semi-automatic assault weapons and large capacity ammunition feeding devices to law enforcement officers for official use and to employees or contractors of nuclear facilities.

Editor's Note:

Section 478.132 is not applicable on or after September 13, 2004.

§ 478.133 Records of transactions in semiautomatic assault weapons.

The evidence specified in §478.40(c), relating to transactions in semiautomatic assault weapons, shall be retained in the permanent records of the manufacturer or dealer and in the records of the licensee to whom the weapons are transferred.

(Approved by the Office of Management and Budget under control number 1140-0041)

§ 478.134 Sale of firearms to law enforcement officers.

(a) Law enforcement officers purchasing firearms for official use who provide the licensee with a certification on agency letterhead, signed by a person in authority within the agency (other than the officer purchasing the firearm), stating that the officer will use the firearm in official duties and that a records check reveals that the purchasing officer has no convictions for misdemeanor crimes of domestic violence are not required to complete Form 4473 or Form 5300.35. The law enforcement officer purchasing the firearm may purchase a

TITLE 28 CFR CHAPTER I

PART 25—DEPARTMENT OF JUSTICE INFORMATION SYSTEMS

Subpart A—The National Instant Criminal Background Check System

- § 25.1 Purpose and authority.
- § 25.2 Definitions.
- § 25.3 System information.
- § 25.4 Record source categories.
- § 25.5 Validation and data integrity of records in the system.
- § 25.6 Accessing records in the system.
- § 25.7 Querying records in the system.
- § 25.8 System safeguards.
- § 25.9 Retention and destruction of records in the system.
- § 25.10 Correction of erroneous system information.
- § 25.11 Prohibited activities and penalties.

§ 25.1 Purpose and authority.

The purpose of this subpart is to establish policies and procedures implementing the Brady Handgun Violence Prevention Act (Brady Act), Public Law 103-159, 107 Stat. 1536. The Brady Act requires the Attorney General to establish a National Instant Criminal Background Check System (NICS) to be contacted by any licensed importer, licensed manufacturer, or licensed dealer of firearms for information as to whether the transfer of a firearm to any person who is not licensed under 18 U.S.C. 923 would be in violation of Federal or state law. The regulations in this subpart are issued pursuant to section 103(h) of the Brady Act, 107 Stat. 1542 (18 U.S.C. 922 note), and include requirements to ensure the privacy and security of the NICS and appeals procedures for persons who have been denied the right to obtain a firearm as a result of a NICS background check performed by the Federal Bureau of

Investigation (FBI) or a state or local law enforcement agency.

§ 25.2 Definitions.

Appeal means a formal procedure to challenge the denial of a firearm transfer.

ARI means a unique Agency Record Identifier assigned by the agency submitting records for inclusion in the NICS Index.

ATF means the Bureau of Alcohol, Tobacco, and Firearms of the Department of Treasury.

Audit log means a chronological record of system (computer) activities that enables the reconstruction and examination of the sequence of events and/or changes in an event.

Business day means a 24-hour day (beginning at 12:01 a.m.) on which state offices are open in the state in which the proposed firearm transaction is to take place.

Control Terminal Agency means a state or territorial criminal justice agency recognized by the FBI as the agency responsible for providing state- or territory-wide service to criminal justice users of NCIC data.

Data source means an agency that provided specific information to the NICS.

Delayed means the response given to the FFL indicating that the transaction is in an "Open" status and that more research is required prior to a NICS "Proceed" or "Denied" response. A "Delayed" response to the FFL indicates that it would be unlawful to transfer the firearm until receipt of a follow-up "Proceed" response from the NICS or the expiration of three business days, whichever occurs first.

Denied means denial of a firearm transfer based on a NICS response indicating one or more matching records were found providing information

demonstrating that receipt of a firearm by a prospective transferee would violate 18 U.S.C. 922 or state law.

Denying agency means a POC or the NICS Operations Center, whichever determines that information in the NICS indicates that the transfer of a firearm to a person would violate Federal or state law, based on a background check.

Dial-up access means any routine access through commercial switched circuits on a continuous or temporary basis.

Federal agency means any authority of the United States that is an "Agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10).

FFL (federal firearms licensee) means a person licensed by the ATF as a manufacturer, dealer, or importer of firearms.

