

**ORDINANCE #5016****AN ORDINANCE AMENDING SECTION 10.04.050 OF CHAPTER 10.04 AND SECTION 10.40.040 OF CHAPTER 10.40 AND SECTIONS 10.44.010 AND 10.44.150 OF CHAPTER 10.44 OF THE RAPID CITY MUNICIPAL CODE RELATING TO PARKING**

BE IT ORDAINED by the City of Rapid City that Section 10.04.050 of Chapter 10.04 of the Rapid City Municipal Code be amended to read as follows:

**10.04.050 Central business district.**

“Central business district” for the purposes of this chapter, means that portion of the city bounded by and included within the limits of the following named streets: from Omaha Rapid Street on the north to Columbus Kansas City Street on the south, both inclusive, and from Second Third Street on the east to West Boulevard on the west, both inclusive, and those portions of the intersecting streets and alleys included within the boundaries of such district.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.40.040 of Chapter 10.40 of the Rapid City Municipal Code be amended to read as follows:

**10.40.040 Parallel and angle parking.**

A. No vehicle shall be parked on any street except parallel to the curb headed in the direction of traffic with the curbside wheels of the vehicle within twelve inches of the curb, and no closer than four feet to any other vehicle, front or rear, except upon those streets which have been designated or marked for angle parking, where vehicles shall be parked at the angle to the curb indicated by such marks or signs. Vehicles parked in designated angle parking spots must be headed in the direction of traffic within twelve inches of the curb. It is unlawful to park any vehicle across any such line or marking or to park the vehicle in such position that the same shall not be entirely within the area designated by such lines or markings.

B. Any person who operates a vehicle found in violation of this section shall, within seventy-two hours from the time when the notice of violation was attached to such vehicle, pay to the office of the city finance officer-treasury, as a penalty for and in full satisfaction of such violation, the sum of five dollars. If the person fails to pay the sum within the seventy-two hours, he or she shall pay to the office of city finance as a penalty for and in full satisfaction of the violation, the sum of ten dollars.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.44.010 of Chapter 10.44 of the Rapid City Municipal Code be amended to read as follows:

**10.44.010 Established.**

The following parking zones and the boundaries thereof are established:

A. Two-Hour Zone. This zone includes all on-street parking areas on Main Street and St. Joseph Street between Second Street and the east right-of-way line of Ninth Street; all on-street parking on the south side of Main Street between East Blvd. and First Street; all on-street parking areas on Third, Fourth, Fifth, Sixth, Seventh and Eighth Streets between the north right-of-way line of Kansas City Street on the south and Omaha Street on the north; the west side of Second Street between Main Street and the alley south of Main Street; and the west side of Ninth Street between Kansas City and Quincy Streets and the south side of Kansas City Street between Ninth Street and West Boulevard, except for the last three parking stalls east of the right-of-way for West Boulevard; the first five spaces east of the Fifth Street right-of-way on the south side of Kansas City Street; the first six spaces south of Kansas City Street on the east side of Fifth Street; and the first five spaces east of West Boulevard on the north side of Quincy Street.

B. Three-Hour Zone. This zone includes all on-street parking areas on the east side of West Boulevard from the south right-of-way line of Main Street to the north right-of-way line of St. Joseph Street.

C. Leased Parking Zone. This zone includes the off-street parking lot located north of the alley upon Lots 1 through 6 and two feet of Lot 7, of Block 82 of the original townsite; the off-street parking lot located north of the alley upon Lots 10 through 16 of Block 74 of the original townsite; the off-street parking lot located south of the alley upon Lots 17 through 21 of Block 104 of the original townsite; and the off-street parking lot located upon Lots 1 through 7, the east eight feet of Lot 8, the south twenty-eight feet of Lot 9 and the south sixty-eight feet of Lots 10 through 14, of Block 95 of the original townsite. Lots 1-16, Block 75 of the original townsite and Lots 21-28, Block 86, original townsite. It is unlawful to park in any leased parking space without visibly displaying a valid leased parking permit. Any person who operates a vehicle found in violation of this section shall, within seventy-two hours from the time when the notice of violation was attached to such vehicle, pay to the city finance office, as a penalty for and in full satisfaction of such violation, the sum of twenty-five dollars. If the person fails to pay the sum within the seventy-two hours, he or she shall, within two weeks from the seventy-two hour period, pay to the city finance office as a penalty for and in full satisfaction of the violation, the additional sum of ten dollars.

D. Pennington County Courthouse Lot Zone. This zone includes the off-street parking lot, located west of the Public Safety Building, south of the Pennington County Courthouse, and east of Fourth Street between St. Joseph Street and Kansas City Street, and legally described as Block 97 and vacated Third Street of the original townsite.

E. Public Safety Building Lot Zone. This zone includes the off-street parking lot located east of the Public Safety Building, and west of Second Street between St. Joseph Street and Kansas City Street and legally described as Block 98 and vacated Third Street of the original townsite.

F. Quincy Street Lot Zone. This zone includes the off-street parking lot located upon Lots 17 through 21, Block 104, original townsite.

G. Sixth and Main Lot Zone. The off-street parking lot located south of the alley upon Lots 17 through 23 of Block 75 of the original townsite.

H. Sixth Street Lot Zone. This zone includes the off-street parking lot located upon Lots 12 through 16, Block 95, original townsite.

I. General Zone. This zone includes all on-street parking areas not within another parking zone and located within:

1. Main Street between Second Street and West Boulevard;
2. St. Joseph Street between Second Street and West Boulevard;
3. Kansas City Street between Second Street and West Boulevard;
4. Quincy Street between Fifth Street and Ninth Street;
5. Columbus Street between Mt. Rushmore Road and Ninth Street;
6. Fifth Street between Omaha Street and Quincy Street;
7. Sixth Street between Omaha Street and Columbus Street;
8. Seventh Street between Omaha Street and Columbus Street;
9. Mt. Rushmore Road between the alley north of Main Street and Columbus Street;
10. Ninth Street between Rapid Street and Columbus Street.

J. Civic Center Parking Lot Zone. This zone includes the off-street parking area between Fifth Street and Mt. Rushmore Road north of Omaha Street and south of North Street.

K. City/School Administration Lot Zone. This zone includes the off-street parking area located between Fifth and Sixth Street and Main and Omaha, and directly adjacent to the City School Administration Building located at 300 Sixth Street.

L. In the timed parking zones a separate offense shall be deemed committed on or during each maximum period of continuous parking allowed for the timed zone in which the offense was committed. In the metered zones and in all private parking lots, a separate offense shall be deemed committed on or during each two-hour period in which a violation of this section occurs.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.44.150 of Chapter 10.44 of the Rapid City Municipal Code be amended to read as follows:

**10.44.150 Immobilization of vehicle for outstanding parking violations.**

A. Immobilization of Motor Vehicle. A motor vehicle parked upon the public way or public place at any time may, by or under the direction of an officer or member of the Rapid City police department, be immobilized in such a manner as to prevent its operation, if there are five or more outstanding or otherwise unsettled parking violation notices, or warrants issued for such violations, pending against the owner of

such motor vehicle. A motor vehicle with five or more outstanding or otherwise unsettled parking violation notices parked upon private property may be immobilized if the owner or manager of the private property consents.

B. Notice of Immobilization. Upon immobilization of such motor vehicle, the officer or employee shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.

C. Release of Immobilized Vehicle--Post-Immobilization Hearing. The owner of such immobilized vehicle or other authorized person, shall be permitted to secure release of the vehicle upon:

1. Depositing the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled parking violation notice or warrant; and

2. The payment of the fees as required by subsection E of this section. The owner of an immobilized vehicle, or other authorized person, shall have the right to a post-immobilization hearing to determine the validity of such immobilization, towing, and any towing or storage charges. Such hearing, must be requested within fifteen days after the vehicle is immobilized and shall be scheduled by the clerk of courts for the magistrate court, Seventh Judicial Circuit, Pennington County, South Dakota. The post-immobilization hearing will not be determinative of or adjudicate any citation issued relative to any immobilized vehicle.

D. Towing and Impoundment for Failure to Pay Fines. The immobilizing device or mechanism shall remain in place for forty-eight hours unless the owner has complied within subsection C of this section. If such compliance has not occurred within forty-eight hours, the vehicle shall be towed or impounded. Towing and storage fees, as specified in subsection E of this section, shall be paid, along with fees specified in subsection C of this section before the owner of such vehicle, or authorized person shall be permitted to repossess or secure the release of the vehicle.

E. Immobilization, Towing and Storage Fees. The owner of an immobilized vehicle shall be subject to a fee of fifty dollars for such immobilization. The owner of an immobilized vehicle which was impounded shall be subject to a towing fee, plus a fee for storage.

F. Enforcement. The chief of police, along with the city traffic engineer, shall have authority for implementing the parking enforcement provisions of this paragraph.

G. Unlawful tampering. It is unlawful for any person to remove or attempt to remove any immobilization device or to move any immobilized vehicle from the place at which the immobilization device was affixed to the vehicle before a release is authorized by the city.

H. G. Hearing or Trial. Nothing in this section shall be construed to deprive any person of the constitutional right to a hearing or trial as to the violations charged.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: