

ORDINANCE NO. 3901

AN ORDINANCE AMENDING SECTION 12.20.030 OF CHAPTER 12.20 OF THE RAPID CITY MUNICIPAL CODE RELATING TO STRUCTURES IN THE RIGHT OF WAY.

BE IT ORDAINED by the City of Rapid City that Section 12.20.030 of Chapter 12.20 of the Rapid City Municipal Code be amended to read as follows:

12.20.030 Public rights-of-way--Structures prohibited--Exceptions.

No person shall erect or maintain any building, fence, sign or structure upon any public right-of-way or upon any public property. This section shall not apply to:

- A. Structures erected or maintained for public purposes by the city or under its authority;
- B. Mailboxes, when erected and maintained in accordance with the following standards:
 - 1. The mailbox and supporting structure shall be set back twenty-five feet from every point of intersection of two street rights-of-way,
 - 2. The mailbox and supporting structure shall be set at the back of the curb if there is a curb and shall be set back five feet from the nearest edge if the traveled portion of the roadway if there is no curb,
 - 3. The mailbox and supporting structure shall not exceed five feet in height,
 - 4. No supporting structure shall exceed three feet in greatest horizontal dimension at any point and no supporting structure shall exceed eight inches in greatest horizontal dimension at any point more than two and one-half feet above the ground; provided, however, when authorized in writing by the city engineer, the three-foot limitation may be exceeded for structures supporting clustered mailboxes, subject to all other provisions of this section,
 - 5. The mailbox and supporting structure shall be so located that it does not create a traffic hazard, sight hindrance or other safety hazard,
 - 6. The mailbox and supporting structure shall be removed by the owner at his sole expense at the direction of the city engineer when reasonably necessary to expedite use of the public right-of-way by the city, other governmental agencies or franchised utilities. Upon failure of the owner to remove the mailboxes and supporting

structure, the mailbox and supporting structure may be removed by the city or its agents and the owner shall pay the costs therefore including costs of collection;

C. Bus Stop Benches and Shelters. Bus stop benches and shelters may be installed in the public right-of-way by the city or by a person operating under contract with the Rapid City rapid transit system and in compliance with the following requirements:

1. Clear Sight Triangles. Bus stop benches and/or shelters may not be placed in a manner which obstructs the sight triangle as provided in Chapter 17.50.335. Shelters may be constructed within this zone if they are designed of clear plastic or glass and do not block the vision of motorists.
2. Maintenance. Bus stop benches and shelters must be placed upon a hard surface so as to prevent sinking and unsightliness. The owner/distributor of bus stop benches must maintain the benches in a safe, attractive and repaired condition. The area around the benches or shelters must be mowed and kept free of litter.
3. Advertising. Advertising may be placed on benches commissioned by the Rapid City rapid transit system in accordance with Section 15.28.020 of this code when the proposed benches are not in or immediately adjacent to a residential, central business, park forest or general agricultural zoning district.

D. Structures in existence as of the effective date of this ordinance, provided each of the following conditions is met:

1. The structure was outside the corporate boundary of the City when constructed; and
2. No enforcement action was been undertaken to require the removal of such offending structure by any state or local government prior to February, 2002; and

3. The offending structure may not obstruct any sight triangle, as defined in this Code; and
4. The structure is not a sign.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective:

Prepared By: CITY ATTORNEY'S OFFICE