

ORDINANCE NO. 3969

AN ORDINANCE AMENDING THE REGULATION OF PARKING WITHIN THE CITY OF RAPID CITY BY AMENDING SECTIONS 10.40.010, 10.40.020, 10.40.030, 10.40.040, 10.40.050, 10.40.100, 10.40.120, 10.40.160, 10.40.170 OF CHAPTER 10.40 AND SECTIONS 10.44.010, 10.44.020, 10.44.040, 10.44.050, 10.44.060, AND 10.44.150 OF CHAPTER 10.44 OF THE RAPID CITY MUNICIPAL CODE.

BE IT ORDAINED by the City of Rapid City that Section 10.40.010 of Chapter 10.40 of the Rapid City Municipal Code be amended to read as follows:

10.40.010 Authority to prohibit--Compliance required.

A. The director of public works or his 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 such parking would interfere with traffic or create a hazardous situation. No person shall stop, stand or park any vehicle contrary to the directions of such sign.

B. Any person who operates a vehicle found in violation of this section shall, within seventy-two hours from the time when the notice of violation was attached to such 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 five dollars. If the person fails to pay the sum within said seventy-two hours, he or she shall pay to ~~the officer~~the office of city finance as a penalty for and in full satisfaction of the violation, the sum of ten dollars.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.40.020 of Chapter 10.40 of the Rapid City Municipal Code be amended to read as follows:

10.40.020 General prohibitions.

A. The operator of a vehicle shall not stop, stand or park such 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 twenty-five feet of the intersection curb lines;
4. Within twenty feet of the driveway entrance to a fire station;
5. Within ten feet of a fire hydrant;
6. In front of a private driveway;
7. On a sidewalk;
8. Within ten feet of a residential mailbox, between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Saturday;

89. Alongside or opposite any street elevation or obstruction, when stopping, standing or parking would obstruct traffic;

910. Contrary to the signing or other designation by the public works director or his designee on any municipally owned or leased premises.

B. Any person who operates a vehicle found in violation of this section shall, within seventy-two hours from the time when the notice of violation was attached to such vehicle, pay to the city finance office, as penalty for and in full satisfaction of such violation, the sum of five dollars. If the person fails to pay the sum within the seventy-two hours, he or she shall pay to the office as a penalty for and in full satisfaction of the violation, the sum of ten dollars.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.40.030 of Chapter 10.40 of the Rapid City Municipal Code be amended to read as follows:

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 stopping the motor thereof** and, when standing upon any grade, without turning the front wheels of such vehicle to the curb or side of the street.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.40.010 of Chapter 10.40 of the Rapid City Municipal Code be amended to read as follows:

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

B. Any person who operates a vehicle found in violation of this section shall, within seventy-two hours from the time when the notice of violation was attached to such 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 five dollars. If the person fails to pay the sum within the seventy-two 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 ten dollars.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.40.050 of Chapter 10.40 of the Rapid City Municipal Code be amended to read as follows:

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, ~~and~~ No person shall not so park or ~~shall not~~ 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 heavy freight, in which case the driver shall either notify the police department as to the time of such loading or unloading prior to such operation, or shall do the same after five thirty p.m. and before eight a.m.

B. In no event shall any person block an alley with a vehicle for longer than thirty minutes at any one 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 operates a vehicle found in violation of this section shall, within seventy-two hours from the time when the notice of violation was attached to such 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 five dollars. If the person fails to pay the sum within the seventy-two 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 ten dollars.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.40.100 of Chapter 10.40 of the Rapid City Municipal Code be amended to read as follows:

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 two hour period in which a violation of this section occurs. Nothing in this section shall be deemed to prohibit the parking, standing or stopping in any parking space designated for the physically handicapped by a vehicle not displaying a serially numbered certificate or special license plate while engaged in the loading or unloading of any passenger who is physically handicapped.

B. The owner or operator of any vehicle found in violation of this section may, within seventy-two hours of the time when the notice of violation was attached to such 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 one hundred dollars. If the owner or

operator fails to pay the sum within the seventy-two hour period, he may pay to the office, as a penalty for and in full satisfaction of the violation, the sum of one hundred ten dollars.

~~C. In the timed parking zones established in subsections A, E, F, H, I and J of Section 10.44.010, 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 established in subsections C, G, and K of Section 10.44.010, and in all private parking lots, a separate offense shall be deemed committed on or during each two-hour period in which a violation of this section occurs.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.40.120 of Chapter 10.40 of the Rapid City Municipal Code be amended to read as follows:

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, ~~including all cross streets and alleys located in the district, unless the driver shall notify the police department and receive approval regarding the time and place of such loading or unloading.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.40.160 of Chapter 10.40 of the Rapid City Municipal Code be amended to read as follows:

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~~ing the hours during which the regulations with respect to such zones are applicable.

BE IT ORDAINED by the City of Rapid City that Section 10.40.170 of Chapter 10.40 of the Rapid City Municipal Code be amended to read as follows:

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 such curb loading zone are effective. In no event shall any vehicle be parked in such zone for a period in excess of thirty minutes. While parked in such zone, a vehicle must have its or without the emergency flashers thereon 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 such stop does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.

C. Any person who operates a vehicle found in violation of this section shall, within seventy-two hours from the time when the notice of violation was attached to such vehicle, pay office of the city finance officer-treasury, as a penalty for and in full satisfaction of such violation, the sum of five dollars. If the person fails to pay the sum within said seventy-two hours, he or she shall pay to the officer as a penalty for and in full satisfaction of the violation, the sum of ten dollars.

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 such vehicle. The owner or agent of the owner shall pay the reasonable cost of such removal and storage before reclaiming any vehicle removed under the provisions of this section.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.44.010 of Chapter 10.44 of the Rapid City Municipal Code be amended to read as follows:

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; the first thirteen parking spaces on the south side of St. Joseph Street west from the west right-of-way of Ninth 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; Ninth Street between St. Joseph Street and Quincy Street, except those parking spaces abutting the Black Hills Corporation building; Kansas City Street between Eighth Street and West Boulevard, except those parking spaces abutting the Black Hills Corporation building and the last three parking spaces east of the right-of-way of West Boulevard; Quincy Street east of the east right-of-way line of Ninth Street east for four spaces on the north; the first five spaces east of the Fifth Street right-of-way on the south side of Kansas City Street; the first six spaces south of Kansas City Street on the east side of Fifth Street; and the west side of Ninth Street beginning at the Quincy Street right-of-way line south to the Columbus Street right-of-way line.

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 two 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 eight feet of Lot 8, the south twenty-eight feet of Lot 9 and the south sixty-eight 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.

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 to 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.

G. 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 two-hour period in which a violation of this section occurs.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.44.020 of Chapter 10.44 of the Rapid City Municipal Code be amended to read as follows:

10.44.020 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 seventy-two 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 five dollars. If the person fails to pay the sum within the seventy-two hours, he or she shall, ~~within two weeks from the seventy-two hour period,~~ pay to the city finance office as a penalty for and in full satisfaction of the violation, the sum of ten dollars.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.44.040 of Chapter 10.44 of the Rapid City Municipal Code be amended to read as follows:

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 such lines.

B. Any person who operates a vehicle found in violation of this section shall, within seventy-two hours from the time when the notice of violation was attached to such vehicle, pay to the finance office, as a penalty for and in full satisfaction of such violation, the sum of five dollars. If the person fails to pay the sum within the seventy-two hours, he or she shall, ~~within two weeks from the seventy-two-hour period,~~ pay to the city finance office as a penalty for and in full satisfaction of the violation, the sum of ten dollars.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.44.050 of Chapter 10.44 of the Rapid City Municipal Code be amended to read as follows:

10.44.050 Parking by expired meter.

A. General.

1. It is unlawful for any person to cause, allow, permit or suffer any vehicle owned or operated by him 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 such space is illegally in use, other than such time as is necessary to operate the meter to show legal parking, between the hours of nine a.m. and five p.m. of any day, Sundays and holidays excepted.

2. The owner or operator of any vehicle found in violation of this section may within seventy-two hours of 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 five dollars. If the person fails to pay the sum within the seventy-two-hour period, he or she may pay to the city finance office as penalty for and in full satisfaction of said violation the sum often dollars.

3. Any physically handicapped person who displays license plates with the international wheelchair insignia on an automobile parked by him or under his direction and for his use shall be exempt from the provisions of this section.

B. Parking at Rapid City Regional Airport.

1. 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 seventy-two 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 twenty-five dollars. If the person fails to pay the sum within the seventy-two hours, he or she shall, within two

weeks from the seventy-two hour period, pay to the city finance office as a penalty for and in full satisfaction of the violation, the additional sum of ten dollars.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.44.060 of Chapter 10.44 of the Rapid City Municipal Code be amended to read as follows:

10.44.060 Parking meters--Amount of deposit--Time limits.

Parking meters in the city of Rapid City shall be adjusted to show legal parking during the periods established herein. All deposits in parking meters shall be United States coins of five cent, ten cent, or twenty-five cent denominations. Each deposit of one twenty-five-cent coin will show legal parking for a period of one hour. Such meters shall show either twelve or fifteen minutes of legal parking each five-cent deposit and either twenty-four or thirty minutes of legal parking for each ten cent 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 one hour upon and after the deposit of one twenty-five-cent 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 four hours upon and after the deposit of four twenty-five-cent coins.

C. General Zone. All meters shall show legal parking for a period of either twelve or fifteen minutes for each five cents deposited, upon and after the time of deposit; some meters allow for depositing coins to obtain a maximum of ten 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 one hour upon and after the deposit of one twenty-five-cent coin, additional coins can be added for each additional hour desired. All meters allow for a maximum of ten hours credited time,

E. Sixth and St. Joseph Lot Zone. All meters shall show legal parking for a period of one hour upon and after the deposit of one twenty-five-cent coin, additional coins can be added for each additional hour desired. All meters allow for maximum of ten hours credited time.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.44.150 of Chapter 10.44 of the Rapid City Municipal Code be amended to read as follows:

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, if there are five or more outstanding or otherwise unsettled parking violation notices, or warrants issued for such violations, pending against the owner of such motor vehicle. A motor vehicle with five 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 such motor vehicle, the officer or employee shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such 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 postimmobilization hearing to determine the validity of such immobilization, towing, and any towing or storage charges. Such hearing must be requested within fifteen days after the vehicle is 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 forty-eight hours unless the owner has complied within subsection C of this section. If such compliance has not occurred within forty-eight 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 such vehicle, or 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 fifty dollars for such 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 traffic engineer, shall have authority for implementing the parking enforcement provisions of this paragraph.

G. 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.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: