

RESOLUTION NO. 04-11

RESOLUTION PROHIBITING FIREARMS AND  
WEAPONS ON CITY PROPERTY

WHEREAS, the City of Dyersville, to preserve the safety of the public and City employees and officials, desires to prohibit the presence of firearms and weapons in and on property owned, leased, or otherwise occupied by the City of Dyersville; and,

WHEREAS, the City of Dyersville, pursuant to Iowa Constitution Article III, Section 38A and Iowa Code Section 364.1, has the authority, except as expressly limited by the Constitution and if not inconsistent with the laws of the general assembly, to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health and welfare of its residents; and,

WHEREAS, because City buildings and property provide venues for the assembly of large numbers of people, or may be the forum for discussion of controversial issues or for the conduct of unpopular activities, the presence of firearms or weapons in or on City buildings or property gives rise to any undue risk of threats and intimidation against democratic processes and activities and physical harm to City employees, peace officers and the general public, and,

WHEREAS, in the opinion of Iowa Attorney General's Office the amendments to Chapter 724 contained in Senate File 2379 (effective January 1, 2011) relating to the issuance of non-professional permits to carry firearms does not infringe on the authority of the City of Dyersville to enact regulations and pass resolutions regarding the protection of City property, as well as the protection of the health, safety and welfare of City employees and officials and the public who may be present on City property by restricting firearms and weapons on property owned, leased or occupied by the City of Dyersville; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DYERSVILLE, IOWA THAT:

1. All firearms and weapons are prohibited in or on all property that is owned, leased or otherwise occupied by the City of Dyersville, including but not limited to Memorial Building, James Kennedy Public Library, Public Works Buildings, Water and Wastewater Treatment Facilities, all City owned buildings, all property owned, leased or otherwise occupied by the City of Dyersville which adjoins said buildings, and any City-owned parks.

2. For purposes of this resolution, weapon is defined as any “dangerous weapon” as defined in Iowa Code Section 702.7, as well as any pellet gun, BB gun, or offensive weapons, as defined in Iowa Code Section 724.1.
3. Sworn peace officers, those persons possessing a professional permit to carry weapons, and persons with written permission from the Chief of Police, or designee, are exempted from the prohibitions of the resolution.
4. Persons may possess firearms that are both unloaded and properly cased in City parking lot(s) in their vehicles, but not within the passenger compartment. Persons may not carry said firearms with them on their person in City lot(s). No firearms may be possessed in any area designated as a City function or event, whether in a vehicle or not.
5. Any person entering City property may be subject to metal detection testing or, upon probable cause to believe the person is carrying or in possession of a firearm or weapon, the person shall be subject to a personal search.
6. Any person who enters on or is found on any property owned, leased, or otherwise occupied by the City of Dyersville while having a firearm or weapon in his or her possession contrary to posted signage shall be considered by the City of Dyersville to be trespassing pursuant to Iowa Code section 716.7(2)(b) and will be subject to arrest and punishment under state law.

Passed and approved this 7<sup>th</sup> day of March, 2011.

  
James A. Heavens, Mayor

ATTEST:   
Tricia L. Maiers, City Clerk