



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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## OFFICE OF THE CITY ATTORNEY


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### MEMORANDUM

TO: Mayor Sam Kooiker  
Common Council

FROM: Allison Marsland, Assistant City Attorney 

DATE: October 4, 2012

RE: Ordinance # 5872 – Public Indecency

The ordinance amendment before you has been brought forward as the result of a request from the Rapid City Police Department.

To-date, charges for public urination and/or public defecation have been brought under Rapid City Municipal Code (“RCMC”) § 8.08.090, “unlawful deposits.” RCMC 8.08.090 does not specifically prohibit public urination or defecation, and neither are these acts specifically identified as prohibited anywhere else in the City’s code. For this reason, an ordinance amendment is needed in order for the City to continue to charge and prosecute individuals for the foregoing activities. Ordinance #5872 would amend RCMC 9.08.070, currently titled “indecent exposure,” to incorporate a prohibition of the foregoing.

**Staff recommendation** is to amend RCMC 9.08.070 in order to incorporate a prohibition against public urination and public defecation into the City’s code.