



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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### MEMORANDUM

TO: Common Council

FROM: Allison Marsland, Assistant City Attorney

DATE: April 27, 2012

RE: Code Enforcement Board of Appeals and the Attendant Ordinance Amendments

Before the Council is a new ordinance, Rapid City Municipal Code ("RCMC") Chapter 8.01, which creates a Code Enforcement Board of Appeals (the "CEBA"). At the direction of the Mayor, the Code Enforcement Division has met with the City Attorney's Office over the last several months to draft an ordinance to create a CEBA. If passed, appeals of certain Code Enforcement determinations would be heard by the CEBA, rather than the Developmental Appeals and Review Board (the "DARB"). Certain matters were coming before the DARB that really would have been better suited for a board with the specific purpose of hearing appeals from Code Enforcement action. In addition, creation of the CEBA will provide the citizens of Rapid City with a board specifically tasked with hearing complaints regarding code violations within the territorial jurisdiction of the City of Rapid City, and within the subject matter jurisdiction of the CEBA.

Ordinance revisions of RCMC Sections 8.16.035, 8.16.050, 8.28.030, 10.56.060, and 10.56.065 are also before the Council. It was necessary to make changes to multiple ordinances in order to provide for proper reference to the CEBA, and to bring references to appeal time-frames in line with the appeal time-frame provided for in the CEBA ordinance.

An additional change regarding the definition of junk motor vehicles is also being brought forward at this time. The amendment to RCMC 10.56.010 amends the definition to include broken windows and/or windshields, in certain instances. This will allow the Code Enforcement Division to enforce the junk motor vehicle ordinances in instances where broken glass would pose safety issues to the public.

**Staff recommendation is to adopt Chapter 8.01 to create a Code Enforcement Board of Appeals, and to adopt the ordinance revisions necessitated by the adoption of the CEBA.**

**ORDINANCE NO. 5833****AN ORDINANCE TO AMEND THE DEFINITION OF JUNK MOTOR VEHICLES  
TO INCLUDE VEHICLES WITH BROKEN GLASS BY AMENDING  
SECTION 10.56.010 OF THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, Rapid City Municipal Code § 10.56.010 currently defines junk motor vehicles as those without current license and registration, or those which are wrecked, dismantled or partially dismantled, inoperable or discarded; and

WHEREAS, the Common Council of the City of Rapid City desires to include vehicles with certain instances of broken glass within the definition of a junk motor vehicle in order to promote the public health, safety, and welfare; and

WHEREAS, the Common Council of the City of Rapid City deems it is in the best interest of the City to amend § 10.56.010 of the Rapid City Municipal Code to vehicles with certain instances of broken glass.

NOW, THEREFORE, BE IT ORDAINED, by the City of Rapid City that Section 10.56.010 of the Rapid City Municipal Code is hereby amended to read as follows:

**10.56.010 Definitions.**

As used in this chapter the following words, terms and phrases shall have the meanings herein ascribed:

A. ***ABANDONED MOTOR VEHICLE.*** Any motor vehicle which is left unattended on any public street or alley, in any public parking lot, or in any other public place for more than 24 consecutive hours.

B. ***JUNK MOTOR VEHICLES.*** Any motor vehicle which does not have lawfully affixed thereto unexpired license plates or which is wrecked, dismantled, partially dismantled, inoperable or discarded, or any motor vehicle with one or more broken window(s) or windshield(s) if the broken glass poses a potential threat to the public's health, safety, or welfare.

C. ***MOTOR VEHICLE.*** Any self-propelled vehicle including, but not limited to automobiles, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts and campers.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: