

ORDINANCE NO. 5479

AN ORDINANCE IMPLEMENTING THE RECOMMENDATIONS OF THE DOWNTOWN REVITALIZATION TASK FORCE AND DOWNTOWN PARKING COMMITTEE BY ADOPTING PARKING REGULATIONS FOR CERTAIN AREAS OF RAPID CITY BY AMENDING CHAPTER 10.44 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the City of Rapid City may regulate the use of streets and establish the use of parking meters pursuant to SDCL 9-30-2, 9-31-5 and Chapter 9-51; and

WHEREAS, the City of Rapid City has previously adopted an ordinance establishing certain parking zones within the City; and

WHEREAS, the City of Rapid City has identified the lack of parking facilities as a major issue facing its citizens who live, work and shop in downtown Rapid City; and

WHEREAS, the Downtown Revitalization Task Force began in 2007 working on a new plan for parking in downtown Rapid City; and

WHEREAS, the primary goal of the plan is to meet the need of the current users of downtown parking and to generate additional revenue which can be used to improve and expand parking in downtown Rapid City; and

WHEREAS, the Downtown Revitalization Task Force took public comment on its proposed plan, including an open house which was held on June 24, 2008; and

WHEREAS, the Downtown Revitalization Task Force approved the proposed plan on June 27, 2008; and

WHEREAS, the plan approved by the Downtown Revitalization Task Force was presented to the City Council on July 21, 2008; and

WHEREAS, the City Council held a special meeting on September 29, 2008, to take additional public comment on the plan; and

WHEREAS, the City Council then established a Downtown Parking Committee made up of elected officials, private citizens and City staff to look at the parking issues in the downtown area and to bring forward final recommendations for improving the downtown parking situation; and

WHEREAS, the committee has completed its work and has recommended that the City's current ordinances be changed to better utilize downtown parking; and

WHEREAS, by better utilizing parking the City will be able to generate sufficient revenue to purchase and improve current off-street parking in downtown Rapid City; and

WHEREAS, the Common Council of the City of Rapid City, having considered the recommendations of the parking committee, all the relevant facts and input from the public, has determined that it is in the best interests of the City to adopt the recommendations and amend Chapter 10.44 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City that Chapter 10.44 of the Rapid City Municipal Code be amended to read as follows:

Chapter 10.44

Parking Zones

Sections:

- 10.44.010 Two hour parking zone established.
- 10.44.020 Meter parking zone established.
- 10.44.030 Parking meters – opening or damaging prohibited.
- 10.44.040 Off-street leased parking areas.
- 10.44.050 Residential parking permits.
- 10.44.060 Other off-street parking areas regulated by the City.
- 10.44.070 Physically handicap exempt from certain provisions of this chapter.
- 10.44.080 Double parking and parking over the line - prohibited.
- 10.44.090 General provisions applicable to all zones and other regulated parking areas.
- 10.44.100 Authorization to establish special parking police and requirement that notice of violation be attached to the vehicle.
- 10.44.110 Record of violations.
- 10.44.120 Chapter is cumulative to other parking regulations.
- 10.44.130 Immobilization of vehicles for outstanding parking violations.
- 10.44.140 Appeals.
- 10.44.150 Deposit of funds in Parking Lot and Area Fund.
- 10.44.160 Established.
- 10.44.170 Double parking prohibited in parking zones.
- 10.44.180 Parking meters–Installation.
- 10.44.190 Parking meters–Designation of spaces–Parking within lines required.
- 10.44.200 Parking by expired meter.
- 10.44.210 Parking meters–Amount of deposit–Time limits.
- 10.44.220 Limitation on parking in certain zones.
- 10.44.230 Parking meters–Use of slugs prohibited.
- 10.44.240 Parking meters–Opening or damaging prohibited.
- 10.44.250 Parking meters–Purpose of required deposits.
- 10.44.260 Parking meters–Collection and disposition of deposits.
- 10.44.270 Notice to be attached to vehicles parking in violation of chapter.
- 10.44.280 Record of violations of chapter.

- 10.44.290 Chapter is cumulative to other parking regulations.
- 10.44.300 Immobilization of vehicle for outstanding parking violations.

10.44.010 Two hour parking zone established.

The City establishes a two hour parking zone. It is unlawful for any person to park in any parking spot within this zone for a period in excess of two hours between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday, Sundays and federally recognized holidays excluded. For purposes of this section, the two hour period continues to run if the vehicle remains parked on either side of the same street, within the same block it was originally parked, unless the vehicle has been gone from the area for more than two hours.

A. *Boundaries.* The boundary of the two hour zone includes all on-street parking on Main Street between Fourth Street and Ninth Street; all on-street parking on St. Joseph Street between Fifth Street and Ninth Street; all on-street parking on Fifth, Sixth and Seventh Streets between Main Street and St. Joseph Street; the portions of the parking lot at the City-School Administration Building not designated as leased parking; the parking lot at the Pennington County Courthouse located northeast of the intersection of Fourth Street and Kansas City Street.

B. *Penalty.* The owner or operator of a vehicle who violates this section shall be subject to the following penalties:

1. The first violation of this section within any 180 day period shall result in the issuance of a courtesy warning ticket;
2. The second violation of this section within any 180 day period shall result in a \$10 penalty being imposed;
3. The third violation of this section within any 180 day period shall result in a \$15 penalty being imposed;
4. Four or more tickets within any 180 day period shall result in a \$20 penalty per ticket being imposed.

Each additional two hour period after the first violation between 8:00 a.m. to 5:00 p.m. on the same day, shall not constitute a separate violation, unless the vehicle has been moved. The owner or operator of any vehicle in violation of this section must have his or her payment to the City Finance Office within 72 hours from the time the notice of violation was attached to the vehicle. If the payment is not received by the City Finance Office within 72 hours of the violation, a late fee of \$10 shall be added to the penalty.

10.44.020 Meter parking zone established.

The City establishes a meter zone in which the regulation of on-street parking shall be through the use of parking meters. The City Council shall adopt, by resolution, a map showing the location and maximum parking time of all meters within the zone.

A. *Boundaries.* The boundary of the meter zone includes all on-street parking, which is located outside the two-hour zone described in §10.44.010, on the east side of West Boulevard between Saint Joseph Street and Omaha Street; on Ninth Street between Columbus Street up to and including the block located immediately north of Main Street; Mt. Rushmore Road between Omaha Street and Columbus Street; Seventh Street between Columbus Street and Omaha Street; Sixth Street between Columbus Street and Omaha Street; Fifth Street between Columbus and Omaha Street; Fourth Street between Columbus Street and Main Street; Third Street between St. Joseph Street and Omaha Street; Second Street between Kansas City Street and Main Street; Apolda Street between Mt. Rushmore Road and Sixth Street; Main Street between West Boulevard and Ninth Street; Main Street between Fourth Street and Second Street; St. Joseph Street between West Boulevard and Ninth Street; St. Joseph Street between Fifth Street and Second Street; Kansas City Street between West Boulevard and Second Street; Quincy Street between Ninth Street and Fourth Street; Columbus Street between Ninth Street and Fourth Street; the portion of the parking lot immediately west of the main branch of the Rapid City Public Library which is not designated as employee or leased parking; the portion of the parking lot located south of St. Joseph Street and west of Fifth Street which is not designated as leased parking, the parking lot on the northeast corner of Sixth Street and Main Street.

B. *Placement and Operation.* Parking meters installed in the meter zone shall be installed near the curb adjacent to individual parking spaces described in this chapter. Each parking meter shall show a signal that the space adjacent to which it is installed is, or is not, legally in use and when operated shall indicate the duration of legal parking time remaining. Upon expiration of such period of time, the meter shall indicate illegal or overtime parking. 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.

C. *Purchase of Time.* When a motor vehicle is parked in any space adjacent to which a parking meter is located, the owner or operator of such vehicle shall immediately deposit, or cause to be deposited, the proper fee in such meter. Failure to immediately deposit the proper fee between the hours of 8:00 a.m. and 5:00 p.m. Monday through Saturday, Sundays and federally recognized holidays excluded, shall be a violation of this section. It shall also be a violation of this section for the owner or operator of a motor vehicle to permit the vehicle to remain in any parking space adjacent to a parking meter when such meter is showing illegal or overtime parking. As a courtesy, the first 15 minutes at all meters may be free of charge. The parking meters will have a button that may be pressed free of charge which will then indicate 15 minutes of legal parking. The City Council shall adopt by resolution a schedule establishing the fees for all meters within the City. Payment for parking meters shall be made in United States currency with \$.25, \$.10 or \$.05 denomination coins or pre-paid parking cards described in subsection (D) of this section.

D. *Parking Cards.* The City may make available pre-paid parking cards for use in all City parking meters. The Mayor may designate such places where pre-paid cards may be sold or redeemed and is authorized to enter into such agreements as may be necessary to effectuate the authority granted in this sub-section.

E. *Exemptions.* Faculty and Staff of Dakota Middle School, who possess a staff parking permit, will be allowed to park in the metered spots along Columbus Street at an amount to be agreed upon between the school district and City.

F. *Penalty.* The owner or operator of any vehicle who violates this section shall be subject to a penalty of \$5. Each two hour period the violation remains shall constitute a separate violation. The owner or operator of any vehicle in violation of this section must have his or her payment to the City Finance Office within 72 hours from the time the notice of violation was attached to the vehicle. If the payment is not received by the City Finance Office within 72 hours of the violation, a late fee of \$10 shall be added to the penalty.

10.44.030 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 otherwise impair the usefulness of any parking meter, or to attempt to avoid the fee by use of a slug or other similar device. Any person violating this section shall be subject to criminal prosecution and upon a conviction or guilty plea, to the general penalty provision contained in §1.12.010 of the RCMC.

10.44.040 Off-street leased parking areas.

The City owns several off-street parking areas in which it leases parking spaces to private individuals and businesses. The City Council shall establish, by resolution, rates for the leased lots. The leased parking areas covered by this section are as follows:

1. The parking lot located on the southwest corner of Main Street and Mt. Rushmore Road;
2. The parking lot located immediately to the west of the Dahl and south of Kansas City Street, on Lots 1 through 5 and the north half of the vacated alley adjacent to them, Block 103 Original Town of Rapid City;
3. The parking lot on the east side of Seventh Street south of the railroad right-of-way on Lots 10 through 16 of Block 74, Original Town of Rapid City;
4. The portion of the City School Administration Building not designated as two hour or visitor parking;
5. The parking ramp located between Sixth Street and Fifth Street on Lots 1 through 16 of Block 75, Original Town of Rapid City;
6. The portion of the parking lot located south of St. Joseph Street and west of Fifth Street on Lots 1 through 16 of Block 95, Original Town of Rapid City, which is not used for metered parking;

7. The parking lot on the southeast corner of Omaha Street and Fifth Street;
8. The parking lot north of St. Joseph Street on Lots 21 through 28 of Block 86, Original Town of Rapid City.

It is a violation of this section to park in any leased parking spaces between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, with the exception of federally recognized holidays, without visibly displaying a valid leased parking permit. The owner or operator of any vehicle who violates this section shall be subject to penalty of \$25. Each day the violation occurs or continues shall constitute a separate violation. The owner or operator of any vehicle in violation of this section must have his or her payment to the City Finance Office within 72 hours from the time the notice of violation was attached to the vehicle. If the payment is not received by the City's Finance Office within 72 hours of the violation, a late fee of \$10 shall be added to the penalty.

10.44.050 Residential parking permits.

The City recognizes that many people live in the area covered by the parking zones contained in §10.44.010 and §10.44.020. The City further recognizes that encouraging residential development in the City's core will benefit the entire community. In order to encourage residential development in the downtown area, permanent residents living at an address located within the two hour parking or meter parking zones will be eligible for a Residential Parking Permit. There shall be two classes of Residential Parking Permits. Owner occupied residences will be able to obtain an annual permit for \$15 a year. All other eligible persons will be able to obtain a monthly pass for \$40 a month.

A. *Eligibility.* Any person whose permanent residence is located at an address which is within the boundaries of the zones created by §10.44.010 or §10.44.020 and does not have any outstanding parking fines or permit fees due and owing to the City is eligible for a Residential Parking Permit. Each eligible person is limited to one Residential Parking Permit. The \$15 annual permits for owner occupied homes are limited to one person per household. If there are additional people residing at the residence, they may obtain the \$40 monthly permit. In order to obtain the permit the person will be required to fill out a written application with the City's Finance Office. The application shall include, the name of the applicant, their permanent address and the vehicles make, model and license plate number.

B. *Information Required.* In order to receive a permit the applicant will need to provide a valid driver's license, a valid car registration and written proof of permanent residency within the boundaries of one of the two zones. Written proof of residency shall include a rental agreement, property tax bill and a current utility or telephone bill. The vehicle must be registered in the name of the applicant. If the applicant is applying for the owner occupied permit, they must provide a property tax bill, or other equivalent information from official records, to demonstrate that they own their residence and actually reside there.

C. *Cost.* The cost for a residential permit shall be \$15 annually for applicants who own their residence and \$40 a month for all other applicants. The \$15 permits shall be paid in full at the time the application is submitted, all other permittees shall pay at least their first month's fee with their application. If the fee is not paid in full, the fee for all subsequent months shall be paid on or before the first of the month. If the fee is not paid by the first of the month, a \$10 late charge shall be added to the fee for that month. Applicants who apply for a permit after the first of the month shall pay the full fee for that month. If the applicants permit application is rejected, the fee will be returned to them, minus any outstanding fines, penalties or fees owed to the City.

D. *Permit.* If the applicant meets the criteria and pays the required fee the City shall issue them a Residential Parking Permit. At the time the permit is issued, the staff and applicant will designate the three closest street blocks to the permittee's residence which are outside the two hour zone. The street and block address number will be identified on the permit. Each permit shall be assigned a unique number. The permit must be affixed to a conspicuous place on the vehicle's front windshield. The permits are issued to both the individual and vehicle. Permits may not be transferred between vehicles. The permittee will be allowed to park in the areas designated on the permit without paying a meter charge. The permit will not cover the permittee if they park outside of the areas designated on the permit. Issuance of a permit under this section does not guarantee or reserve a parking space for the holder of the permit within the designated area. The permit's sole purpose is to provide downtown residents a place to park without having to pay a meter fee within the area designated on their permit. It does not exempt the permittee from any other traffic or parking rules, regulations or ordinances. A permittee shall completely remove the permit upon moving from their current residence or upon termination or expiration of the permit.

E. *Renewal and Replacement.* All Residential Permits must be renewed annually on June 1st of each year, regardless of the date of issuance. If a permittee sells or has their vehicle stolen or destroyed, they may receive a replacement permit. An applicant for renewal or replacement will have to provide all documentation required for issuance of the original permit. No permit will be issued to any person who has outstanding parking fines or fees still due.

F. *Penalty.* Any person who obtains a permit to which they are not legally entitled, transfers the permit to another vehicle or person, continues to display the permit after they have moved from the residence for which it was issued, continues to display the permit after it has been terminated or expired or who otherwise displays the permit when they are not legally entitled to do so is in violation of this section. Any person violating this section shall have their permit terminated and be subject to criminal prosecution and upon a conviction or guilty plea, to the general penalty provision contained in §1.12.010 of the RCMC.

10.44.060 Other off-street parking areas regulated by the City.

A. *Parking Ramp at Pennington County Courthouse.* This ramp is open to the public and has no specific restriction on the length of time a vehicle can be parked there, subject to other laws related to the removal of abandoned vehicles.

