

ORDINANCE NO 2022 - 3

**AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF SHAMBAUGH, IOWA.**

Numerous concerns have arisen by the many Shambaugh residents for concern over protection of domestic animals such as pets, dogs, cats, chickens, newborn calves, lambs, goat kids and the like.

Numerous concerns have arisen over the presents of coyotes, raccoons, opossum, fox, and the like.

The Shambaugh City Council is desirous of permitting the use of firearms to help control varmint and animal problems and for the protection of domestic animals and pets.

The City Ordinance in particular Section 3-1-5 6. A. provides for no discharge of a firearm within city limits with reference to Iowa Code Section 727.2 that is a fireworks ordinance and with no reference to firearms other than in reference to fireworks.

There has been a practice of authorizing the police or other designee to use firearms to control varmints or animal problems when conventional control methods have not resolved the problem.

The animal problem and in particular, the coyote problem has become much more of a concern to City residents who have not found conventional control methods particularly effective.

The permitting of the discharge of a firearm within the city limits would not be a general permit to do so but would be limited to animal control based upon the assumption that a coyote in city limits is an immediate threat to domestic pets and animals and citizens need the ability to rely upon firearms, not for hunting or recreation, but strictly for protection of dogs, cats, chickens, newborn animals and the like;

**SECTION 1. SECTION MODIFIED:** Section 3-1-5 6. A. is amended by adopting of the following language:

The prohibition of the discharge of a firearm is qualified where the firearm is used for wild animal control and protection of domestic animals and pets from coyotes, fox, raccoon, and the like subject to the following criteria:

1. The discharge of a firearm within Shambaugh City limits is for varmint control only and is not a general permission for such action as –
  - A. This amendment does not permit target practice with firearms within the City
  - B. This amendment does not permit hunting but does permit discharge of firearms for protection of domestic animals and pets as is already permitted under state law within limitations
  - C. The amendment does not discharge conventional methods of control including trapping.
  - D. The amendment does not substitute for the existing ordinance that deals with animals at large and does not permit or encourage anyone to use a firearm on a nonthreatening dog that is at large.
  - E. The amendment does not permit or encourage hunting within the City Limits and all hunting license requirements remain in place.

F. The amendment to permit firearm discharge within the City Limits is for wild animals and varmint control purposes only

G. The amendment does raise the assumption that a wild animal around and about domestic animals and pets is a threat and subject to control through the use of a firearm.

SECTION 2. SERVABILITY CLAUSE. If any section, provisions or parts of this ordinance shall be adjusted invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjusted invalid or unconstitutional.

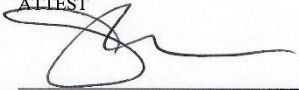
SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED by the Council on the 6<sup>th</sup> day of June, 2022.



RON PETERMAN - MAYOR

ATTEST



SANDRA BILOKONSKY - CITY CLERK

*I certify that the foregoing was published as Ordinance 2022- 3 in the 5 of July 2022.*



SANDRA BILOKONSKY - CITY CLERK