

ORDINANCE NO. 14,878

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance 13,999 passed September 24, 2001, by amending Section 70-86, relating to discharging firearms.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance 13,999 passed September 24, 2001, is hereby amended by amending Section 70-86 relating to discharging firearms, as follows:

Sec. 70-86. Discharging firearms.

- (a) No person shall fire or discharge any cannon, gun, pistol or other firearm within the city, except as provided in this section.
- (b) Blank charges may be discharged from firearms at a burial or memorial service held at a public or private cemetery or upon public property in recognition of or honoring any deceased person or class of deceased people when:
 - (1) The discharge is conducted by a Congressionally recognized veteran's organization, an active or reserve branch of the armed forces, or a law enforcement agency;
 - (2) No more than seven people participate in the discharge, and
 - (3) No more than three rounds are discharged from any one weapon, and the total time elapsed at any one event from the first discharge to the last discharge is not more than three minutes.

- (c) Blank charges may be discharged from firearms if the chief of police has been given at least 48 hours' notice of the proposed discharge and the discharge is part of:
 - (1) An educational event sponsored and supervised by public or private school officials upon public school property, or upon the property of any private school, college or university; or
 - (2) A theatrical performance in which actors or actresses or both take part in person in a performance given in what is commonly called a theater to which admission may be had by payment of a fee or by purchase and presentation of a ticket or token obtained for money and to which the public generally may gain admission.
- (d) Discharge of firearms is permitted at target ranges authorized by the state law enforcement academy or as otherwise authorized for law enforcement officials.
- (e) Discharge of a pistol or shotgun loaded with specialized pyrotechnics for the purpose of controlling birds and mammals may be authorized by the chief of police. Such authorization shall limit the time and place of such firing and may be revoked at the discretion of the chief of police.
- (f) Discharge of firearms may be allowed for purposes of wildlife hazard control on airport controlled property with written permission of the Aviation Director and in accordance with federal, state and local rules and regulations as provided in section 22-101 of this code.
- (g) Discharge of a shotgun, loaded with no larger than no. 6 shot, for purposes of education or professional shooting exhibitions may be authorized by the Chief of Police if approved by the Iowa Department of Natural Resources (DNR) Shooting Sports Coordinator or other DNR designee. Such authorization shall limit the time and place of the discharge and may be revoked at the discretion of the Chief of Police.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:
Douglas P. Philip
Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Laura Baumgartner, Chief Deputy City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 09-1473), passed by the City Council of said City at a meeting held August 10, 2009 signed by the Mayor on August 10, 2009 and published as provided by law in the Business Record on August 24, 2009. Authorized by Publication Order No. 6636.

Laura Baumgartner, Chief Deputy City Clerk