Firearm has the same meaning as in 18 U.S.C. 921(a)(3).

Licensed dealer means any person defined in 27 CFR 178.11.

Licensed importer has the same meaning as in 27 CFR 178.11.

Licensed manufacturer has the same meaning as in 27 CFR 178.11.

NCIC (National Crime Information Center) means the nationwide computerized information system of criminal justice data established by the FBI as a service to local, state, and Federal criminal justice agencies.

NICS means the National Instant Criminal Background Check System, which an FFL must, with limited exceptions, contact for information on whether receipt of a firearm by a person who is not licensed under 18 U.S.C. 923 would violate Federal or state law.

NICS Index means the database, to be managed by the FBI, containing information provided by Federal and state agencies about persons prohibited under Federal law from receiving or possessing a firearm. The NICS Index is separate and apart from the NCIC and the Interstate Identification Index (III).

NICS operational day means the period during which the NICS Operations Center has its daily regular business hours.

NICS Representative means a person who receives telephone inquiries to the NICS Operations Center from FFLs requesting background checks and provides a response as to whether the receipt or transfer of a firearm may proceed or is delayed.

NRI (NICS Record Identifier) means the system-generated unique number associated with each record in the NICS Index.

NTN (NICS Transaction Number) means the unique number that will be assigned to each valid background check inquiry received by the NICS. Its primary purpose will be to provide a means of associating inquiries to the NICS with the responses provided by the NICS to the FFLs.

Open means those non-canceled transactions where the FFL has not been notified of the final determination. In cases of "open" responses, the NICS continues researching potentially prohibiting records regarding the transferee and, if definitive information is obtained, communicates to the FFL the final determination that the check resulted in a proceed or a deny. An "open" response does not prohibit an FFL from transferring a firearm after three business days have elapsed since the FFL provided to the system the identifying information about the prospective transferee.

ORI (Originating Agency Identifier) means a nine-character identifier assigned by the FBI to an agency that has met the established qualifying criteria for ORI assignment to identify the agency in transactions on the NCIC System.

Originating Agency means an agency that provides a record to a database checked by the NICS.

POC (Point of Contact) means a state or local law enforcement agency serving as an intermediary between

an FFL and the federal databases checked by the NICS. A POC will receive NICS background check requests from FFLs, check state or local record systems, perform NICS inquiries, determine whether matching records provide information demonstrating that an individual is disqualified from possessing a firearm under Federal or state law, and respond to FFLs with the results of a NICS background check. A POC will be an agency with express or implied authority to perform POC duties pursuant to state statute, regulation, or executive order.

Proceed means a NICS response indicating that the information available to the system at the time of the response did not demonstrate that transfer of the firearm would violate federal or state law. A "Proceed" response would not relieve an FFL from compliance with other provisions of Federal or state law that may be applicable to firearms transfers. For example, under 18 U.S.C. 922(d), an FFL may not lawfully transfer a firearm if he or she knows or has reasonable cause to believe that the prospective recipient is prohibited by law from receiving or possessing a firearm.

Record means any item, collection, or grouping of information about an individual that is maintained by an agency, including but not limited to information that disqualifies the individual from receiving a firearm, and that contains his or her name or other personal identifiers.

STN (State-Assigned Transaction Number) means a unique number that may be assigned by a POC to a valid background check inquiry.

System means the National Instant Criminal Background Check System (NICS).

§ 25.3 System information.

(a) There is established at the FBI a National Instant Criminal Background Check System.

(b) The system will be based at the Federal Bureau of Investigation, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306-0147.

(c) The system manager and address are: Director, Federal Bureau of Investigation, J. Edgar Hoover F.B.I. Building, 935 Pennsylvania Avenue, NW, Washington, D.C. 20535.

§ 25.4 Record source categories.

It is anticipated that most records in the NICS Index will be obtained from Federal agencies. It is also anticipated that a limited number of authorized state and local law enforcement agencies will voluntarily contribute records to the NICS Index. Information in the NCIC and III systems that will be searched during a background check has been or will be contributed voluntarily by Federal, state, local, and international criminal justice agencies.

§ 25.5 Validation and data integrity of records in the system.

(a) The FBI will be responsible for maintaining data integrity during all NICS operations that are managed and carried out by the FBI. This responsibility includes:

(1) Ensuring the accurate adding, canceling, or modifying of NICS Index records supplied by Federal agencies;

(2) Automatically rejecting any attempted entry of records into the NICS Index that contain detectable invalid data elements;

(3) Automatic purging of records in the NICS Index after they are on file for a prescribed period of time; and

(4) Quality control checks in the form of periodic internal audits by FBI personnel to verify that the information provided to the NICS Index remains valid and correct.

(b) Each data source will be responsible for ensuring the accuracy and validity of the data it provides to the NICS Index and will immediately correct any record determined to be invalid or incorrect.

§ 25.6 Accessing records in the system.

(a) FFLs may initiate a NICS background check only in connection with a proposed firearm transfer as required by the Brady Act. FFLs are strictly prohibited from initiating a NICS background check for any other purpose. The process of accessing the NICS for the purpose of conducting a NICS background check is initiated by an FFL's contacting the FBI NICS Operations Center (by telephone or electronic dial-up access) or a POC. FFLs in each state will be

advised by the ATF whether they are required to initiate NICS background checks with the NICS Operations Center or a POC and how they are to do so.

(b) Access to the NICS through the FBI NICS Operations Center. FFLs may contact the NICS Operations Center by use of a toll-free telephone number, only during its regular business hours. In addition to telephone access, toll-free electronic dial-up access to the NICS will be provided to FFLs after the beginning of the NICS operation. FFLs with electronic dial-up access will be able to contact the NICS 24 hours each day, excluding scheduled and unscheduled downtime.

(c)(1) The FBI NICS Operations Center, upon receiving an FFL telephone or electronic dial-up request for a background check, will:

(i) Verify the FFL Number and code word;

(ii) Assign a NICS Transaction Number (NTN) to a valid inquiry and provide the NTN to the FFL;

(iii) Search the relevant databases (i.e., NICS Index, NCIC, III) for any matching records; and

(iv) Provide the following NICS responses based upon the consolidated NICS search results to the FFL that requested the background check:

(A) **"Proceed"** response, if no disqualifying information was found in the NICS Index, NCIC, or III.

(B) **"Delayed"** response, if the NICS search finds a record that requires more research to determine whether the prospective transferee is disqualified from possessing a firearm by Federal or state law. A **"Delayed"** response to the FFL indicates that the firearm transfer should not proceed pending receipt of a follow-up **"Proceed"** response from the NICS or the expiration of three business days (exclusive of the day on which the query is made), whichever occurs first. (Example: An FFL requests a NICS check on a prospective firearm transferee at 9:00 a.m. on Friday and shortly thereafter

receives a **"Delayed"** response from the NICS. If state offices in the state in which the FFL is located are closed on Saturday and Sunday and open the following Monday, Tuesday, and Wednesday, and the NICS has not yet responded with a **"Proceed"** or **"Denied"** response, the FFL may transfer the firearm at 12:01 a.m. Thursday.)

(C) **"Denied"** response, when at least one matching record is found in either the NICS Index, NCIC, or III that provides information demonstrating that receipt of a firearm by the prospective transferee would violate 18 U.S.C. 922 or state law. The **"Denied"** response will be provided to the requesting FFL by the NICS Operations Center during its regular business hours.

(2) None of the responses provided to the FFL under paragraph (c)(1) of this section will contain any of the underlying information in the records checked by the system.

(d) Access to the NICS through POCs. In states where a POC is designated to process background checks for the NICS, FFLs will contact the POC to initiate a NICS background check. Both ATF and the POC will notify FFLs in the POC's state of the means by which FFLs can contact the POC. The NICS will provide POCs with electronic access to the system virtually 24 hours each day through the NCIC communication network. Upon receiving a request for a background check from an FFL, a POC will:

(1) Verify the eligibility of the FFL either by verification of the FFL number or an alternative POC-verification system;

(2) Enter a purpose code indicating that the query of the system is for the purpose of performing a NICS background check in connection with the transfer of a firearm; and (3) Transmit the request for a background check via the NCIC interface to the NICS.

(e) Upon receiving a request for a NICS background check, POCs may also conduct a search of available files in state and local law enforcement and other relevant record systems, and may provide a unique State-Assigned

Transaction Number (STN) to a valid inquiry for a background check.

(f) When the NICS receives an inquiry from a POC, it will search the relevant databases (i.e., NICS Index, NCIC, III) for any matching record(s) and will provide an electronic response to the POC. This response will consolidate the search results of the relevant databases and will include the NTN. The following types of responses may be provided by the NICS to a state or local agency conducting a background check:

(1) No record response, if the NICS determines, through a complete search, that no matching record exists.

(2) Partial response, if the NICS has not completed the search of all of its records. This response will indicate the databases that have been searched (i.e., III, NCIC, and/or NICS Index) and the databases that have not been searched. It will also provide any potentially disqualifying information found in any of the databases searched. A follow-up response will be sent as soon as all the relevant databases have been searched. The follow-up response will provide the complete search results.

(3) Single matching record response, if all records in the relevant databases have been searched and one matching record was found.

(4) Multiple matching record response, if all records in the relevant databases have been searched and more than one matching record was found.

(g) Generally, based on the response(s) provided by the NICS, and other information available in the state and local record systems, a POC will:

(1) Confirm any matching records; and

(2) Notify the FFL that the transfer may proceed, is delayed pending further record analysis, or is denied. **"Proceed"** notifications made within three business days will be accompanied by the NTN or STN traceable to the NTN. The POC may or may not provide a transaction number (NTN or STN) when notifying the FFL of a **"Denied"** response.

(h) POC Determination Messages. POCs shall transmit electronic NICS transaction determination messages to the FBI for the following transactions: open transactions that are not resolved before the end of the operational day on which the check is requested; denied transactions; transactions reported to the NICS as open and later changed to proceed; and denied transactions that have been overturned. The FBI shall provide POCs with an electronic capability to transmit this information. These electronic messages shall be provided to the NICS immediately upon communicating the POC determination to the FFL. For transactions where a determination has not been communicated to the FFL, the electronic messages shall be communicated no later than the end of the operational day on which the check was initiated. With the exception of permit checks, newly created POC NICS transactions that are not followed by a determination message (deny or open) before the end of the operational day on which they were initiated will be assumed to have resulted in a proceed notification to the FFL. The information provided in the POC determination messages will be maintained in the NICS Audit Log described in §25.9(b). The NICS will destroy its records regarding POC determinations in accordance with the procedures detailed in §25.9(b).

(i) Response recording. FFLs are required to record the system response, whether provided by the FBI NICS Operations Center or a POC, on the appropriate ATF form for audit and inspection purposes, under 27 CFR part 178 recordkeeping requirements. The FBI NICS Operations Center response will always include an NTN and associated "Proceed," "Delayed," or "Denied" determination. POC responses may vary as discussed in paragraph (g) of this section. In these instances, FFLs will record the POC response, including any transaction number and/or determination.

(j) Access to the NICS Index for purposes unrelated to NICS background checks required by the Brady Act. Access to the NICS Index for purposes unrelated to NICS background checks pursuant to 18 U.S.C. 922(t) shall be limited to uses for the purpose of:

(1) Providing information to Federal, state, or local criminal justice agencies in connection with the issuance of a firearm-related or explosives-related permit or license, including permits or licenses to possess, acquire, or transfer a firearm, or to carry a concealed firearm, or to import, manufacture, deal in, or purchase explosives; or

(2) Responding to an inquiry from the ATF in connection with a civil or criminal law enforcement activity relating to the Gun Control Act (18 U.S.C. Chapter 44) or the National Firearms Act (26 U.S.C. Chapter 53).

§ 25.7 Querying records in the system.

(a) The following search descriptors will be required in all queries of the system for purposes of a background check:

- (1) Name;
- (2) Sex;
- (3) Race;
- (4) Complete date of birth; and
- (5) State of residence.

(b) A unique numeric identifier may also be provided to search for additional records based on exact matches by the numeric identifier. Examples of unique numeric identifiers for purposes of this system are: Social Security number (to comply with Privacy Act requirements, a Social Security number will not be required by the NICS to perform any background check) and miscellaneous identifying numbers (e.g., military number or number assigned by Federal, state, or local authorities to an individual's record). Additional identifiers that may be requested by the system after an initial query include height, weight, eye and hair color, and place of birth. At the option of the querying agency, these additional identifiers may also be included in the initial query of the system.

§ 25.8 System safeguards.

(a) Information maintained in the NICS Index is stored electronically for use in an FBI computer environment. The NICS central computer will reside inside a locked room within a secure facility. Access to the facility will be restricted to authorized personnel who have identified themselves and their need for access to a system security officer.

(b) Access to data stored in the NICS is restricted to duly authorized agencies. The security measures listed in

paragraphs (c) through (f) of this section are the minimum to be adopted by all POCs and data sources having access to the NICS.

(c) State or local law enforcement agency computer centers designated by a Control Terminal Agency as POCs shall be authorized NCIC users and shall observe all procedures set forth in the NCIC Security Policy of 1992 when processing NICS background checks. The responsibilities of the Control Terminal Agencies and the computer centers include the following:

(1) The criminal justice agency computer site must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data.

(2) Since personnel at these computer centers can have access to data stored in the NICS, they must be screened thoroughly under the authority and supervision of a state Control Terminal Agency. This authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a state Control Terminal Agency. This screening will also apply to non-criminal justice maintenance or technical personnel.

(3) All visitors to these computer centers must be accompanied by staff personnel at all times.

(4) POCs utilizing a state/NCIC terminal to access the NICS must have the proper computer instructions written and other built-in controls to prevent data from being accessible to any terminals other than authorized terminals.

(5) Each state Control Terminal Agency shall build its data system around a central computer, through which each inquiry must pass for screening and verification.

(d) Authorized state agency remote terminal devices operated by POCs and having access to the NICS must meet the following requirements:

(1) POCs and data sources having terminals with access to the NICS must physically place these terminals in secure locations within the authorized agency;

(2) The agencies having terminals with access to the NICS must screen terminal operators and must restrict access to the terminals to a minimum number of authorized employees; and

(3) Copies of NICS data obtained from terminal devices must be afforded appropriate security to prevent any unauthorized access or use.

(e) FFL remote terminal devices may be used to transmit queries to the NICS via electronic dial-up access. The following procedures will apply to such queries:

(1) The NICS will incorporate a security authentication mechanism that performs FFL dial-up user authentication before network access takes place;

(2) The proper use of dial-up circuits by FFLs will be included as part of the periodic audits by the FBI; and

(3) All failed authentications will be logged by the NICS and provided to the NICS security administrator.

(f) FFLs may use the telephone to transmit queries to the NICS, in accordance with the following procedures:

(1) FFLs may contact the NICS Operations Center during its regular business hours by a telephone number provided by the FBI;

(2) FFLs will provide the NICS Representative with their FFL Number and code word, the type of sale, and the name, sex, race, date of birth, and state of residence of the prospective buyer; and

(3) The NICS will verify the FFL Number and code word before processing the request.

(g) The following precautions will be taken to help ensure the security and privacy of NICS information when FFLs contact the NICS Operations Center:

(1) Access will be restricted to the initiation of a NICS background check in connection with the proposed transfer of a firearm.

(2) The NICS Representative will only provide a response of "Proceed" or "Delayed" (with regard to the prospective firearms transfer), and will

not provide the details of any record information about the transferee. In cases where potentially disqualifying information is found in response to an FFL query, the NICS Representative will provide a "Delayed" response to the FFL. Follow-up "Proceed" or "Denied" responses will be provided by the NICS Operations Center during its regular business hours.

(3) The FBI will periodically monitor telephone inquiries to ensure proper use of the system.

(h) All transactions and messages sent and received through electronic access by POCs and FFLs will be automatically logged in the NICS Audit Log described in §25.9(b). Information in the NICS Audit Log will include initiation and termination messages, failed authentications, and matching records located by each search transaction.

(i) The FBI will monitor and enforce compliance by NICS users with the applicable system security requirements outlined in the NICS POC Guidelines and the NICS FFL Manual (available from the NICS Operations Center, Federal Bureau of Investigation, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306-0147).

§ 25.9 Retention and destruction of records in the system.

(a) The NICS will retain NICS Index records that indicate that receipt of a firearm by the individuals to whom the records pertain would violate Federal or state law. The NICS will retain such records indefinitely, unless they are canceled by the originating agency. In cases where a firearms disability is not permanent, e.g., a disqualifying restraining order, the NICS will automatically purge the pertinent record when it is no longer disqualifying. Unless otherwise removed, records contained in the NCIC and III files that are accessed during a background check will remain in those files in accordance with established policy.

(b) The FBI will maintain an automated NICS Audit Log of all incoming and outgoing transactions that pass through the system.

(1) Contents. The NICS Audit Log will record the following information: Type of transaction (inquiry or response), line number, time, date of inquiry, header, message key, ORI or

FFL identifier, and inquiry/response data (including the name and other identifying information about the prospective transferee and the NTN).

(i) NICS Audit Log records relating to denied transactions will be retained for 10 years, after which time they will be transferred to a Federal Records Center for storage;

(ii) NICS Audit Log records relating to transactions in an open status, except the NTN and date, will be destroyed after not more than 90 days from the date of inquiry; and

(iii) In cases of NICS Audit Log records relating to allowed transactions, all identifying information submitted by or on behalf of the transferee will be destroyed within 24 hours after the FFL receives communication of the determination that the transfer may proceed. All other information, except the NTN and date, will be destroyed after not more than 90 days from the date of inquiry.

(2) Use of information in the NICS Audit Log. The NICS Audit Log will be used to analyze system performance, assist users in resolving operational problems, support the appeals process, or support audits of the use and performance of the system. Searches may be conducted on the Audit Log by time frame, i.e., by day or month, or by a particular state or agency. Information in the NICS Audit Log pertaining to allowed transactions may be accessed directly only by the FBI and only for the purpose of conducting audits of the use and performance of the NICS, except that:

(i) Information in the NICS Audit Log, including information not yet destroyed under §5.9(b)(1)(iii), that indicates, either on its face or in conjunction with other information, a violation or potential violation of law or regulation, may be shared with appropriate authorities responsible for investigating, prosecuting, and/or enforcing such law or regulation; and

(ii) The NTNs and dates for allowed transactions may be shared with ATF in Individual FFL Audit Logs as specified in §25.9(b)(4).

(3) Limitation on use. The NICS, including the NICS Audit Log, may not be used by any Department, agency, officer, or employee of the United States to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons prohibited from receiving a firearm by 18 U.S.C. 922(g) or (n) or by state law. The NICS Audit Log will be monitored and reviewed on a regular basis to detect any possible misuse of NICS data.

(4) Creation and Use of Individual FFL Audit Logs. Upon written request from ATF containing the name and license number of the FFL and the proposed date of inspection of the named FFL by ATF, the FBI may extract information from the NICS Audit Log and create an Individual FFL Audit Log for transactions originating at the named FFL for a limited period of time. An Individual FFL Audit Log shall contain all information on denied transactions, and, with respect to all other transactions, only non-identifying information from the transaction. In no instance shall an Individual FFL Audit Log contain more than 60 days worth of allowed or open transaction records originating at the FFL. The FBI will provide POC states the means to provide to the FBI information that will allow the FBI to generate Individual FFL Audit Logs in connection with ATF inspections of FFLs in POC states. POC states that elect not to have the FBI generate Individual FFL Audit Logs for FFLs in their states must develop a means by which the POC will provide such Logs to ATF.

(c) The following records in the FBI-operated terminals of the NICS will be subject to the Brady Act's requirements for destruction:

(1) All inquiry and response messages (regardless of media) relating to a background check that results in an allowed transfer; and

(2) All information (regardless of media) contained in the NICS Audit Log relating to a background check that results in an allowed transfer.

(d) The following records of state and local law enforcement units serving as POCs will be subject to the Brady Act's requirements for destruction:

(1) All inquiry and response messages (regardless of media) relating to the initiation and result of a check of the NICS that allows a transfer that are not part of a record system created and maintained pursuant to independent state law regarding firearms transactions; and

(2) All other records relating to the person or the transfer created as a result of a NICS check that are not part of a record system created and maintained pursuant to independent state law regarding firearms transactions.

§ 25.10 Correction of erroneous system information.

