

**AN ORDINANCE TO AMEND SECTION 9.28.030 AND REPEAL SECTION 9.28.040 OF THE RAPID CITY MUNICIPAL CODE RELATING TO FIREARMS**

WHEREAS, the City of Rapid City has the power to enact ordinances, enforce its ordinances, and exercise jurisdiction over all territory within its corporate limits for the purpose of promoting the health, safety, morals, and general welfare of the community pursuant to state statute, including but not limited to SDCL 9-29-1 and SDCL Title 9 generally; and

WHEREAS, the South Dakota Legislature has amended firearm legislation in SDCL 9-19-20 by passing 2019 House Bill 1056, which provides that SDCL 9-19-20 will be amended to read in relevant part: “No municipality may pass an ordinance that restricts or prohibits, or imposes any licensure requirement or licensure fee on the possession, storage, transportation, purchase, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components”; and

WHEREAS, the South Dakota Legislature has amended provisions regarding permits to carry a concealed pistol in SDCL Chapters 22-14 and 23-7 by passing 2019 Senate Bill 47, which will make it legal in South Dakota to carry a concealed pistol without a permit on July 1, 2019;

WHEREAS, the City of Rapid City has adopted provisions of the Rapid City Municipal Code relating to firearms in Sections 9.28.030 and 9.28.040; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City’s best interests to amend Section 9.28.030 and repeal Section 9.28.040 in order to comply with SDCL 9-19-20 and the changes to SDCL Chapters 22-14 and 23-7 once they become effective on July 1, 2019; and

WHEREAS, the City of Rapid City finds that these changes are in the best interests of the health, safety, and welfare of its citizens.

**NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 9.28.030 of the Rapid City Municipal Code is hereby adopted to read in its entirety as follows:**

**9.28.030 Carrying concealed weapons.**

~~Except as provided in subsection B of this section, it is unlawful for any person to carry concealed about his or her person any description of firearms, being loaded or partly loaded, or any knife with a blade exceeding three inches in length, or any sharp or dangerous weapon such as is usually employed may be or could be employed in attack or defense of the person. This section shall not apply to firearms, firearm ammunition, or firearm components. This section shall not apply to police law enforcement officers while in the course of his or her duties and other persons whose duty it is to execute process or warrants or make arrests.~~

~~B. No person shall carry a pistol in any vehicle or concealed on or about his person, except in his place of abode or fixed place of business, without a license therefor as provided by Section 24-7-7, South Dakota Codified laws of 1967, and excepting those persons defined in Section 22-14-10 of said Compiled Laws.~~

**BE IT FURTHER ORDAINED by the City of Rapid City that Section 9.28.040 of the Rapid City Municipal Code is repealed.**

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)

First Reading:  
Second Reading:  
Published:  
Effective: