



**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** Rick Feltner, Airport Director

**DATE:** February 7, 2019

**SUBJECT: AMENDMENT TO ORDINANCE 23-61 TO PROVIDE EXCEPTION TO PROHIBITION ON DISCHARGING FIREARMS WITHIN CITY LIMITS.**

**I. RECOMMENDED ACTION**

- A.** Approve and pass an ordinance amending Section 23-61 of Division 1, Article IV, Chapter 23 of the City of Minot Code of Ordinances to allow the Minot International Airport to use a firearm to reduce wildlife hazards at the Airport; and
- B.** Authorize the Mayor to sign the Ordinance.

**II. DEPARTMENT CONTACT PERSONS**

Rick Feltner, Airport Director      701-857-4724

**III. DESCRIPTION**

**A. Historical Background**

Section 23-61 of Division 1, Article IV, Chapter 23 of the City of Minot Code of Ordinances prohibits any person from willfully discharging a firearm within city limits and sets forth four exceptions. The ordinance presently reads as follows:

Sec. 23-61. - Discharging firearms within city prohibited.

No person shall willfully discharge a firearm within the city limits unless:

- (1) The actor is a law enforcement officer discharging the firearm within the course of his duties;
- (2) The firearm is discharged within the confines of a lawfully established shooting gallery or range;
- (3) The actor is a citizen discharging the firearm in defense of person or property; or
- (4) The actor is lawfully participating in a program approved by the board of park commissioners for the control of Canadian geese on Minot Park District property and the actor is complying with all laws, rules, and regulations of the North Dakota Game and Fish department and the U.S. Fish and Wildlife Service. The Minot Park District shall give notice of possible firearm discharges in accordance with an approved

program to the Minot Police Department (by contacting Minot Central Dispatch) at least twenty-four (24) hours prior to the possible firearm discharges.

## **B. Current Situation**

The Minot International Airport is located within city limits. The Wildlife Hazard Management Plan, which has been reviewed and approved by the Federal Aviation Administration, contemplates the Airport being able to use firearms to carry out wildlife control duties at the airport. Given the same, city staff recommends crafting an exception to Minot City Ordinance 23-61 to permit airport staff to carry out these duties. This exception is not unlike the existing exceptions to the ordinance that allow law enforcement and the park district's geese control personnel to carry out their lawful duties within city limits.

The Airport's Wildlife Hazard Management plan requires wildlife control personnel to analyze each wildlife hazard that develops at the Airport to determine a practical solution. The initial response for most species will be hazing (frightening devices), followed by population control methods when necessary. The method(s) chosen will depend largely on the situation and the species involved.

## **IV. IMPACT:**

### **A. Strategic Impact:**

Approval of the ordinance would be consistent with the Airport's Wildlife Hazard Management Plan.

### **B. Service/Delivery Impact:**

N/A

### **C. Fiscal Impact:**

N/A

## **VI. ALTERNATIVES**

A. N/A

## **VII. TIME CONSTRAINTS**

A. Two readings of this ordinance will be required before it is effective.

## **VIII. LIST OF ATTACHMENTS**

A. Proposed Ordinance