

ORDINANCE NO: 5485

AN ORDINANCE AMENDING SECTION 23-58 OF DIVISION 1, ARTICLE IV, CHAPTER 23 OF THE CODE OF ORDINANCES, CITY OF MINOT, NORTH DAKOTA TO REDUCE THE CRIME OF CARRYING A LOADED FIREARM IN CERTAIN VEHICLES TO AN INFRACTION AND PROVIDE FOR AN ADDITIONAL EXCEPTION PER STATE LAW.

WHEREAS, Section 23-58 of Division 1, Article IV, Chapter 23 of the Code of Ordinances, City of Minot, North Dakota adopts language from N.D.C.C. § 62.1-02-10 and prohibits carrying a firearm in certain vehicles; and

WHEREAS, in 2019 the North Dakota Legislature amended N.D.C.C. § 62.1-02-10 to reduce carrying a firearm in certain vehicles from a b misdemeanor offense to an infraction, and to add an exception to the prohibition for those who are not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.

WHEREAS, the City Council desires to amend Section 23-58 of Division 1, Article IV, Chapter 23 of the Code of Ordinances, City of Minot, North Dakota to be consistent with N.D.C.C. § 62.1-02-10.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§ 1 That Section 23-58 of Division 1, Article IV, Chapter 23 of the Code of Ordinances, City of Minot, North Dakota, is hereby amended as follows:

Sec. 23-58. - Carrying loaded firearm in certain vehicles
prohibited—Penalty—Exceptions.

An individual may not keep or carry a loaded firearm in or on any motor vehicle, including an off-highway vehicle or snowmobile in this state. An individual violating this section is guilty of an infraction. This prohibition does not apply to:

- (1) A member of the armed forces or the United States or national guard, organized reserves, state defense forces, or state guard organizations while possessing the firearm issued to the member by the organization and while on official duty.
- (2) A law enforcement officer.
- (3) An individual possessing a valid concealed weapons license from this state or who has reciprocity under Section 62.1-04-03.1, N.D.C.C. with a handgun, or with a rifle or shotgun if not in the field hunting or trapping.
- (4) An individual in the field engaged in lawful hunting or trapping of nongame species or fur bearing animals.
- (5) A security guard or private investigator properly licensed to carry firearms.

- (6) An individual possessing a valid special permit issued pursuant to Section 20.1-02-05, N.D.C.C.
- (7) An individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and who has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation.

§ 2 This Ordinance shall become effective upon final passage and approval.

PASSED FIRST READING: March 16, 2020

PASSED SECOND READING:

ATTEST:

APPROVED:

Kelly Matalka, City Clerk

Shaun Sipma, Mayor