(a) An individual may request the reason for the denial from the agency that conducted the check of the NICS (the "denying agency," which will be either the FBI or the state or local law enforcement agency serving as a POC). The FFL will provide to the denied individual the name and address of the denying agency and the unique transaction number (NTN or STN) associated with the NICS background check. The request for the reason for the denial must be made in writing to the denying agency. (POCs at their discretion may waive the requirement for a written request.)

(b) The denying agency will respond to the individual with the reasons for the denial within five business days of its receipt of the individual's request. The response should indicate whether additional information or documents are required to support an appeal, such as fingerprints in appeals involving questions of identity (i.e., a claim that the record in question does not pertain to the individual who was denied).

(c) If the individual wishes to challenge the accuracy of the record upon which the denial is based, or if the individual wishes to assert that his or her rights to possess a firearm have been restored, he or she may make application first to the denying agency, i.e., either the FBI or the POC. If the denying agency is unable to resolve the appeal, the denying agency will so notify the individual and shall provide the name and address of the agency that originated the document containing the information upon which the denial was based. The individual may then apply for correction of the record directly to the agency from which it originated. If the record is corrected as a result of

the appeal to the originating agency, the individual may so notify the denying agency, which will, in turn, verify the record correction with the originating agency (assuming the originating agency has not already notified the denying agency of the correction) and take all necessary steps to correct the record in the NICS.

(d) As an alternative to the above procedure where a POC was the denying agency, the individual may elect to direct his or her challenge to the accuracy of the record, in writing, to the FBI, NICS Operations Center, Criminal Justice Information Services Division, 1000 Custer Hollow Road, Module C-3, Clarksburg, West Virginia 26306-0147. Upon receipt of the information, the FBI will investigate the matter by contacting the POC that denied the transaction or the data source. The FBI will request the POC or the data source to verify that the record in question pertains to the individual who was denied, or to verify or correct the challenged record. The FBI will consider the information it receives from the individual and the response it receives from the POC or the data source. If the record is corrected as a result of the challenge, the FBI shall so notify the individual, correct the erroneous information in the NICS, and give notice of the error to any Federal department or agency or any state that was the source of such erroneous records.

(e) Upon receipt of notice of the correction of a contested record from the originating agency, the FBI or the agency that contributed the record shall correct the data in the NICS and the denying agency shall provide a written confirmation of the correction of the erroneous data to the individual for presentation to the FFL. If the appeal of a contested record is successful and thirty (30) days or less have transpired since the initial check, and there are no other disqualifying records upon which the denial was based, the NICS will communicate a "Proceed" response to the FFL. If the appeal is successful and more than thirty (30) days have transpired since the initial check, the FFL must recheck the NICS before allowing the sale to continue. In cases where multiple disqualifying records are the basis for the denial, the individual must pursue a correction for each record.

(f) An individual may also contest the accuracy or validity of a disqualifying record by bringing an action against the state or political subdivision responsible for providing the contested information, or responsible for denying the transfer,

or against the United States, as the case may be, for an order directing that the contested information be corrected or that the firearm transfer be approved.

(g) An individual may provide written consent to the FBI to maintain information about himself or herself in a Voluntary Appeal File to be established by the FBI and checked by the NICS for the purpose of preventing the future erroneous denial or extended delay by the NICS of a firearm transfer. Such file shall be used only by the NICS for this purpose. The FBI shall remove all information in the Voluntary Appeal File pertaining to an individual upon receipt of a written request by that individual. However, the FBI may

retain such information contained in the Voluntary Appeal File as long as needed to pursue cases of identified misuse of the system. If the FBI finds a disqualifying record on the individual after his or her entry into the Voluntary Appeal File, the FBI may remove the individual's information from the file.

§25.11 Prohibited activities and penalties.

(a) State or local agencies, FFLs, or individuals violating this subpart A shall be subject to a fine not to exceed \$10,000 and subject to cancellation of NICS inquiry privileges.

(b) Misuse or unauthorized access includes, but is not limited to, the following:

(1) State or local agencies', FFLs', or individuals' purposefully furnishing incorrect information to the system to obtain a "Proceed" response, thereby allowing a firearm transfer;

(2) State or local agencies', FFLs', or individuals' purposefully using the system to perform a check for unauthorized purposes; and

(3) Any unauthorized person's accessing the NICS.