

**AN ORDINANCE TO REVISE THE PROCEDURE AND AMOUNTS OF PENALTIES FOR PARKING VIOLATIONS BY AMENDING CHAPTERS 10.40 AND 10.44 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has enacted ordinances governing the parking of vehicles upon the streets and public parking lots of the city; and

WHEREAS, the parking ordinances provide for various penalties in the event a vehicle is parked in violation of the ordinances; and

WHEREAS, the amount of penalties for various violations and the procedure for providing notice of violation are set by ordinance; and

WHEREAS, the Common Council desires to provide for a courtesy first notice of violation and implement a graduated penalty for certain parking violations; and

WHEREAS, the Common Council desires to adjust the penalties for other offenses.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 10.40 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

**10.40: STOPPING, STANDING AND PARKING GENERALLY**

**Section**

- 10.40.010 Authority to prohibit—Compliance required.**
- 10.40.020 General prohibitions.**
- 10.40.030 Unattended vehicles.**
- 10.40.040 Parallel and angle parking.**
- 10.40.050 Parking in alleys.**
- 10.40.060 Parking near entrance to certain buildings prohibited.**
- 10.40.070 Parking between 2:00 a.m. and 6:00 a.m. in central business district.**
- 10.40.080 Parking near railroad track.**
- 10.40.090 Bus and taxicab stands.**
- 10.40.100 Handicapped parking spaces.**
- 10.40.110 Parking of commercial vehicles.**
- 10.40.120 Stopping or parking semitrailers in designated district.**
- 10.40.130 Opening door or entering and emerging from vehicle.**
- 10.40.140 Leaving door open into lane of traffic.**
- 10.40.150 Starting standing vehicle.**
- 10.40.160 Loading zones—Designation.**
- 10.40.170 Loading zones—Use.**
- 10.40.180 Removal of vehicles parking in violation of title.**
- 10.40.190 Fire lane.**
- 10.40.200 Storage and parking of trucks, trailers and commercial vehicles.**
- 10.40.205 Parking violation penalties.**

***Temporary Parking for Special Events***

**10.40.210 Authority to grant temporary parking plan for special events.**

**10.40.220 Permit–Required–Application.**

**10.40.230 Permit–Contents.**

**10.40.240 Deviation from permit.**

**10.40.250 Permit–Revocation.**

**10.40.010 Authority to prohibit–Compliance required.**

A. The Director of Public Works or his or her designee may prohibit stopping, standing or parking of motor vehicles and may erect signs indicating no stopping, standing or parking, upon any street or part thereof, when the parking would interfere with traffic or create a hazardous situation. No person shall stop, stand or park any vehicle contrary to the directions of the sign.

B. Any person who owns, operates or parks a vehicle ~~found~~ in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205. ~~, within 72 hours from the time when the notice of violation was attached to the 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 \$5. If the person fails to pay the sum within the 72 hours, he or she shall pay to the officer as a penalty for and in full satisfaction of the violation, the sum of \$10.~~

**10.40.020 General prohibitions.**

A. The operator of a vehicle shall not stop, stand or park the vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal:

1. Within an intersection;
2. On a crosswalk;
3. Within 25 feet of the intersection curb lines;
4. Within 20 feet of the driveway entrance to a fire station;
5. Within 10 feet of a fire hydrant;
6. In front of a private driveway;
7. On a sidewalk;
8. Within 10 feet of a residential mailbox, between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Saturday;
9. Alongside or opposite any street elevation or obstruction, when stopping, standing or parking would obstruct traffic;
10. Contrary to the signing or other designation by the Public Works Director or his or her designee;

11. Across any painted line or to park vehicle in such a position that the vehicle shall not be entirely within the parking space designated by such lines;

12. Alongside or in front of a curb that has been painted yellow at the direction of the Public Works Director or his or her designee.

B. Any person who owns, operates or parks a vehicle ~~found~~ in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205. ~~, within 72 hours from the time when the notice of violation was attached to the vehicle, pay to the city's Finance Office, as penalty for and in full satisfaction of the violation, the sum of \$5. If the person fails to pay the sum within the 72 hours, he or she shall pay to the office as a penalty for and in full satisfaction of the violation, the sum of \$10.~~

#### **10.40.030 Unattended vehicles.**

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended, without first effectively setting the brakes thereon and, when standing upon any grade, without turning the front wheels of the vehicle to the curb or side of the street.

#### **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 12 inches of the curb, and no closer than 4 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 the marks or signs. Vehicles parked in designated angle parking spots must be headed in the direction of traffic within 12 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 the lines or markings.

~~—B.~~ Any person who owns, operates or parks a vehicle ~~found~~ in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205. ~~, within 72 hours from the time when the notice of violation was attached to the vehicle, pay to the office of the city's Finance Officer Treasury, as a penalty for and in full satisfaction of the violation, the sum of \$5. If the person fails to pay the sum within the 72 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 \$10.~~

#### **10.40.050 Parking in alleys.**

A. No person shall park any vehicle in any alley except temporarily for the purpose of and while actually taking on or letting off passengers or loading, unloading or delivering goods, merchandise or other personal property. No person shall park or drive any vehicle in any alley at any time in such manner as to block the alley for traffic, except for the loading or unloading of freight, in which case the driver shall either notify the Police Department as to the time of the loading or unloading prior to the operation, or shall do the same after 5:30 p.m. and before 8:00 a.m.

B. In no event shall any person block an alley with a vehicle for longer than 30 minutes at any 1 time. Any vehicle parked in an alley must have its emergency flashers on in continuous operation.

C. In alleys designated as one-way alleys, parking for the purpose of taking on or letting off passengers, loading or unloading or delivering goods or merchandise, or other personal property, shall be prohibited in the portion of the alley not designated by signs thereon.

D. Any person who owns, operates or parks a vehicle ~~found~~ in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205. ~~, within seventy two hours from the time when the notice of violation was attached to such vehicle, pay to the office of the city's Finance Officer Treasury, as a penalty for and in full satisfaction of the violation, the sum of \$5. If the person fails to pay the sum within the 72 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 \$10.~~

#### **10.40.060 Parking near entrance to certain buildings prohibited.**

No vehicles shall be parked on the side of the street or alley immediately adjacent to a theater, hotel, city auditorium, or any other building which the traffic control officer shall determine that the parking would constitute a potential hazard based upon the advice and counsel of the Police Chief and the Fire Chief except at the time permitted as indicated by a sign or marking thereon.

#### **10.40.070 Parking between 2:00 a.m. and 6:00 a.m. in central business district.**

A. It is unlawful for any person to park a vehicle, or to cause or permit a vehicle to be parked, or left unattended, between the hours of 2:00 a.m. and 6:00 a.m. of any day in the central business district; provided that, the vehicle may be parked on the even numbered side of the street on those nights bearing an even calendar date for the portion thereof before midnight, and on the odd numbered side of the street on those nights bearing an odd calendar date during the portion thereof before midnight.

B. Nothing in this section shall be construed to permit any motor vehicle to be parked on any street or in any parking area where parking is prohibited by the terms of any other ordinance.

C. Nothing in this section shall be construed as prohibiting physicians, or any person, operating authorized emergency vehicles, while engaged in their duties, from parking a vehicle in such designated area upon the occasion of any emergency.

D. Nothing in this section shall be construed to prohibit taxicabs standing in any established taxicab stand, provided the same are attended by the drivers thereof.

#### **10.40.080 Parking near railroad track.**

It is unlawful for any person, without permission, except for purposes of loading or unloading, to park or cause to be parked any motor vehicle within 6 feet of any railroad track at any point within the city limits.

#### **10.40.090 Bus and taxicab stands.**

~~—A.~~ The Traffic Engineer may establish bus and taxicab stands in such places as he or she shall consider to be of the greatest benefit and convenience to the public, and every such bus and taxicab stand shall be designated by appropriate signs. It is unlawful for the operator of any vehicle other than a bus or taxicab to stand or park the vehicle in any officially designated bus or taxicab stand, except that a vehicle may be temporarily stopped in the stand for the purpose of and while actually engaged in loading or unloading passengers. It is unlawful for the operator of any bus or taxicab to stand or park the vehicle upon any street at any place other than at a designated bus or taxicab stand, except that the 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 the vehicle is attended by the driver thereof.

~~—B.~~ Any person who owns, operates or parks a vehicle found in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205. ~~—within 72 hours from the time when the notice of violation was attached to the vehicle, pay to the office of the city's Finance Officer Treasury, as a penalty for and in full satisfaction of the violation, the sum of \$5. If the person fails to pay the sum within the 72 hours, he or she shall pay to the officer as a penalty for and in full satisfaction of the violation, the sum of \$10.~~

#### **10.40.100 Handicapped parking spaces.**

~~—A.~~ It is unlawful for the owner or operator of a motor vehicle, not displaying a serially numbered certificate or special license plate, to stop in a parking space on public or private property designated as reserved for the physically handicapped. A separate offense shall be deemed committed on or during each 2-hour period in which a violation of this section occurs.

~~—B.~~ ~~The owner or operator of any vehicle found in violation of this section may, within 72 hours of the time when the notice of violation was attached to the vehicle, pay to the Office of the City Finance Officer Treasury, as a penalty for and in full satisfaction of the violation, the sum of \$100. If the owner or operator fails to pay the sum within the 72 hour period, he or she may pay to the~~

~~office, as a penalty for and in full satisfaction of the violation, the sum of \$110. Any person who owns, operates, or parks a vehicle in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205.~~

**10.40.110 Parking of commercial vehicles.**

A. Commercial vehicles having a gross weight exceeding 3 tons, shall not be parked on any public street, highway or right-of-way, except in those places designated by the Traffic Engineer.

B. This section shall not apply to those commercial vehicles temporarily parked for loading or unloading freight or merchandise.

C. Any person who owns, operates, or parks a vehicle in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205.

**10.40.120 Stopping or parking semitrailers in designated district.**

No person shall stop or park a semitrailer for the loading or unloading of freight or merchandise on Main or St. Joseph Streets from the east side of Fifth Street to the west side of Ninth Street.

**10.40.130 Opening door or entering and emerging from vehicle.**

No person shall open the door of, or enter or emerge from, any vehicle in the path of an approaching vehicle which is so close thereto as to constitute a hazard.

**10.40.140 Leaving door open into lane of traffic.**

It is unlawful for any person to leave the door or doors of any vehicle opened into a lane or path of traffic while the vehicle is stopped, standing or parked on any street, roadway or other public way, regardless of whether the vehicle is attended or unattended, or whether the vehicle is being loaded or unloaded.

**10.40.150 Starting standing vehicle.**

A person about to start a standing vehicle shall give all moving vehicles the right-of-way.

**10.40.160 Loading zones–Designation.**

The Traffic Engineer is authorized to determine the location of passenger and freight curb loading zones and shall post and maintain appropriate signs indicating the same and may state the hours during which the regulations with respect to the zones are applicable.

**10.40.170 Loading zones–Use.**

A. No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passenger and/or freight in any place marked as a curb loading zone during hours when the regulations applicable to the curb loading zone are effective. In no event shall any vehicle be parked in such zone for a period in excess of 30 minutes. While parked in such zone, a vehicle must have its emergency flashers on in continuous operation.

B. The driver or passenger vehicle may stop temporarily at a place designated specifically as a freight curb loading zone for the purpose of and while actually engaged in, loading and unloading passengers, when the stop does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the zone.

C. Any person who owns, operates or parks a vehicle found in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205. , within 72 hours from the time when the notice of violation was attached to the vehicle, pay office of the city’s Finance Officer Treasury, as a penalty for and in full satisfaction of the violation, the sum of \$5. If the

~~person fails to pay the sum within the 72 hours, he or she shall pay to the officer as a penalty for and in full satisfaction of the violation, the sum of \$10.~~

D. Any motor vehicle parked in violation of this section may be removed at the direction of the Police Department to any safe place designated by the Police Department for the storage of the vehicle. The owner or agent of the owner shall pay the reasonable cost of the removal and storage before reclaiming any vehicle removed under the provisions of this section.

#### **10.40.180 Removal of vehicles parking in violation of title.**

Any motor vehicle parked in violation of any provision of this title or in such manner or location as to create a hazard or obstruction to lawful traffic may be removed at the direction of the Police Department to any place designated by the Police Department for the storage of the vehicle. The owner or agent of the owner shall pay the reasonable cost of the removal and storage before reclaiming any vehicle removed under the provisions of this section.

#### **10.40.190 Fire lane.**

A. It is unlawful for the owner or operator of a motor vehicle to stop, stand or park a vehicle in any area on public or private property designated as a fire lane. The owner of the property shall post and maintain appropriate signs indicating any area so designated.

B. The driver of a commercial vehicle may stop temporarily at a place designated as a fire lane, if the area has also been designated as a joint use loading zone/fire lane by the Fire Chief. In no event shall the vehicle be allowed to remain parked in any zone so designated for a period exceeding 15 minutes. Any vehicle parked within any zone designated as a fire lane is required to activate and maintain emergency signal flashers in continuous operation.

C. Any person who owns, operates or parks a vehicle ~~found~~ in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205. ~~, within 72 hours from the time when the notice of violation was attached to the vehicle, pay to the city's Finance Office as a penalty for and in full satisfaction of the violation, the sum of \$10. If the person fails to pay the sum within said 72 hours, he or she shall pay to the office as a penalty for and in full satisfaction of the violation, the sum of \$15.~~

#### **10.40.200 Storage and parking of trucks, trailers and commercial vehicles.**

A. Purpose. The purpose of this section is to minimize adverse aesthetic impacts that large vehicles have in residential zoning districts by limiting the type of the vehicles, their size and the number of the vehicles.

B. Allowed storage. Vehicles and trailers of all types, including commercial, travel, boat, camping, storage and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential, commercial or industrial district except in accordance with the below provisions. The parking of vehicles which do not meet the below provisions shall be allowed only if the vehicle is temporarily parked in conjunction with provision of service to that property.

1. Number. Only 1 vehicle used principally for commercial purposes shall be permitted on each property in a residential zoning district, provided no other provisions of this section are violated.

2. Vehicle size. Vehicles parked in residential districts shall not exceed any of the following:

- a. A Gross Vehicle Weight Rating (GVWR) of 12,000 lbs. or more;
- b. A height of 7 feet from top to bottom; or
- c. A length of 22 feet from front to back. The height measurement excludes racks less than 4 feet in height. These restrictions shall not apply to recreational vehicles. For the purposes of the measurement of vehicle dimensions, the height of a vehicle shall be the vertical distance between

the lowest part of the tires of the measured vehicle to the top of the highest part of the vehicle. The length of a vehicle shall be the horizontal distance between the front edge of the vehicle to the rear edge of the vehicle. For purposes of these measurements, accessories, attachments and materials fixed or carried upon such vehicle shall be considered part of the vehicle, with the exception of aerial antennas.

3. Commercial vehicles hauling explosive, toxic or hazardous materials. Commercial vehicles used for hauling explosives, gasoline, liquefied petroleum products, toxic or hazardous materials shall not be stored in or adjacent to a residential district. Parking is permitted only for the purposes of unloading or dispensing.

4. Clear sight triangle. At no time shall a motor vehicle, recreational vehicle, travel trailer or hauling trailer be parked in the boulevard, across a sidewalk, or within the required sight triangle as provided in § 17.50.335.

5. Parking of vehicles. Any vehicle which does not meet the above provisions, and is used for the storage or transport of merchandise, equipment or business supplies shall be located on a commercial or industrial lot which contains an existing principal structure. Such a vehicle shall be screened by a 6-foot opaque fence or plant materials from any abutting residential lots or housed in an enclosed building.

**10.40.205 Parking violation penalties.**

A. *Parking Enforcement Officers.* In addition to enforcement by law enforcement officers, the Chief of Police shall have the authority to designate parking enforcement officers for the purpose of enforcing the parking ordinances contained in the municipal code. Parking enforcement officers shall be supplied with appropriate identification and with the necessary forms for providing notice of parking violations.

B. *Notice of Violation.* Notice of violation of any parking regulation shall be given by attachment of a notice to the vehicle. The notice shall state the violation, the amount of the penalty, a statement advising of the late fee and when it will apply, and any other information necessary to support the violation.

C. *Penalty.* The owner or operator of any vehicle in violation of a parking regulation shall, within 72 hours from the time when the notice of violation was attached to the vehicle, pay to the city’s Finance Office as a penalty for and in full satisfaction of the violation, the amount shown below. If the person fails to pay the penalty within 72 hours, he or she shall pay to the Finance Office as a penalty for and in full satisfaction of the violation, the sum total of the penalty and late fee shown below. Penalties shall be considered paid when the full amount is received in the Finance Office. All payments made after the close of business or utilizing a courtesy drop box or night deposit at the City/School Administration Building will be considered received and will be credited the next business day.

<b><u>Violation</u></b>	<b><u>Code Section(s)</u></b>	<b><u>Penalty</u></b>	<b><u>Late Fee</u></b>
<u>Contrary to posted sign</u>	<u>10.40.010</u> <u>10.40.020(A)(10)</u>	<u>\$10</u>	<u>\$5</u>
<u>No parking zone</u>	<u>10.40.010</u>	<u>\$25</u>	<u>\$10</u>
<u>Within intersection</u>	<u>10.40.020(A)(1)</u>	<u>\$25</u>	<u>\$10</u>
<u>On crosswalk</u>	<u>10.40.020(A)(2)</u>	<u>\$25</u>	<u>\$10</u>
<u>Within 25’ of intersection</u>	<u>10.40.020(A)(3)</u>	<u>\$10</u>	<u>\$5</u>
<u>Within 20’ of fire station entrance</u>	<u>10.40.020(A)(4)</u>	<u>\$50</u>	<u>\$15</u>

<u>Within 10' of fire hydrant</u>	<u>10.40.020(A)(5)</u>	<u>\$50</u>	<u>\$15</u>
<u>In front of private driveway</u>	<u>10.40.020(A)(6)</u>	<u>\$25</u>	<u>\$10</u>
<u>On a sidewalk</u>	<u>10.40.020(A)(7)</u>	<u>\$25</u>	<u>\$10</u>
<u>Within 10' of residential mailbox</u>	<u>10.40.020(A)(8)</u>	<u>\$10</u>	<u>\$5</u>
<u>Obstructing traffic</u>	<u>10.40.020(A)(9)</u>	<u>\$25</u>	<u>\$10</u>
<u>Across/over a line</u>	<u>10.40.020(A)(11)</u> <u>10.40.040</u> <u>10.44.040</u> <u>10.44.070</u>	<u>\$10</u>	<u>\$5</u>
<u>Yellow curb</u>	<u>10.40.020(A)(12)</u>	<u>\$25</u>	<u>\$10</u>
<u>Against traffic</u>	<u>10.40.040</u>	<u>\$10</u>	<u>\$5</u>
<u>More than 12" from curb</u>	<u>10.40.040</u>	<u>\$10</u>	<u>\$5</u>
<u>Closer than 4' to any other vehicle (parallel)</u>	<u>10.40.040</u>	<u>\$10</u>	<u>\$5</u>
<u>Not entirely within designated area</u>	<u>10.40.040</u>	<u>\$10</u>	<u>\$5</u>
<u>Alley non-temporary</u>	<u>10.40.050(A)</u>	<u>\$10</u>	<u>\$5</u>
<u>Blocking Alley</u>	<u>10.40.050(B)</u>	<u>\$25</u>	<u>\$10</u>
<u>Alley contrary to sign</u>	<u>10.40.050(C)</u>	<u>\$10</u>	<u>\$5</u>
<u>Near entrance to building</u>	<u>10.40.060</u>	<u>\$10</u>	<u>\$5</u>
<u>Between 2 a.m. and 6 a.m. Central Business District</u>	<u>10.40.070</u>	<u>\$10</u>	<u>\$5</u>
<u>Within 6' of railroad track</u>	<u>10.40.080</u>	<u>\$10</u>	<u>\$5</u>
<u>Bus &amp; Taxi stand</u>	<u>10.40.090</u>	<u>\$10</u>	<u>\$5</u>
<u>Handicapped space</u>	<u>10.40.100</u>	<u>\$100</u>	<u>\$20</u>
<u>Commercial vehicles</u>	<u>10.40.110</u>	<u>\$50</u>	<u>\$15</u>
<u>Freight on Main &amp; St. Joseph</u>	<u>10.40.120</u>	<u>\$25</u>	<u>\$10</u>
<u>Loading zone violation</u>	<u>10.40.160 &amp; 170</u>	<u>\$10</u>	<u>\$5</u>
<u>Fire lane violation</u>	<u>10.40.190</u>	<u>\$50</u>	<u>\$15</u>
<u>Sight triangle violation</u>	<u>10.40.200</u>	<u>\$25</u>	<u>\$10</u>
<u>No permit for zone</u>	<u>10.44.010</u>	<u>\$25</u>	<u>\$10</u>
<u>Double Parking</u>	<u>10.44.020</u>	<u>\$10</u>	<u>\$5</u>
<u>Civic Center zone violation</u>	<u>10.44.070(E)</u>	<u>\$10</u>	<u>\$5</u>
<u>Airport loading zone violation</u>	<u>10.44.070(G)</u>	<u>\$25</u>	<u>\$10</u>
<u>Snow removal area</u>	<u>10.48.050</u>	<u>\$25</u>	<u>\$10</u>
<u>Improper Parking</u>	<u>various</u>	<u>\$10</u>	<u>\$5</u>

D. *Graduated Penalty.* A graduated penalty shall apply to the owner or operator of a vehicle in violation of one of the following sections:

1. Section 10.44.050 – expired meter,
2. Subsection 10.44.070A. – 2-hour zone violation,
3. Subsection 10.44.070B. – courthouse zone violation,
4. Subsection 10.44.070F. – C/SAC zone violation.

No penalty shall be assessed if the vehicle has had no previous violations of any parking regulations in the ninety days preceding the present violation. A courtesy notice shall be issued informing the owner or operator of the violation and the fact that subsequent violations will be assessed a penalty. If the vehicle has had one or more parking violations in the ninety-day period preceding the present violation, the owner or operator shall, within 72 hours from the time when the notice of violation was attached to the vehicle, pay to the city's Finance Office as a penalty for and in full satisfaction of the violation, the amount shown below. If the person fails to pay the penalty within 72 hours, he or she shall pay to the Finance Office as a penalty for and in full satisfaction of the violation, the sum total of the penalty and late fee shown below. Penalties shall be considered paid when the full



amount is received in the Finance Office. All payments made after the close of business or utilizing a courtesy drop box or night deposit at the City/School Administration Building will be considered received and will be credited the next business day.

<b>Number of Previous Violations</b>	<b>Penalty</b>	<b>Late Fee</b>
<u>1</u>	<u>\$10</u>	<u>\$5</u>
<u>2</u>	<u>\$15</u>	<u>\$10</u>
<u>3 or more</u>	<u>\$25</u>	<u>\$10</u>

In the event of a computer hardware or software malfunction, or other failure that prevents the police department from accessing the records of parking violations, all penalties for violations of the above listed code sections shall be \$10, with a \$5 late fee, without regard to the number of previous violations.

### ***TEMPORARY PARKING FOR SPECIAL EVENTS***

#### **10.40.210 Authority to grant temporary parking plan for special events.**

The Common Council may grant a permit to authorize deviations from the ordinary parking regulations regarding the location, extent, and manner of parking, not to exceed 14 days, for special events; provided that the applicant follows the proper permit application procedure; and provided the Council finds that granting such permit is appropriate under the specific circumstances of the special event, and that the potential benefits to the city in granting such outweigh any risk of potential harm that may result.

#### **10.40.220 Permit–Required–Application.**

A permit must be applied for in writing on a form obtained from the City Finance Office. The application must be filed 30 days prior to the special event, setting forth the following information:

- A. 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;
- B. The name, address and telephone number of the person(s) responsible for the organization, coordination and conduct of the special event;
- C. Time and date of commencement and termination of the special event, and its nature and purpose;
- D. The location and terms of the requested deviations; and
- E. Such other reasonable relevant information requested for investigation of the application.

The application shall be reviewed by the Police Department prior to Council action, to investigate the risk of potential harm.

#### **10.40.230 Permit–Contents.**

The permit required by this chapter shall include all information in the application, and shall be signed by the Mayor after Council approval, with the signed copy kept with the application on file at the City Finance Office.

#### **10.40.240 Deviation from permit.**

No person organizing, conducting, coordinating or participating in the special event 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 such permit without express permission of the Common Council.

### **10.40.250 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 permittee's violation of any applicable provisions of the permit, state law or city ordinance.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 10.44 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

## **CHAPTER 10.44: PARKING ZONES**

### **Section**

- 10.44.010 Established.**
- 10.44.015 Authority of Chief of Police to designate temporary parking zones.**
- 10.44.020 Double parking prohibited in parking zones.**
- 10.44.030 Parking meters–Installation.**
- 10.44.040 Parking meters–Designation of spaces–Parking within lines required.**
- 10.44.050 Parking by expired meter.**
- 10.44.060 Parking meters–Amount of deposit–Time limits.**
- 10.44.070 Limitation on parking in certain zones.**
- 10.44.080 Parking meters–Use of slugs prohibited.**
- 10.44.090 Parking meters–Opening or damaging prohibited.**
- 10.44.100 Parking meters–Purpose of required deposits.**
- 10.44.110 Parking meters–Collection and disposition of deposits.**
- 10.44.120 Notice to be attached to vehicles parking in violation of chapter.**
- 10.44.130 Record of violations of chapter.**
- 10.44.140 Chapter is cumulative to other parking regulations.**
- 10.44.150 Immobilization of vehicle for outstanding parking violations.**
- 10.44.160 School parking.**

### **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 3 parking stalls east of the right-of-way for West Boulevard; the first 5 spaces east of the Fifth Street right-of-way on the south side of Kansas City Street; the first 6 spaces south of Kansas City Street on the east side of Fifth Street; the first 5 spaces east of West Boulevard on the north side of Quincy Street; and the first 4 spaces on the north side of Columbus Street west of Mount Rushmore Road and the south side of Columbus Street between Mount Rushmore Road and Ninth 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 2 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 8 feet of Lot 8, the south 28 feet of Lot 9 and the south 68 feet of Lots 10 through 14, of Block 95 of the original townsite. 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 Monday through Friday from the hours of 6:00 a.m. to 4:00 p.m., excluding holidays. Parking in this zone at all other times shall be free and open to the public. Any person who operates a vehicle found in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205. ~~, within 72 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 \$25. If the person fails to pay the sum within the 72 hours, he or she shall, within 2 weeks from the 72-hour period, pay to the city Finance Office, as a penalty for and in full satisfaction of the violation, the additional sum of \$10.~~

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. *Parking Ramp zone.* This zone includes the off-street parking in the ramp located upon Lots 1-16, Block 75 of the original townsite. This zone shall include both leased parking spaces and metered parking spaces, delineated by pavement markings and/or signs as designated by the Public Works Director, or his or her designee.

1. *Leased parking spaces.* It is unlawful to park in any leased parking space without visibly displaying a valid leased parking permit Monday through Friday from the hours of 6:00 a.m. to 4:00 p.m., excluding holidays. Parking in leased spaces in this zone at all other times shall be free and open to the public. Any person who owns, operates or parks a vehicle ~~found~~ in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205. ~~, within 72 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 \$25. If the person fails to pay the sum within the 72 hours, he or she shall, within 2 weeks from the 72-hour period, pay to the city Finance Office, as a penalty for and in full satisfaction of the violation, the additional sum of \$10.~~

2. *Metered parking spaces.* It is unlawful for any person to cause, allow, or permit any vehicle owned or operated by him or her to be upon any space adjacent to which a parking meter is installed, for any time during which the meter is showing a signal indicating that the space is illegally in use, other than such time as is necessary to operate the meter to show legal parking. A separate offense shall be deemed committed on or during each 2-hour period in which a violation of this section occurs. Any person who owns, operates or parks a vehicle ~~found~~ in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205. ~~, within 72 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 \$5. If the person fails to pay the sum within the 72 hours, he or she shall, within 2 weeks from the 72-hour~~

~~period, pay to the city Finance Office, as a penalty for and in full satisfaction of the violation, the additional sum of \$5.~~

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. *Thirty minute zone.* This zone includes all on-street parking on the west side of Sixth Street between Apolda Street and the alley north of the Milo Barber Transportation Center; the first two parking spots north of Apolda Street on the east side of Seventh Street.

M. *Timed and metered parking zones.* 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 2-hour period in which a violation of this section occurs.

#### **10.44.015 Authority of Chief of Police to designate temporary parking zones.**

The Chief of Police or his or her designee is hereby authorized to designate temporary parking zones within the city when construction, traffic congestion or other conditions, in his discretion, so require. Notwithstanding the zones established in § 10.44.010, the Chief may designate city-owned or city-controlled parking lots or on-street parking as temporary zones for leased, metered or timed parking. Any designation of a temporary zone shall be made in writing and shall state with particularity the boundaries of the zone, the reason for the designation, and the length of time of the designation. The Chief shall cause to be erected temporary signs that conspicuously mark spaces or zones with any parking restriction which will be enforced against the public.

#### **10.44.020 Double parking prohibited in parking zones.**

A. No double parking will be allowed in any parking zone.

B. Any person who owns, operates or parks a vehicle ~~found~~ in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205. ~~-, within 72 hours from the time when the notice of violation was attached to the vehicle, pay to the city's Finance Office, as a penalty for and in full satisfaction of the violation, the sum of \$5. If the person fails to pay the sum within the 72 hours, he or she shall pay to the city's Finance Office as a penalty for and in full satisfaction of the violation, the sum of \$10.~~

#### **10.44.030 Parking meters—Installation.**

A. The Traffic Division of the Rapid City Police Department is authorized and directed to install parking meters in the parking zones established by subsections A., C., F., G., H. and I. of § 10.44.010, for the purpose of, and in such numbers and at such locations as in its judgment may be necessary for the regulation, control and inspection of the parking of vehicles therein, including reservations for commercial and law enforcement purposes.

B. Parking meters installed in parking meter zones shall be installed near the curb immediately adjacent to individual parking spaces described in this chapter, and each parking meter shall be so constructed and adjusted as to show, when properly operated, a signal that the space adjacent to which it is installed is or is not legally in use.

#### **10.44.040 Parking meters—Designation of spaces—Parking within lines required.**

~~A.~~ Lines shall be painted upon the curb adjacent to each parking meter and upon the street, designating the parking space for which the meter is to be used, and each vehicle shall park within the lines. It is unlawful to park any vehicle across any such line, or to park a vehicle in such a position that it shall not be entirely within the space designated by the lines.

~~B.~~ Any person who owns, operates or parks a vehicle ~~found~~ in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205. ~~, within 72 hours from the time when the notice of violation was attached to the vehicle, pay to the Finance Office, as a penalty for and in full satisfaction of the violation, the sum of \$5. If the person fails to pay the sum within the 72 hours, he or she shall pay to the city's Finance Office as a penalty for and in full satisfaction of the violation, the sum of \$10.~~

#### **10.44.050 Parking by expired meter.**

A. It is unlawful for any person to cause, allow, permit or suffer any vehicle owned or operated by him or her to be upon any street within a parking meter zone in any space adjacent to which a parking meter is installed, for any time during which the meter is showing a signal indicating that the space is illegally in use, other than such time as is necessary to operate the meter to show legal parking. Parking in metered spaces shall be enforced as follows:

1. Between the hours of 9:00 a.m. and 4:00 p.m. of any day, Saturdays, Sundays, and holidays excepted in the Parking Ramp zone established in § 10.44.010G. and the Sixth Street lot zone established in § 10.44.010H.; and

2. Between the hours of 9:00 a.m. and 5:00 p.m. of any day, Sundays and holidays excepted in all other parking zones enumerated in § 10.44.010.

B. Any person who owns, operates or parks a vehicle in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205. ~~The owner or operator of any vehicle found in violation of this section may within 72 hours of the time when the notice of violation was attached to the vehicle, pay to the city's Finance Office, as a penalty for and in full satisfaction of the violation, the sum of \$5. If the person fails to pay the sum within the 72 hour period, he or she may pay to the city's Finance Office as penalty for and in full satisfaction of the violation the sum of \$10.~~

C. ~~Any physically handicapped person who displays license plates with the international wheelchair insignia on an automobile parked by him or her or under his or her direction and for his or her use shall be exempt from the provisions of this section.~~ Any person with a physical disability, who displays special license plates issued under SDCL § 32-5-76 or 32-5-157(2), a serially numbered certificate issued under SDCL § 32-5-76.1 or 32-5-76.2, or a similar license plate

or certificate issued in another state for a motor vehicle used in transporting that person, shall be exempt from the provisions of this section.

**10.44.060 Parking meters—Amount of deposit—Time limits.**

Parking meters in the city shall be adjusted to show legal parking during the periods established herein. All deposits in parking meters shall be United States coins of \$.05, \$.10 or \$.25 denominations. Except in the Parking Ramp zone, each deposit of 1 \$.25 coin will show legal parking for a period of 1 hour; the meters shall show either 12 or 15 minutes of legal parking each \$.05 deposit and either 24 or 30 minutes of legal parking for each \$.10 deposit, up to the maximum of allowable parking time for the parking zone in which the meter is located.

A. *Library parking lot zone.* All meters shall show legal parking for a period of 1 hour upon and after the deposit of 1 \$.25 coin; additional coins can be added for each additional hour desired. Meters denote maximum time for credited coins.

B. *Four-hour zone.* All meters shall show legal parking for a period of 4 hours upon and after the deposit of 4 \$.25 coins.

C. *General zone.* All meters shall show legal parking for a period of either 12 or 15 minutes for each \$.05 deposited, upon and after the time of deposit; some meters allow for depositing coins to obtain a maximum of 10-hours' parking.

