



FROM THE DESK OF
DUDLEY BROWN
EXECUTIVE DIRECTOR

LEGAL DEFENSE FOR
AMERICA'S GUN OWNERS

October 1, 2021

VIA ELECTRONIC AND CERTIFIED MAIL

City of Spearfish
625 N 5th Street
Spearfish, SD 57783

Dan Hodgs, Ward 1
dan.hodgs@cityofspearfish.com

Marty Clark, Ward 1
marty.clark@cityofspearfish.com

Larry Klarenbeek, Ward 2
larry.klarenbeek@cityofspearfish.com

Scott Hourigan, Ward 2
scott.hourigan@cityofspearfish.com

Ana Rath, Ward 3
ana.rath@cityofspearfish.com

Pam Jacobs, Ward 3
pam.jacobs@cityofspearfish.com

Mayor Dana Boke
mayor@cityofspearfish.com

CC: Ashley McDonald, City Attorney
ashley.mcdonald@cityofspearfish.com

Re: Unlawful City Ordinance Prohibiting Concealed Carry

Dear Mayor and Aldermen,

It has come to my attention that the City of Spearfish, South Dakota has an ordinance on the books prohibiting the concealed carry of “any pistol or other firearm...or other dangerous or deadly weapon, or any instrument or device which when used is likely to produce death or great bodily harm.” (City of Spearfish Revised Ordinances, §11-86)

This ordinance is in direct violation of South Dakota’s preemption statute, which states:

“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. Any ordinance prohibited by this section is null and void.” (S.D. Codified Laws §9-19-20, emphasis added)

As the Executive Director of the National Foundation for Gun Rights, I call on you to immediately repeal this unlawful ordinance or prepare to face legal action.



FROM THE DESK OF
DUDLEY BROWN
EXECUTIVE DIRECTOR

LEGAL DEFENSE FOR
AMERICA'S GUN OWNERS

Your ordinance is illegal under South Dakota law, and is an affront to the gun rights of law-abiding South Dakotans.

Please send me the proposed repeal ordinance and the agenda of the meeting at which it will be adopted by October 15, 2021, or we will proceed accordingly.

Regards,

Dudley Brown

President, National Association for Gun Rights

Executive Director, National Foundation for Gun Rights