

CITY COUNCIL  
COMMUNICATION:

03-331

AGENDA:

JULY 14, 2003

SUBJECT:

CEMETERY  
ORDINANCE  
AMENDMENT

TYPE:

RESOLUTION  
ORDINANCE  
RECEIVE/FILE

SUBMITTED BY:

DONALD M. TRIPP  
PARK AND  
RECREATION  
DIRECTOR

ITEM \_\_\_\_\_

OFFICE OF THE CITY MANAGER  
CITY OF DES MOINES, IOWA

**SYNOPSIS —**

Amend Section 34-207 of the Cemetery Ordinance to conform to State law.

**FISCAL IMPACT —**

None.

**RECOMMENDATION —**

Approval.

**BACKGROUND —**

This one word amendment to Section 34-207 of the Municipal Code of the City of Des Moines will bring this section into compliance with Iowa Code 724.28, which prohibits political subdivisions (i.e., cities) from, among other things, regulating the possession of firearms.

Section 34-207 relates to the use of firearms in cemeteries and currently reads: "No firearms shall be permitted within the cemetery unless permitted under section 70-86 of this Code."

If approved, Section 34-207 would read: "No firearms shall be used within the cemetery unless permitted under section 70-86 of this Code."

Section 70-85 of the Municipal Code prohibits carrying a concealed weapon within the City. Section 70-86 regulates the discharge of firearms within the City. This change then does not prohibit the possession of a firearm in a cemetery, only the use of it, if not permitted.

