



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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MEMORANDUM

TO: City Council

FROM: Joel P. Landeen, Assistant City Attorney

DATE: 8-8-05

RE: Ordinance Changing Penalty for Violating Title 10 of the RCMC

This ordinance amendment has been brought forward by the City Attorney's Office at the request of the Police Dept. Every year there is a State and City fine and bond schedule that is adopted by the Circuit Court. This schedule establishes the standard fine and costs for most City code and State law violations. There are many acts that are prohibited under both State law and the City code. Where an act, such as speeding, is prohibited under both sets of laws every effort is made to have the penalty for the City code violation match the penalty for the State law violation. This is done so that people who commit the same crime are treated the same whether their citation was written under State law or City ordinance. It is also done so that the police officers and judges only have to remember one set of fines thus minimizing potential confusion and mistakes. In reviewing the fine and bond schedule for this year it was discovered that because Section 10.08.120 of the RCMC limits the maximum fine for moving violations to \$100 there would be several identical violations of City and State law where the fines would not match. Our office and the Police Dept. would request that you amend the section on penalties so that the standard fines for violating City ordinance can be set in the fine and bond schedule to match the fines for violating identical provisions of State law.

ORDINANCE NO. 5084

AN ORDINANCE INCREASING THE PENALTY FOR VIOLATING THE PROVISIONS OF TITLE 10 OF THE RAPID CITY MUNICIPAL CODE BY AMENDING SECTION 10.08.120 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the maximum fine for doing an act that is prohibited or has been declared to be unlawful in Title 10 of the Rapid City Municipal Code is \$100; and

WHEREAS, the maximum fine that the City is allowed to impose for violations of municipal ordinances under the Codified Laws of South Dakota is \$200; and

WHEREAS, the current maximum fine allowed under the Rapid City Municipal Code for violations of Title 10 is resulting in similar moving violations being treated differently under State law and the City code; and

WHEREAS, the City Council deems that it is in the City's best interests to increase the maximum penalty for violating Title 10 of the Rapid City Municipal Code so that similar violations of State law and the City code can be treated with a similar penalty.

NOW THEREFORE, be it ordained by the City of Rapid City that Section 10.08.120 of the Rapid City Municipal Code be amended to read as follows:

10.08.120 Violation--Penalty.

Whenever in this title an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this title the doing of an act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefor, any person who shall be convicted of any violation shall be subject to the penalties designated in the general penalty provision found in Section 1.12.010 of the Rapid City Municipal Code ~~a penalty not to exceed thirty days imprisonment or a fine not to exceed one hundred dollars or both.~~

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)

First Reading:
Second Reading:
Published:
Effective: