

ORDINANCE NO. 6321

AN ORDINANCE ALLOWING THE INSTALLATION OF PARKING METERS AND REVISING THE EXISTING TIME ZONES IN DOWNTOWN RAPID CITY BY AMENDING CHAPTER 10.44 OF THE RAPID CITY MUNICIPAL CODE (RCMC).

WHEREAS, the City of Rapid City (the "City") is authorized to regulate the use of public streets and alleys pursuant to SDCL Chapter 9-30; and

WHEREAS, the City has the authority to use parking meters pursuant to SDCL 9-31-5; and

WHEREAS, the City has the authority to regulate the use of motor vehicles pursuant to SDCL 9-31-1; and

WHEREAS, the City has previously adopted regulations for the parking of motor vehicles within the City; and

WHEREAS, the City commissioned a parking study focused on the downtown area which made recommendations for changes to how public parking in the City is regulated and managed; and

WHEREAS, in addition to the changes recommended by the study, the City has also taken this opportunity to review and revise its general processes and rules related to parking; and

WHEREAS, the Common Council has determined that it is in the City's best interests to amend and revise the City's existing regulations on parking meters and time zones in the City to incorporate changes necessary to carry out the recommendations of the parking study and to better manage the City's public parking resources by amending Chapter 10.40 of the Rapid City Municipal Code (RCMC).

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City that Chapter 10.40 of the RCMC be amended to read as follows:

CHAPTER 10.44: PARKING ZONES DISTRICTS

10.44.010 Downtown Parking District Established.

10.44.020 On-street parking permits.

~~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.~~

- 10.44.060 Parking meters—Use of slugs prohibited.
- ~~10.44.070~~ ~~Limitation on parking in certain zones.~~
- 10.44.070 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.~~
- 10.44.080 School parking district.
- 10.44.090 Commercial parking permits.
- 10.44.100 Authority of Chief of Police to designate temporary parking zones.
- 10.44.110 Persons with disabilities allowed to park without time limitation.
- ~~10.44.110~~ ~~Notice to be attached to vehicles parking in violation of chapter.~~
- 10.44.120 Record of violations of chapter.
- 10.44.130 Chapter is cumulative to other parking regulations.
- 10.44.140 Penalty for violations.
- ~~10.44.150~~ ~~Immobilization of vehicle for outstanding parking violations.~~

10.44.010 Downtown Parking District Established.

A Downtown Parking District is hereby established. The boundaries of the District shall match the boundaries of the Downtown Business Improvement District established in Chapter 3.25 of the Rapid City Municipal Code. The City Engineer, or their designee, is hereby authorized to designate zones and to develop rules and policies to regulate the parking of motor vehicles on publicly owned or managed lots and streets within the District. Such regulations include the ability to limit the time vehicles may be parked on public streets or lots and the location of meters within the District. Any zones or time limitations within the District shall be posted or metered, or both, to designate the allowed parking time within the zone.

The following parking zones and the boundaries thereof are established:

- ~~A. *Three 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 Boulevard 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. This zone also 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.~~
- ~~B. *Reserved.*~~

~~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 § 10.40.205.~~

~~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. *Quincy Street lot zone.* This zone includes the off-street parking lot located upon Lots 17 through 21, Block 104, original townsite.~~

~~F. *Reserved.*~~

~~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 in violation of this section shall be subject to the parking penalty provisions contained in § 10.40.205.~~

~~— 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 in violation of this section shall be subject to the parking penalty provisions contained in § 10.40.205.~~

~~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 2 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 23-hour period in which a violation of this section occurs.~~

~~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 in violation of this section shall be subject to the parking penalty provisions contained in § 10.40.205.~~

10.44.020 On-street parking permits.

The City Engineer, or their designee, may issue permits for on-street parking within the district established in § 10.44.010 of this code, in order to better manage the use of the public right-of-way and as a means to provide parking for residents and employees who live and work within the district. The City Engineer, or their designee, shall establish written rules and regulations for the management and issuance of on-street permits. The rules and regulations may establish eligibility criteria, limits on the number of permits issued, location where permits are allowed and any other requirements deemed necessary to carry out the intent of this section and ensure the efficient management of the district's on-street parking resources. Permits issued pursuant to this section shall not apply to metered spaces, nor exempt the permit holder from any provision of this code other than restrictions related to the maximum length of time the permit holder may park at a specific location identified on their permit. If the holder of a permit violates any provisions of this code, or any rules and regulations promulgated hereunder, they are subject to any penalty or additional fee established pursuant to § 10.40.320 of this code.

10.44.030 Parking meters—Installation.

A. ~~The Traffic Division of the Rapid City Police Department~~ City Engineer, or their designee, is authorized and directed to install parking meters in the district established by 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 in violation of this section shall be subject to the parking penalty provisions contained in § 10.40.205.~~

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 § 10.40.205.~~

~~C. 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 § 10.44.010G., 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. *Three-hour parking zone.*~~

~~— 1. In the 3-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 3 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 3-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. *Exemption.* 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., and F.~~

~~D. *Definition.* **CONTINUOUS** for the purpose of this section means parking which is not interrupted by more than 3 consecutive hours.~~

~~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.~~

~~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.~~

~~—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.~~

~~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.~~

~~H. *Parking ramp zone.* In the parking ramp zone established by § 10.44.010 G., 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 § 10.40.205.~~

10.44.060 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.

10.44.070 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 be subject to the general penalty provisions of Chapter 1.12.

~~**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.~~

10.44.080 School parking district.

There is a parking district established on the streets and surface lots adjacent to public schools within Rapid City. The City of Rapid City, in consultation with the Rapid City Area School District, may promulgate rules and 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.~~

10.44.090 Commercial parking permits.

Notwithstanding any other provision of this chapter, the City of Rapid City may issue commercial parking permits that authorize vehicles to park without restriction in the on-street parking ~~district zones~~ established by § 10.44.010 subject to the conditions hereinafter set forth. The City Engineer, or their designee, Public Works Director or his or her designee shall have the authority to issue commercial parking permits.

A. *Application.* An application for a commercial parking permit shall include the following information:

1. Name and contact information of applicant;
2. A description of the work being performed;
3. The area(s) where parking spaces are requested; and
4. The number of parking spaces requested; and
5. The length of time requested for the permit.

B. *Permit fee.* The fee for commercial parking permits shall be set by resolution of the Common Council. The fee, payable in advance, shall be non-refundable.

C. *Permit issuance.* Permits may be issued to persons performing construction, mechanical, electrical, or plumbing work in the area where parking zones have been designated.

D. *Discretionary matters.* The City Engineer, or their designee, Public Works Director or his or her designee shall have the sole discretion in the number of permits issued, the area(s) for which the permits are valid, and the duration of the permits. Consideration shall be given to following factors in establishing the number and location:

1. The number of parking spaces available in the area;
2. The number of permits already issued in the area;
3. The type of work being performed; and
4. The nature and character of businesses in the area.

E. *Permit conditions.* Each permit issued shall be valid for 1 vehicle to park in the area listed without regard for any meter or time-restriction requirements applicable to that parking spot. Permits shall be issued by the day, and a permit may be issued for a maximum of 30 days. Prior to issuance of the permit, the application must be completed, submitted, and the fee paid in advance.

F. *Permit holder requirements.* Permit holders shall comply with the following requirements:

1. Permits issued shall be prominently displayed in the windshield of the vehicle utilizing the permit, and the entire permit shall be readable from outside the vehicle.
2. Permits may not be copied or altered.
3. Permits may only be utilized for parking of motor vehicles.
4. Permit holders shall abide by all other parking rules and regulations.

G. *Permit—Revocation or suspension.* The Public Works Director, in his or her discretion, may revoke, suspend, or refuse to re-issue a commercial parking permit for reasons including, but not limited to the following:

1. Failure to follow the requirements or conditions of the permit;
2. Failure to follow other parking provisions of the Rapid City Municipal Code;
3. Upon a stop-work order being issued for the work being performed; or
4. Good cause exists to suspend or revoke the permit.

10.44.100 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 any other provision of this code ~~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.

10.44.110 Persons with physical disabilities allowed to park without time limitation.

In addition to any parking space normally reserved for a person with a disability, 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 allowed to park without limitation in any timed parking zones established pursuant to this code. This provision does not apply to metered parking or to parking spaces where parking has otherwise been prohibited or restricted such as loading zones or loading spaces.

~~**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 § 10.40.205.~~

10.44.120 Record of violations of chapter.

The ~~City's Finance Office~~ City 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 over parked, 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.

10.44.130 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.

10.44.140 Penalty for violations.

The owner or operator of a motor vehicle which violates any provision of this chapter, or any rule or regulation promulgated pursuant to this chapter, is subject to the provisions contained in Chapter 10.40 of this code regarding the imposition of penalty fees, the immobilization of vehicles, and the appeal process for contesting any such fees.

~~**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 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.* 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.~~

~~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 the towing fee and any applicable 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 section.~~

~~G. *Unlawful tampering.* It is unlawful for any person to remove, 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.~~

CITY OF RAPID CITY

Steve Allender, Mayor

ATTEST:

Pauline Sumption, Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: