

From the 1962 Revised Ordinances

Section 12.0150 Parades and Processions

From the 1969 Code of Ordinances

Section 28.6 – revised by Ordinance 2569, 12/15/1986

From 2006 Municipal Code

Section 12.28.090 – contains language of Ord 2569

From 2013 Municipal Code

Section 12.20.100 – revised by Ordinance 5793, 3/23/12 (see staff memo – the language of this section was not amended, only the numbering)

bus or taxicab stand, except that such vehicle may be temporarily stopped in accordance with other parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers, provided such vehicle is attended by the driver thereof.

- 12.0143 Stopping of Semi-Trailers Prohibited in Designated District.** No person shall stop, stand or park a semi-trailer on the streets or in the alleys, for the loading or unloading of freight or merchandise, on Main and St. Joseph Streets from the east side of Fifth Street to the west side of Ninth Street, including all cross streets and alleys located in such district. Special permits may be issued by the Police Department for the purpose of loading or unloading in restricted districts.
- 12.0144 Boarding or Alighting from Vehicle in Motion.** No person shall board or alight from any vehicle while such vehicle is in motion.
- 12.0145 Coasters, Roller Skates, and Similar Devices.** No person on roller skates or riding in or by means of any coaster or toy vehicle or similar device shall go upon any roadway except while crossing a street at a crosswalk.
- 12.0146 Clinging to Moving Vehicles.** No person traveling upon any bicycle, coaster, sled, skis, roller skates, or any toy vehicle shall cling to, or attach himself or his vehicle to, any other moving vehicle upon any street.
- 12.0147 Riding on Outside of Vehicles.** No person shall ride upon the runningboard or fenders of any motor vehicle in motion.
- 12.0148 Following Fire Apparatus Prohibited.** It shall be unlawful for the operator of any vehicle other than one operating an emergency vehicle to follow closer than five hundred feet of any fire vehicle traveling in response to a fire alarm or to drive into or stop any vehicle within the block where the fire apparatus has stopped in answer to a fire alarm.
- 12.0149 Crossing Fire Hose.** No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street or private driveway, without the consent of the Fire Department Official in charge.
- 12.0150 Parades and Processions.**
- (a) Parades; permit required. No parade or procession other than a funeral procession shall be held or participated in upon the streets except with the prior consent in writing of the Chief of Police, obtained upon application filed with the De-

partment setting forth the time of, route of, approximate number of persons and vehicles to participate in, and the name and character of the group or organization sponsoring such parade or procession. The consent of the Chief of Police to the holding of such parade or procession shall be given unless it reasonably appears that the holding of the same as set out in the application would unreasonably obstruct and impede traffic or would be likely to disturb the peace and quietness of the City.

(b) Driving through procession prohibited. No driver of any vehicle shall drive through or otherwise interfere with any funeral or other authorized procession in any of the streets.

12.0151 Restrictions as to Speed. No person shall drive a vehicle upon any street, alley, or public place in the City at a speed greater than is reasonable and prudent under the conditions then existing, and it shall be prima facie unlawful and prima facie evidence that the speed is not reasonable and prudent under the conditions then existing for the driver of any vehicle or motor vehicle to drive the same upon any street, alley, or public place in the City at a speed exceeding the following.

(a) Fifteen miles an hour when approaching within fifty feet of a grade crossing at any railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last two hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in each direction from such crossing.

(b) Fifteen miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours.

(c) Fifteen miles an hour when approaching within fifty feet and in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection.

(d) Fifteen miles an hour in traversing or going around curves or traversing a grade upon a highway when the driver's view is obstructed within a distance of one hundred feet along such highway in the direction in which he is proceeding.

(e) Twenty miles an hour on any highway in a business

operation of traffic on the streets and highways of this city, and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of the city.

Sec. 28-4. Authority of police and fire department officials and school crossing guards to direct traffic.

(a) Officers of the police department, school crossing guards, or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with the provisions of this chapter and other traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of this chapter and other traffic laws.

(b) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. (Rev. Ord. 1962, § 12.0114; Ord. No. 2161, 12-20-82)

State law reference—Authority of city to provide for regulations of traffic by traffic officers, SDCL 1967, § 32-14-5.

Sec. 28-5. Obedience to police and fire department officials and school crossing guards.

No person shall refuse or fail to comply with any lawful order, signal, or direction of a police officer, fire department official, or school crossing guard given pursuant to this chapter. (Rev. Ord. 1962, § 12.0112; Ord. No. 2161, 12-20-82)

Sec. 28-6. Parade defined; permit.

(a) *Definition.* Reference to the term "parade" herein shall be meant to include any and every form of procession, march, ceremony, show, exhibition, pageant, display, or other similar activity held in or participated in upon any city street.

(b) *Permit required.* A permit must be applied for in writing on a form obtained from the police department and should be filed, if possible, seven (7) days prior to the commencement of any parade, as that term is used herein, except that oral application

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shall be acceptable under unusual circumstances beyond the control of the applicant, setting forth the following information:

- (1) Name, address and telephone number of any individual, group, association, firm or corporation requesting the permit, and the applicable title or office of the person so applying;
- (2) The name, address, and telephone number of the person(s) responsible for the organization, coordination and conduct of the proposed activity;
- (3) Time and date of commencement and termination of the proposed activity, and its nature and purpose;
- (4) The location, assembly area and/or route;
- (5) The anticipated maximum number of persons, vehicles, bands, floats, and other units of persons, horses or other animals to participate;
- (6) Such other reasonably relevant information as the chief of police may request for investigation of the application.

(c) *Standards for issuance of permits.* The chief of police or his designee shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- (1) The proposed activity will not substantially interrupt the safe and orderly movement of contiguous traffic;
- (2) The proposed activity will not require the diversion of so great a number of police officers of the city to properly police the activity and the areas contiguous thereto as to prevent normal police protection to the city;
- (3) The proposed activity will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the activity and other areas contiguous thereto;
- (4) Any concentration of persons, animals, units, float or vehicles at assembly points of the proposed activity will not

unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

- (5) The proposed activity is scheduled to be held, or to move from its point of origin to its point of termination, expeditiously and without unreasonable delay;
- (6) Other similar scheduled activities for which permits have been issued will not conflict with the permit application;
- (7) Adequacy of applicant supervision for the proposed activity.

(d) *Large parade; special requirement.* For any parade which will contain any combination of more than seventy (70) vehicles, floats, bands or other units composed of persons, horses or other animals, the applicant must obtain permission of the city council prior to issuance of an activity permit.

(e) *Contents of permit.* The permit required by this section shall include all information in the application and shall be signed by the chief of police or his designee with a signed copy kept with the application on file in the office of the chief of police.

(f) *Appeal procedure.* Any person aggrieved shall have the right to file a written appeal of the denial of a permit to the city council within seven (7) days after notice of denial. The reason for the denial shall be provided in writing. The city council shall hear and determine an appeal within seven (7) days after it filing.

(g) *Deviation from permit.* No person organizing, conducting, coordinating or participating in any activity for which a permit has been granted under the provisions of this section shall deviate from or alter any of the terms or contents of such permit without the express permission of the chief of police or his designee.

(h) *Revocation of permit.* Any permit issued under the provisions of this section may be revoked by the chief of police or his designee for the violation by the permittee of any applicable provisions of the permit, state law or city ordinance.

(i) *Throwing of candy or other items from vehicles, etc., prohibited.* No person participating in a parade shall throw or scatter candy, balloons, pamphlets or any other items from any vehicle,

float or other unit onto the street or sidewalk. Such items may be distributed by walking persons.

(j) *Use of sirens for emergency vehicles.* Emergency vehicles participating in any parade shall not sound sirens except when and if an emergency should arise and the vehicle must clear the area. (Rev. Ord. 1962, § 12.0150; Ord. No. 2569, 12-15-86)

State law reference—Authority of city to regulate provisions, SDCL 1967, § 32-14-5.

Sec. 28-7. Skateboards prohibited.

No person shall ride upon, operate, or perform acrobatic stunts using a skateboard or other device propelled by human power of the rider upon any street, sidewalk, parking lot, or other public place in the area bounded by Omaha Street on the north, alley south of St. Joseph Street on the south, Fifth Street on the east, and West Boulevard on the west, from 7:00 a.m. to 7:00 p.m. Nothing herein shall prohibit the operation of bicycles or wheel chairs in accordance with applicable law or prohibit the use of skateboards in the course of a parade authorized by the chief of police. (Ord. No. 2718, 4-17-89)

Sec. 28-8. Use of streets for storage, display or sale of vehicles.

No person shall use the streets for the storage, display or sale of any vehicle. (Rev. Ord. 1962, § 12.0166)

Sec. 28-9. Tampering with motor vehicles.

(a) No person shall tamper with the motor vehicle of another, nor shall he, without authority of the owner, or of the person in charge, climb upon or into any vehicle, or sound the horn, or manipulate any levers, brakes, or machinery thereof, or set any such vehicle or motor in motion or drive the same. The provisions of this section shall not apply to any police officer in the discharge of his duties.

(b) Any person violating this section shall, upon conviction, be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than thirty (30) days, or by both

ORDINANCE 2568

AN ORDINANCE AMENDING ARTICLE III, 2P AND 2F OF ORDINANCE 1074, CITY OF RAPID CITY, SOUTH DAKOTA, REZONING THE WITHIN DESCRIBED PROPERTY:

BE IT ORDAINED by the Common Council of the City of Rapid City, South Dakota, that Section 2P of Article III of Ordinance 1074 be amended by deleting therefrom, and that Section 2F of Article III of Ordinance 1074 be amended by adding thereto, the following described property:

Tract B of Tract 1, NW¼ SW¼, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

and the above-described property is hereby rezoned from General Agriculture to General Commercial.

ATTEST
s/ Kent Brugger
Finance Officer

THE COMMON COUNCIL
s/ Arthur P. LaCroix
Mayor

(SEAL)

First Reading: October 6, 1986
Second Reading: October 20, 1986
Published: October 25, 1986
Effective: November 14, 1986

ORDINANCE 2569

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 28 OF THE REVISED ORDINANCES OF THE CITY OF RAPID CITY BY AMENDNNG SECTION 28-6 THEREOF CONCERNING A PERMIT FOR AND CONDUCT OF PARADES, PROCESSIONS, AND OTHER ACTIVITIES IN THE CITY.

BE IT ORDAINED by the City of Rapid City that Section 28-6 of Article I of Chapter 28 of the Revised Ordinances of the City of Rapid City be amended to read as follows:

Section 28-6. (a) Definition.

Reference to the term "parade" herein shall be meant to include any and every form of procession, march, ceremony, show, exhibition, pageant, display, or other similar activity held in or participated in upon any city street.

(b) Permit required.

A permit must be applied for in writing on a form obtained from the Police Department and should be filed, if possible, seven (7) days prior to the commencement of any parade, as that term is used herein, except that oral application shall be acceptable under unusual circumstances beyond the control of the applicant, setting forth the following information:

- (1) Name, address and telephone number of any individual, group, association, firm or corporation requesting the permit, and the applicable title or office of the person so applying;
- (2) The name, address and telephone number of the person(s) responsible for the organization, coordination and conduct of the proposed activity;
- (3) Time and date of commencement and termination of the proposed activity, and its nature and purpose;
- (4) The location, assembly area and/or route;
- (5) The anticipated maximum number of persons, vehicles, bands, floats, and other units of persons, horses or other animals to participate;
- (6) Such other reasonably relevant information as the Chief of Police may request for investigation of the application.

(c) Standards for issuance of permits.

The Chief of Police or his designee shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- (1) The proposed activity will not substantially interrupt the safe and orderly movement of contiguous traffic;
- (2) The proposed activity will not require the diversion of so great a number of police officers of the City to properly police the activity and the areas contiguous thereto as to prevent normal police protection to the City;

Ordinance 2569 (cont)

- (3) The proposed activity will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the activity and other areas contiguous thereto;
- (4) Any concentration of persons, animals, units, floats, or vehicles at assembly points of the proposed activity will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The proposed activity is scheduled to be held, or to move from its point of origin to its point of termination, expeditiously and without unreasonable delay;
- (6) Other similar scheduled activities for which permits have been issued will not conflict with the permit application;
- (7) Adequacy of applicant supervision for the proposed activity.

(d) Large parade; special requirement.

For any parade which will contain any combination of more than seventy (70) vehicles, floats, bands or other units composed of persons, horses or other animals, the applicant must obtain permission of the City Council prior to issuance of an activity permit.

(e) Contents of permit.

The permit required by this section shall include all information in the application and shall be signed by the Chief of Police or his designee with a signed copy kept with the application on file in the office of the Chief of Police.

(f) Appeal procedure.

any person aggrieved shall have the right to file a written appeal of the denial of a permit to the City Council within seven (7) days after notice of denial. The reason for the denial shall be provided in writing. The City Council shall hear and determine an appeal within seven (7) days after its filing.

(g) Deviation from permit.

No person organizing, conducting, coordinating or participating in any activity for which a permit has been granted under the provisions of this section shall deviate from or alter any of the terms or contents of such permit without the express permission of the Chief of Police or his designee.

(h) Revocation of permit.

Any permit issued under the provisions of this Article may be revoked by the Chief of Police or his designee for the violation by the permittee of any applicable provisions of the permit, state law or city ordinance.

(i) Throwing of candy or other items prohibited.

No person participating in a parade shall throw or scatter candy, balloons, pamphlets or any other items from any vehicle, float or other unit onto the street or sidewalk. Such items may be distributed by walking persons.

(j) Use of sirens for emergency vehicles.

Emergency vehicles participating in any parade shall not sound sirens except when and if an emergency should arise and the vehicle must clear the area.

