

**ORDINANCE NO. 03-O-2021-2022**

**AN ORDINANCE AMENDING TITLE VIII OF THE 1994 RECODIFICATION OF THE MUNICIPAL CODE OF THE CITY OF STORM LAKE, IOWA BY REPEALING CURRENT SUBSECTIONS (B)2 AND (B)3 OF SECTION 8-2-1, ON “CONCEALED WEAPONS” AND “PROHIBITED WEAPONS,” RESPECTIVELY, AND RENUMBERING SUBSECTIONS (B)4 AND (B)5 OF SECTION 8-2-1, ON “DISTURBING PEACE OR QUIET” AND “PEEPING,” RESPECTIVELY, AS NEW SUBSECTIONS (B)2 AND (B)3, RESPECTIVELY.**

WHEREAS, Section 724.28(2) of the 2021 Code of Iowa, after its recent amendment, prohibits a political subdivision of the state from enacting an ordinance regulating the ownership, possession, carrying, legal transfer, lawful transportation, modification, registration, or licensing of firearms, firearm attachments, or other weapons when the ownership, possession, carrying, transfer, transportation, or modification is otherwise lawful under the laws of the state; and

WHEREAS, the same Iowa Code Section provides that an ordinance regulating firearms, firearm attachments, or other weapons in violation of such section existing on or after April 5, 1990, is void;

WHEREAS, Section 724.28(3) of the 2021 Code of Iowa, after its recent amendment, subjects a political subdivision that has ever adopted an ordinance regulating firearms, firearm attachments, or other weapons when the ownership, possession, carrying, transfer, transportation, or modification is otherwise lawful under the laws of the state to liability for damages payable to persons adversely affected by the ordinance;

WHEREAS, current subsections (B)(2) and (3) of Section 8-2-1 of the Municipal Code of the City of Storm Lake, purport to regulate the carrying of firearms and other weapons, the regulation of some or all of which is made void by Section 724.28(3).

WHEREAS, current subsections (B)(2) and (3) of Section 8-2-1 of the Municipal Code of the City of Storm Lake are unnecessary to the extent state law prohibits the carrying of such weapons because the enforcement of such state law can protect the residents of Storm Lake; and to the extent such City Code subsections purport to regulate weapons not regulated by the State of Iowa, such subsections are now void and expose the City to liability should there be an attempt to enforce the void regulations.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA:

Section 1. Title VIII of the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa is hereby amended as follows:

A. Current subsections (B)2 and (B)3 of Section 8-2-1, on “Concealed Weapons” and “Prohibited Weapons,” respectively, are hereby repealed.

B. Current subsections (B)4 and (B)5 of Section 8-2-1, on “Disturbing Peace or Quiet” and “Peeping,” respectively, are hereby renumbered as subsections (B)2 and (B)3.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be in full force and effect after its final passage, approval and publication as provided by law.

Passed and approved this 20th day of September, 2021.



\_\_\_\_\_  
Michael Porsch, Mayor

ATTEST:

  
\_\_\_\_\_  
Mayra A. Martinez, City Clerk