

★ **Roll Call Number**

Agenda Item Number

52

Date August 10, 2009


An Ordinance entitled, " 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",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)


 Douglas P. Philip
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....
 Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

CITY ATTORNEY

Bruce E. Bergman

DEPUTY CITY ATTORNEYS

Mark Godwin
Lawrence R. McDowell
Kathleen Vanderpool

ASSISTANT CITY ATTORNEYS

Angela T. Althoff
Roger K. Brown
Ann M. DiDonato
David A. Ferree
Glenna K. Frank
Gary D. Goudelock, Jr.

Michael F. Kelley
Mary A. Laughlin
Vicky L. Long Hill
Steven C. Lussier
Katharine J. Massier
Carol J. Moser
Douglas P. Philip



August 6, 2009

HONORABLE MAYOR AND MEMBERS
OF THE DES MOINES CITY COUNCIL

Re: Amendment to Municipal Code section 70-86, Discharging Firearms,
Agenda Item No. 52

On Monday's council agenda there is a proposed amendment to expand the exceptions to the law that prohibits discharging a firearm in the city limits. The proposal allows the police chief to authorize the discharge of a shotgun for purposes of education or professional shooting exhibitions. It requires the DNR's shooting sports coordinator to approve as well. The chief's authorization shall limit the time and place of the shoot and may be revoked by the chief at any time.

This proposal is in response to the Izaak Walton League's request to allow their event in September to take place as planned with a shooting exhibition. Therefore, waiver of readings is requested by the police department.

Sincerely,

Douglas P. Philip
Assistant City Attorney

cc:

Bruce Bergman
Rick Clark
Acting Chief O'Donnell

ORDINANCE NO. _____

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

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★ Roll Call Number
09-1375

Agenda Item Number
55

Date July 27, 2009

Request to speak from Joe Gavin, Allen Crouse, Ben Berka and Megan Wisecup regarding a request for a variance at Waterworks Park for a shooting exhibition at the Outdoor Expo for Kids and Families Free Event.

Moved by Hensley to receive and file comments, and refer to the City Manager for review and recommendation.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

T. M. Franklin Council Mayor

Diane Rauh City Clerk

09-1375 *SB*
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Rauh, Diane I.

From: Rauh, Diane I.
Sent: Wednesday, July 15, 2009 10:21 AM
To: Bergman, Bruce E.; Philip, Doug P.; Clark, Richard A.; Stanley, Merrill R.; Bradshaw, Judy A.; Kingery, Anna L.
Cc: 'Greg Edwards'
Subject: FW: Request to Speak

They will be requesting amendment to Section 70-86(Discharge of Firearms) to allow this when in conjunction with an "Exhibition". Council Members Hensley and Coleman and Mayor Cownie have been contacted by this group.

From: councilSpeak@dmgov.org [mailto:councilSpeak@dmgov.org]
Sent: Wednesday, July 15, 2009 10:12 AM
To: joegavin@mchsi.com
Subject: Request to Speak

Registration Form to Speak at City Council Meeting

To: The Honorable Mayor and Members of the City Council
City of Des Moines, IA
C/O City Clerk

Allen Crouse,
I/We *Joe Gavin* ~~Ben Berka~~, Megan Wisecup hereby request permission to speak at the Des Moines City Council Meeting of *Monday, July 27, 2009*, regarding

Des Moines Izaak Walton League request for a variance to be able to have a shooting exhibition in Waterworks park Sept 19 and 20 2009 - Outdoor Expo for Kids and Families Free event – and which is expecting 7000 to 10000 people this year and likely will double next year.

Name: Joe Gavin/Izaak Walton League

Address: 4343 George Flagg Pkwy

Daytime Phone: (515) 681-4694

Email Address: joegavin@mchsi.com

Procedural Rules of Des Moines City Council

Part III. Agenda

Rule 16. Citizen Agenda Requests.

Any citizen may request the right to have an item placed on the Agenda (including a request to speak) by filing such request in writing with the City Clerk prior to noon on the Wednesday preceding the Council meeting.

Part V. Citizen Participation

Rule 27. Citizen's Right to Address Council.

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2.2.2 Shotgun Ranges

In contrast to rifle/pistol ranges, shot at shotgun ranges (trap, skeet, and sporting clays) is widely distributed. When a shotgun target is hit by a well-centered shot, only a relatively few of the several hundred pellets in the shot string actually strike the target. These may be deformed or deflected and fall to the ground nearby. Most of the pellets in the load, however, continue beyond where the target was hit.

The full extent of the total shot fall zone at a trap or skeet field or sporting clays stations must be known before effective lead management practices can be implemented. Careful examination of the ground for the presence of shot around the theoretical shot fall zone perimeter (indicated by the size and shape of the theoretical shot fall zones in Figures 2-8, 2-9, and 2-10) should be performed to determine the extent of the actual shot fall zones. In general, actual shot fall zones should not be considered to be any smaller than those illustrated in the figures unless unusual topography exists. If shots are fired on a downhill slope, the actual shot fall zones could be considerably larger than indicated in the figures.

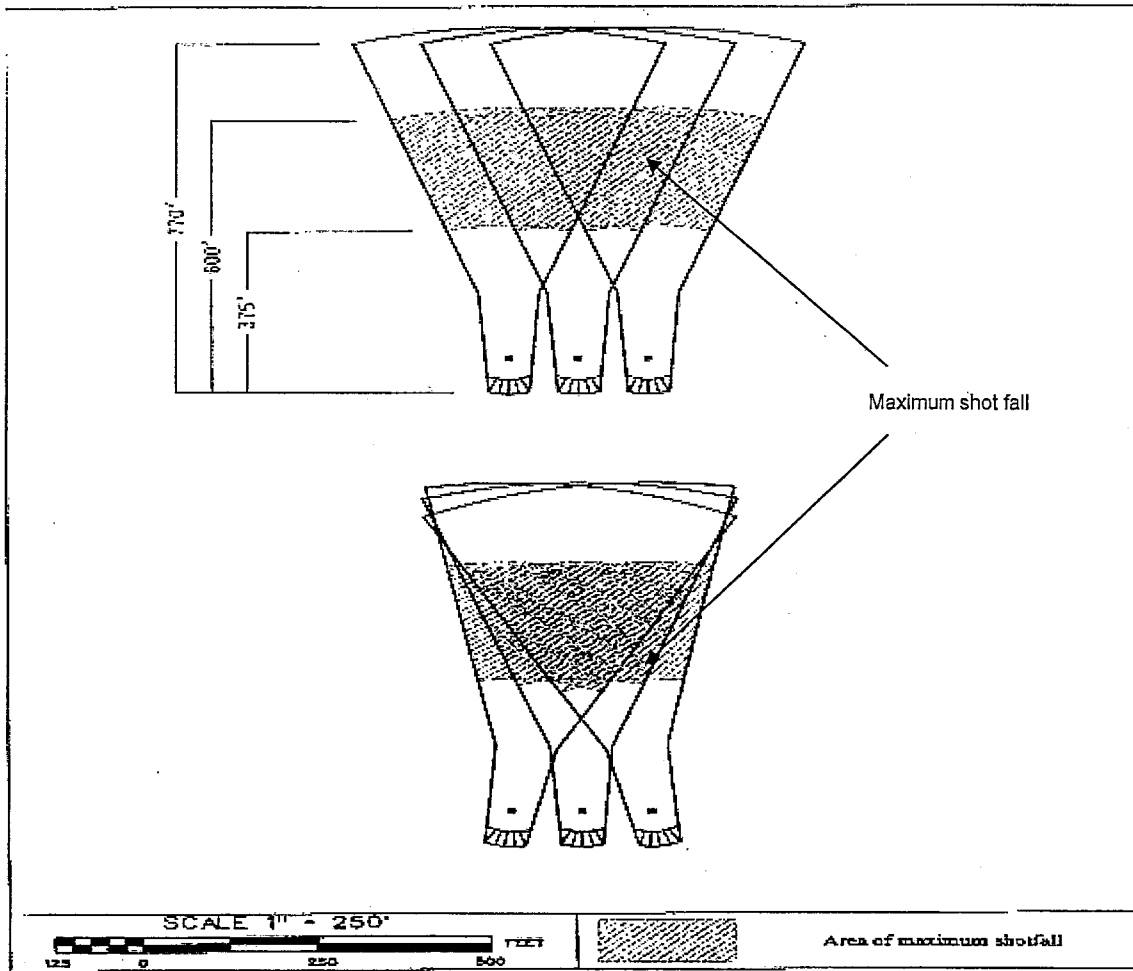


Figure 2-8. Theoretical shot fall zone and area of maximum shot fall at trap fields. Typical layout of multiple trap fields at top; modified layout to minimize total shot fall zone at bottom (NSSF 1997).

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| HUNTING - Sonny

- Tree stand / Safety Education
- Archery
- Hunter Ethics & Responsibility, including a simulated hunt !
- Gun display (and possible demonstration)
- Laser shoot inside Ikes Club house if available that date
- Game & predator calling
- Black powder demo
- Clay bird shooting ? (Maybe if approved by the police)
- Trick Shooter (Flanagan)

| FISHING - Joe Gavin

- Bait casting
- Spin casting
- Fly fishing
- Ethics & Responsibility / Life Vest Safety

| BOATING - Mike Delaney

- Canoeing
- Safety / Ethics & Responsibility
- Water rescue team demonstration

| DOGS - Chuck Lenze

- Pointers
- Retrievers
- PF lecture series
- Border collies
- Drug dog, bomb dog
- ? Dock Dogs

| WILDLIFE - Conservation Boards ? |

- Identification
- Habitat
- Rehab
- Iowa native species only

| PHOTOGRAPHY

- Professional competition (for habitat stamp) ?
- Kids photography contest ?

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FOREVER OUTDOORS

AN IOWA PHEASANTS FOREVER EVENT

Continuous seminars on Habitat, Hunting and Dog Training!

Bring the entire Family for a fun day in the Iowa outdoors!

A Sportsman's Outdoor Fair September 18th-20th, 2009

Des Moines Izaak Walton League - 4343 George Flagg Parkway



Iowa DF Art Contest for the next Iowa Print of the Year!

See shooting events & shooting demonstrations by Winchester's own Patrick Flanigan or try out a new gun from top manufacturers at our Shotgun Showcase



The Youth Village is offering a variety of activities for youth. Stop by and build a bird feeder, make fishing jigs, learn about hunting safely, Dog Training, Shoot Pellet Guns, play frisbee golf, or participate in other crafts and games.

Sign up for Habitat Tours sponsored by Weekend Warrior & see what land management tools will help create better habitat for all species of wildlife & become a better land steward



New..... Youth Photo Contest with Prizes & Age Categories!

For more information check us out at: www.iowapheasantsforever.org

SPONSORED BY THE IOWA PHEASANTS FOREVER STATE COUNCIL & DES MOINES IKES

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Attached is a possible scale layout for the proposed shooting venue at Waterworks for you or Ron to take to the city. I wasn't sure what was in mind for the black-powder demos, parking, etc. but can draw that in if needed. I've also attached a document that has some good reference material regarding actual shot fall distances (see pages 18 and 19).

Another issue that may come up is sound. Some background information is as follows:

A typical shotgun blast is about 100 decibels (dB) when measured about 10 feet from the muzzle with target loads. The Inverse Square Law states that for every doubling of distance, there is a decrease of 6dB. So at 20 feet, it would be 94dB, 40 feet - 88dB, 80 feet - 82dB, etc. The closest impacted area being the baseball, softball complex would experience sound pressure levels of around 60dB. Normal conversation takes place at about 63-65dB.

Let me know if you have any questions.

Ben

Ben S. Berka
Shooting Sports Coordinator
Iowa Department of Natural Resources
Office: 515-281-0140
Fax: 515-281-6794
Ben.Berka@dnr.iowa.gov

[Click Here to Visit the DNR Shooting Sports Website](#)