ATTEST:
s/ Kent Brugger
Finance Officer
(SEAL)

THE COMMON COUNCIL
s/ Arthur P. LaCroix
Mayor

First Reading; November 17, 1986
Second Reading: December 15, 1986
Published: december 20, 1986
effective: January 9, 1987

ORDINANCE 2570

AN ORDINANCE AMENDING SECTION 12.8 PART C OF THE REVISED SIGN ORDINANCE OF THE CITY OF RAPID CITY BY CHANGING THE MEMBERSHIP VOTING THEREIN
BE IT ORDAINED by the City of Rapid City that the sixth (6th) member of the Historical District Sign Review Committee shall be a voting member by deleting from the present ordinance reference "acting only as an advisor to the Committee".

12.28.090 Throwing items from vehicles prohibited.

No person participating in a parade shall throw or scatter candy, balloons, pamphlets or any other items from any vehicle, float or other unit onto the street or sidewalk. The items may be distributed by walking persons.

(Prior code § 28-6 (i))

12.28.100 Use of sirens by emergency vehicles participating in parade.

Emergency vehicles participating in any parade shall not sound sirens except when and if any emergency should arise and the vehicle must clear the area.

(Prior code § 28-6 (j))

12.20.070 Permit—Denial—Appeal procedure.

Any person aggrieved shall have the right to file a written appeal of the denial of a permit to the Common Council not later than 7 days after notice of denial. The reason for the denial shall be provided in writing.

(Ord. 5793 (part), 2012)

12.20.110 Use of sirens by emergency vehicles participating in parade.

Emergency vehicles participating in any parade or event shall not sound sirens except when and if any emergency should arise and the vehicle must clear the area.

(Ord. 5793 (part), 2012)

12.20.080 Deviation from permit.

No person organizing, conducting, coordinating or participating in any activity for which a permit has been granted under the provisions of this chapter shall deviate from or alter any of the terms or contents of the permit without the express permission of the Chief of Police or his or her designee.

(Ord. 5793 (part), 2012)

12.20.090 Permit—Revocation.

Any permit issued under the provisions of this chapter may be revoked by the Chief of Police or his or her designee for the violation by the permittee of any applicable provisions of the permit, state law or city ordinance.

(Ord. 5793 (part), 2012)

12.20.100 Throwing items from vehicles prohibited.

No person participating in a parade or event shall throw or scatter candy, balloons, pamphlets or any other items from any vehicle, float or other unit onto the street or sidewalk. The items may be distributed by walking persons.

(Ord. 5793 (part), 2012)



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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MEMORANDUM

TO: Mayor Kooiker and Common Council
FROM: Wade Nyberg
DATE: January 26, 2012
RE: Titles 12 & 13 of the Rapid City Municipal Code
Legal & Finance Committee Agenda Items 33 & 34

The February 1 Legal & Finance Committee Agenda includes two ordinances, Ordinance 5793 and Ordinance 5794. These items are the culmination of several years of work (committees started meeting in August of 2005) by the Public Works Department's Engineering, Water, Water Reclamation, and Street Divisions in combination with multiple committees of citizens and professional consultants and our office. Separately, the newly revised Infrastructure Design Criteria Manual is also being presented for approval. The Engineering Division staff and committees reviewed the manual, and changes have been proposed based on their collective recommendations. As a result of the IDCM revisions, staff was directed to go through Titles 12 & 13 and update the ordinances to comply with the changes in the IDCM. Additionally, changes were made to consolidate regulations where possible, perform some "housekeeping" to clean up items that were unclear, add some items that were not addressed, and create common general provisions for all utilities when feasible.

Ordinance 5793 is a complete re-codification of Title 12 of the Rapid City Municipal Code. Former Chapters 12.04, 12.08, & 12.12, Street Names, Grades and Widths; Street Improvements; and Street and Sidewalk Excavations, respectively, were combined and revised into a new Chapter 12.04 dealing with all street improvements. Former Chapters 12.28, 12.32, 12.36, & 12.40 dealing with parades, park use regulations, municipal golf courses, and trees, respectively, were renumbered but otherwise were not revised. Former Chapter 12.44 dealing with travel parks was revised and moved to Chapter 15.52. (Agenda item 35)

Ordinance 5794 is a complete rewrite of Title 13. A new Chapter 13.04 containing general provisions applicable to the water and sewer service systems was added. Revised chapters dealing with water, private water lines and sewer are renumbered to Chapters 13.08, 13.12 and 13.16. Former Chapter 13.09 Onsite Wastewater Systems was renumbered as Chapter 13.20 but largely unchanged. Similarly, Chapter 13.10 Trenching Contractors was renumbered to Chapter 13.24 but contained few revisions. Former Chapters 13.12 & 13.16 relating to the airport and cemeteries were renumbered but not otherwise changed.