D. *Parking Ramp zone.* All meters in this zone, as defined in § 10.44.010(G), shall show legal parking for a period of 1 hour upon and after the deposit of 2 \$.25 coins, additional coins can be added for each additional hour desired. The meters in this zone shall show 6 minutes of legal parking for each \$.05 deposit, and 12 minutes of legal parking for each \$.10 deposit. All meters in this zone allow for a maximum of 10-hours' credited time.

E. *Sixth Street lot zone.* All meters shall show legal parking for a period of 1 hour upon and after the deposit of 1 \$.25 coin, additional coins can be added for each additional hour desired. All meters allow for maximum of 10-hours' credited time.

**10.44.070 Limitation on parking in certain zones.**

A. *Two-hour parking zone.*

1. In the 2-hour parking zone established by § 10.44.010A., it is unlawful for any person to permit or suffer any vehicle registered in the name of or operated by the person to be parked on either side of the street within the same city block for a continuous period of time in excess of 2 hours, between the hours of 7:30 a.m. to 6:00 p.m. of any day, Sundays and holidays excepted.

2. A separate offense shall be deemed committed on or during each 2-hour period in which violation of this subsection occurs or continues.

B. *Pennington County Courthouse lot zone.*

1. In the Pennington County Courthouse lot zone established by § 10.44.010D., it is unlawful for any person to permit or suffer any vehicle registered in the name of or operated by the person to be parked in the zone for a continuous period of time in excess of 2 hours, between the hours of 7:30 a.m. and 6:00 p.m. of any day, Saturdays, Sundays and holidays excepted; unless a longer time is necessitated by the conduct of business in the Pennington County Courthouse or the Public Safety Building, as evidenced by the authorization of a department head, or his or her designee, in either building.

2. A separate offense shall be deemed committed on or during each 2-hour period in which a violation of this subsection occurs or continues.

~~C. *Public Safety Building lot zone.*~~

~~1. In the Public Safety Building lot zone established by § 10.44.010E., it is unlawful for any person to permit or suffer any vehicle registered in the name of or operated by the person to be~~

parked in the zone for a continuous period of time in excess of 2 hours, between the hours of 7:30 a.m. and 6:00 p.m. of any day, Saturdays, Sundays and holidays excepted; unless a longer time is necessitated by the conduct of business in the Public Safety Building or Pennington County Courthouse, as evidenced by the authorization of a department head, or his or her designee, in either building; or unless the person displays an appropriate sticker approved by the Pennington County Commission or its designee on the vehicle parked by him or her or under his or her direction.

~~— 2. A separate offense shall be deemed committed on or during each 2 hour period in which a violation of this subsection occurs or continues.~~

~~—D. *Violation.* The owner or operator of any vehicle found in violation of this section may, within 72 hours of the time when the notice of violations 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 \$5. If the person fails to pay the sum within the 72 hours, he or she may, within 2 weeks from the 72 hour period, pay to the city Finance Office, as a penalty for and in full satisfaction of the violation, the sum of \$10.~~

~~E.C. *Exemption.* Any physically handicapped person who displays license plates with the international wheelchair insignia on an automobile parked by him or her or under his or her direction and for his or her use shall be exempt from the provisions of this section. Any person with a physical disability, who displays special license plates issued under SDCL § 32-5-76 or 32-5-157(2), a serially numbered certificate issued under SDCL § 32-5-76.1 or 32-5-76.2, or a similar license plate or certificate issued in another state for a motor vehicle used in transporting that person, shall be exempt from the provisions of subsections A, B, & F.~~

~~F.D. *Definition.* CONTINUOUS for the purpose of this section means parking which is not interrupted by more than 2 consecutive hours.~~

~~G.E. *Civic Center parking.* It is unlawful to park contrary to any sign erected under authority of the city or across any line delineating established parking spaces.~~

~~H.F. *City/School Administration lot zone.*~~

~~1. It is unlawful to park contrary to any sign erected under authority of the city or across any line delineating established parking spaces or for a longer period of time than specified by the sign.~~

~~2. It is unlawful for any person to permit or suffer any vehicle registered in the name of or operated by the person to be parked in the area designated as 2-hour parking for a continuous period of time in excess of 2 hours, between the hours of 7:30 a.m. to 4:00 p.m. of any day, Saturdays, Sundays and holidays excepted.~~

~~I.G. *Parking at Rapid City Regional Airport.* The area located in front of the airport terminal is designated as a loading and unloading zone. Vehicles are permitted to stop in this area to drop off or pick up pedestrians, but are not allowed to leave vehicles unattended. Commercial shuttle vehicles, which display a permit authorized by the Airport Board and which are parked in designated areas, shall be exempt from this section. Any person who operates a vehicle found in violation of this section shall, within 72 hours from the time when the notice of violation was attached to the vehicle, pay to the city Finance Office, as a penalty for and in full satisfaction of the violation, the sum of \$25. If the person fails to pay the sum within the 72 hours, he or she shall, within 2 weeks from the 72 hour period, pay to the city Finance Office, as a penalty for and in full satisfaction of the violation, the additional sum of \$10.~~

~~J.H. *Parking Ramp zone.* In the Parking Ramp zone established by § 10.44.010G., it is unlawful for any person to permit or suffer any vehicle registered in the name of or operated by the person to park contrary to any sign erected under authority of the city or across any line delineating established parking spaces between the hours of 6:00 a.m. to 4:00 p.m. of any day in parking spaces designated as leased, and between the hours of 9:00 a.m. to 4:00 p.m. of any day in metered parking spaces, Saturdays, Sundays and holidays excepted.~~

I. Any person who owns, operates or parks a vehicle in violation of this section shall be subject to the parking penalty provisions contained in Section 10.40.205.

**10.44.080 Parking meters—Use of slugs prohibited.**

It is unlawful for any person to deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for any coin of the United States, except parking tokens issued by the city.

**10.44.090 Parking meters—Opening or damaging prohibited.**

It is unlawful for any unauthorized person to open, or for any person to deface, injure, tamper with or willfully break, destroy or impair the usefulness of any parking meter. Any person violating this section shall, upon conviction, be punished by a fine of not more than \$100 or by imprisonment for not longer than 30 days, or by both such fine and imprisonment.

**10.44.100 Parking meters—Purpose of required deposits.**

The amount of the coins required to be deposited in parking meters as provided in this chapter, is levied and assessed as a fee to provide for the proper regulation, control and inspection of traffic upon the public streets, and to cover the cost of supervising, regulating and inspecting the parking of vehicles in the parking meter zones, the cost of placing and maintaining lines or markings designating parking spaces in parking meter zones, and the cost of the purchase, supervision; protection, inspection, installation, operation, maintenance, control and use of the parking meters installed under this chapter.

**10.44.110 Parking meters—Collection and disposition of deposits.**

It shall be the duty of the Mayor to designate some person or persons to make regular collections of the money deposited in parking meters, and deliver the money to the designated bank to count the money and place it in a special fund to be known as the parking meter fund, which fund shall be used for the purposes specified in § 10.44.100 of this chapter.

**10.44.120 Notice to be attached to vehicles parking in violation of chapter.**

All notices for violations of this Chapter shall be given as provided in Section 10.40.205.

~~—A. When any police officer or special parking police officer finds a vehicle parked in violation of this chapter, he or she shall attach to the vehicle a notice stating that it has been parked in violation of this chapter, and stating the cost of the violation as expressly provided in this chapter or as established by general order of the Magistrate Court.~~

~~—B. The Chief of Police shall have the authority to designate special parking police and supply the special parking police with identification and with the necessary forms for notice of parking violations pursuant to this chapter.~~

**10.44.130 Record of violations of chapter.**

The city's Finance Office shall keep a record of all violations of this chapter, indicating the number of the parking meter adjacent to the parking space occupied by the violating vehicle, the date and hour of the violation, the nature of the violation (if overtime parking), the approximate number of minutes the vehicle was overparked, the make, license number and state issuing the license and any other facts of knowledge of which is necessary to a thorough understanding of the circumstances attending the violation.

**10.44.140 Chapter is cumulative to other parking regulations.**



This chapter shall be deemed to be in addition and supplementary to, and not in conflict with, nor a repeal of existing ordinances of this city, but shall be an additional provision for the regulation of traffic and parking in the parking meter zones provided for in this chapter.

#### **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:

1. If there are 5 or more outstanding or otherwise unsettled parking violation notices, or warrants issued for the violations, pending against the owner of the motor vehicle; or
2. If the owner owes \$100 or more in ~~fin~~ penalties and/or late fees for outstanding or otherwise unsettled parking violation notices.

A motor vehicle parked upon private property may be immobilized pursuant to this section if the owner or manager of the private property consents.

B. *Notice of immobilization.* Upon immobilization of the motor vehicle, the officer or employee shall cause to be placed on the vehicle, in a conspicuous manner, notice sufficient to warn any individual that the vehicle has been immobilized, and that any attempt to move the vehicle might result in damage to the 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 15 days after the vehicle has been 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 48 hours, unless the owner has complied within subsection C. of this section. If the compliance has not occurred within 48 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 the vehicle, or other 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 \$100 for the immobilization. The owner of an immobilized vehicle which was towed or impounded shall also be subject to a the towing fee and any applicable, plus a fees for storage.

F. *Enforcement.* The Chief of Police, along with the city's 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,~~ or damage 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. Any person who tampers with an immobilization device or moves or attempts to move a vehicle to which the device was affixed shall be subject to the general penalty provisions of Chapter 1.12.

~~H. *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.~~

**10.44.160 School parking.**

The Rapid City area school district may promulgate regulations concerning parking, vehicle registration and parking fees for students or others for parking motor vehicles in or on parking facilities provided by the school district. In such event, the following shall apply:

A. It is unlawful for any visitor, student, faculty or staff member of the school district to permit or suffer any vehicle registered in the name of or operated by such person to be parked in an area of a parking facility provided by the school district other than the properly designated parking area for the visitors, students, faculty or staff. The owner or operator of any vehicle found in violation of this subsection may, within 72 hours of the time when the notice of violation is attached to the vehicle, pay to the office of the city’s Finance Officer, as penalty for and in full satisfaction of the violation the sum of \$7. If the person fails to pay the sum within 72 hours, the sum of \$8 may, within 2 weeks from the 72-hour period be paid to the office as a penalty for and in full satisfaction of the violation. Upon failure of the person to pay either of the sums to the office within the time periods indicated, and upon conviction of a violation of this subsection, the person shall be fined not less than \$15, nor more than \$19, which fine shall be collected by the Magistrate Court.

B. It is unlawful for any person to permit or suffer any vehicle registered in the name of or operated by the person to be parked in or block an area of a parking facility provided by the school district specifically for motorcycle parking. The owner or operator of any vehicle found in violation of this subsection may, within 72 hours of the time when the notice of violation is attached to the vehicle, pay to the office of the city’s Finance Officer, as penalty for and in full satisfaction of the violation the sum of \$4. If the person fails to pay the sum within 72 hours the sum of \$7 may, within 2 weeks from the 72-hour period, be paid to the office as a penalty for and in full satisfaction of the violation. Upon failure of the person to pay either of the sums to the office within the time periods indicated, and upon conviction of a violation of this subsection, the person shall be fined not less than \$15, nor more than \$19, which fine shall be collected by the Magistrate Court.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

Attest

\_\_\_\_\_  
Finance Officer

(seal)