B. *Civic Center Parking Lot.* It is a violation of this section to park in a manner that is contrary to any posted sign erected under the authority of the City or in contravention of instructions given by any law enforcement officer, civic center employee or any contractor employed by the City to facilitate parking at the Civic Center.

C. *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 the vehicle unattended for any period of time. 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.

D. *Penalty.* The owner or operator of any vehicle who violates any provisions of sub-section (B) shall be subject to a penalty of \$5. The owner or operator of any vehicle who violates sub-section (C) shall be subject to a penalty of \$25. Each day the violation occurs or continues shall constitute a separate violation. The owner or operator of any vehicle in violation of this section must have his or her payment to the City Finance Office within 72 hours from the time the notice of violation was attached to the vehicle. If the payment is not received by the City Finance Office within 72 hours of the violation, a late fee of \$10 shall be added to the penalty.

10.44.070 Physically handicap exempt from certain provisions of this chapter.

Any physically handicapped person who displays or possesses a license plate with the international wheelchair insignia, or a permit issued by any governmental entity which is displayed in any prominent place within the vehicle where it would be visible to those outside the vehicle, shall be exempt from the provisions of §10.44.010 and §10.44.020.

10.44.080 Double parking and parking over the line - prohibited.

A. *Double Parking.* Double parking, as defined in § 10.04.120, is prohibited in all on-street and off-street parking areas regulated by the City.

B. *Parking over a line.* It is a violation to park over or across any line used to delineate or identify any parking spaces regulated in by the City.

C. *Penalty.* The owner or operator of any vehicle who violates this section shall be subject to penalty of \$10. Each day the violation occurs or continues shall constitute a separate violation. The owner or operator of any vehicle in violation of this section must have his or her payment to the City Finance Office within 72 hours from the time the

notice of violation was attached to the vehicle. If the payment is not received by the City's Finance Office within 72 hours of the violation, a late fee of \$10 shall be added to the penalty.

10.44.090 General provisions applicable to all zones and other regulated parking areas.

Nothing in this chapter shall be construed to create off-street parking where it does not already exist or where it is currently prohibited, nor does it prevent the City Engineer, or their designee, from prohibiting parking on certain streets for reasons of safety or in order to comply with other rules, regulations or laws.

10.44.100 Authorization to establish special parking police and requirement that notice of violation be attached to the vehicle.

A. 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.

B. 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.

10.44.110 Record of violations.

The City's Finance Office shall keep a record of all violations of this chapter, including the following information when applicable, 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, 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.

10.44.120 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.

10.44.130 Immobilization of vehicles for outstanding parking violations.

A. *Immobilization of motor vehicle.* Any vehicle which has 5 or more outstanding, or otherwise unsettled, parking violations for which any penalties, fines or other fees remain unpaid is subject to having their vehicle immobilized. If the vehicle is parked upon the public way or any lot under the control of the City, any officer of the Rapid City

Police Department, including any personnel working pursuant to §10.44.100, is authorized to cause such vehicle to be immobilized in a manner which will prevent its operation. If the vehicle is located on private property it may be immobilized with the property owner's consent.

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 may result in damage to the vehicle.

C. *Release of immobilized vehicle.* The owner or operator of an immobilized vehicle, or other authorized person, shall be permitted to secure release of the vehicle upon paying to the City Finance Office all fines, penalties or other fees which are currently outstanding. In addition to the outstanding amounts, they shall also be required to pay a \$50 fee for the immobilization of the vehicle.

D. *Towing and impoundment for failure to pay fines.* If no one secures the vehicles release pursuant to sub-section (C), the immobilizing device or mechanism shall remain in place for 48 hours. If compliance has not occurred within 48 hours, the vehicle shall be towed or impounded. The owner of the impounded vehicle shall be responsible for paying any towing fee or storage fees. All fees and costs shall be paid before the owner of the vehicle, or other authorized person, before the vehicle will be released.

E. *Unlawful tampering.* It is unlawful for any person to remove or attempt to remove any immobilization device, or to move any immobilized vehicle from the place at which the immobilization device was affixed to the vehicle, before a release is authorized by the City. Any person violating this sub-section shall be subject to criminal prosecution and upon a conviction or guilty plea, to the general penalty provision contained in §1.12.010 of the RCMC.

10.44.140 Appeals.

Any person who disputes the decision of a City official related to the issuance of a ticket of the enforcement of parking regulations may appeal the ticket, decision or determination to the City Attorney's Office. The City Attorney's Office shall establish times for the hearing of parking appeals no fewer than two times per week. The City Attorney's Office shall listen to the appellant and may make any investigation they deem necessary to equitably resolve the dispute. Once the City Attorney's Office is satisfied that it has sufficient information to render a fair decision, it may do so. In rendering a decision, the City Attorney's Office may uphold the ticket or decision of the enforcement official or may, in the interests of justice dismiss the violation, reverse the decision or reduce any fine or penalty imposed.

10.44.150 Deposit of funds in Parking Lot and Area Fund.

All revenue from the fees, charges, fines and penalties generated by this chapter shall be deposited in the City's Parking Lot and Area Enterprise Fund. This fund shall be used to pay solely for parking related expenses such as parking enforcement, maintenance of parking and construction and acquisition of additional parking or parking structures.

10.44.160 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 1-16, Block 75 of the original townsite and Lots 21-28, Block 86, original townsite. It is unlawful to park in any leased parking space without visibly displaying a valid leased parking permit. Any person who operates a vehicle found in violation of this section shall, within 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. *Sixth and Main lot zone.* The off-street parking lot located south of the alley upon Lots 17 through 23 of Block 75 of the original townsite.

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

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

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

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

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

L. *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.

10.44.170 Double parking prohibited in parking zones.

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

B. 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'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.

10.44.180 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.

10.44.190 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 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 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.

10.44.200 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, between the hours of 9:00 a.m. and 5:00 p.m. of any day, Sundays and holidays excepted.

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 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.

10.44.210 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. 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. *Sixth and main lot zone.* Lots 17 through 23 of Block 75 of the Original Townsite. 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 a maximum of 10-hours credited time.

E. *Sixth and St. Joseph 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.

10.44.220 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 continued 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 continued 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 continued 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. *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.

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

G. *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. *City/School Administration lot zone.* 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.

I. *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.

10.44.230 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.

10.44.240 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 wilfully 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.

10.44.250 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.

10.44.260 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.

10.44.270 Notice to be attached to vehicles parking in violation of chapter.

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.

10.44.280 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.

10.44.290 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.

10.44.300 Immobilization of vehicle for outstanding parking violations.

A. *Immobilization of motor vehicle.* A motor vehicle parked upon the public way or public place at any time may, by or under the direction of an officer or member of the Rapid City Police Department, be immobilized in such a manner as to prevent its operation, if there are 5 or more outstanding or otherwise unsettled parking violation notices, or warrants issued for the violations, pending against the owner of the motor vehicle. A motor vehicle with 5 or more outstanding or otherwise unsettled parking violation notices parked upon private property may be immobilized if the owner or manager of the private property consents.

B. *Notice of immobilization.* Upon immobilization of 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 \$50 for the immobilization. The owner of an immobilized vehicle which was impounded shall be subject to a towing fee, plus a fee for storage.

F. *Enforcement.* The Chief of Police, along with the city'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 any immobilization device, or to move any immobilized vehicle from the place at which the immobilization device was affixed to the vehicle, before a release is authorized by the city.

H. *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.

10.44.310 Enforcement of parking rules.

The provisions of this chapter contained in Sections 10.44.010 through 10.44.150 will not be enforced until January 1, 2010. The provisions in Sections 10.44.160 through 10.44.300 will cease to be enforced on January 1, 2010.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)

First Reading:
Second Reading:
Published:
Effective