AN ORDINANCE TO ENACT RAPID CITY MUNICIPAL CODE SECTION 10.52.090 TO PROHIBIT THE USE OF CERTAIN MOTOR VEHICLES ON DOWNTOWN SIDEWALKS AND TO AMEND SECTIONS 10.52.010 AND 10.64.210 REGARDING SKATEBOARDS AND BICYCLES ON DOWNTOWN SIDEWALKS

WHEREAS, SDCL 32-26-21.1 generally prohibits driving a vehicle on a sidewalk within South Dakota; and

WHEREAS, during the 2021 legislative session the South Dakota Legislature passed House Bill 1192, and in doing so created an exception to SDCL 32-26-21.1 to allow motorized foot scooters on sidewalks as of July 1, 2021; and

WHEREAS, SDCL 32-26-21.1 will allow a municipality to restrict the operation of a motorized foot scooter on a sidewalk; and

WHEREAS, the City of Rapid City has the power to enact ordinances, enforce its ordinances, and exercise jurisdiction over all territory within its corporate limits for the purpose of promoting the health, safety, morals, and general welfare of the community pursuant to state statute, including but not limited to SDCL 9-29-1 and SDCL Title 9 generally; and

WHEREAS, with the presence of sidewalk cafés, business signs, and foot traffic, the operation of a motor vehicle on a downtown sidewalk in Rapid City presents a safety concern; and

WHEREAS, the Rapid City Municipal Code (RCMC) already prohibits a person from riding a bicycle or skateboard on a sidewalk within all or most of the central business district of Rapid City; and

WHEREAS, the Common Council recognizes that current sidewalk prohibitions regarding skateboards and bicycles are likely broader than strictly necessary for pedestrian safety; and

WHEREAS, the Common Council recognizes the safety concerns associated with motor vehicles being operated on sidewalks downtown, except for electric personal assistive devices used by people with disabilities and motor vehicles being used by law enforcement officers or parking enforcement officers for the purpose of enforcing City ordinances; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City’s best interests to enact a provision prohibiting the operation of motor vehicles, including motorized foot scooters, on sidewalks in the downtown area of Rapid City in order to protect public safety, health, morals, and general welfare; and
NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 10.52.010 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

10.52.010 Skateboards-Prohibitions.

No person shall ride upon, operate or perform acrobatic stunts using a skateboard or other device propelled by human power of the rider upon any street, sidewalk, parking lot or other public place, or upon any private property so designated in the area bounded by the centerline of Omaha Street, the centerline of southern edge of the railroad tracks between Main and Omaha Streets on the north, the centerline of southern edge of the southern sidewalk on Saint Joseph Street Kansas City Street to the south, the centerline of East Boulevard Fifth Street on the east, and the centerline of West Boulevard Ninth Street on the west; and also the area north of the centerline of Quincy Street to Kansas City Street between the centerlines of Sixth and Seventh Streets. Nothing herein shall prohibit the operation of bicycles or wheelchairs in accordance with applicable law or prohibit the use of skateboards or other device propelled by human power in the course of a parade authorized by the Chief of Police or upon any designated bike path.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.52.090 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

10.52.090 Prohibition of certain motor vehicles on sidewalks in central business district.

A. Except as provided in subsection B, no person shall operate any automobile, motorcycle, golf cart, motorized foot scooter or other motor vehicle upon a sidewalk in the area bounded by the southern edge of the railroad tracks between Main and Omaha Streets on the north, the southern edge of the southern sidewalk on Saint Joseph Street to the south, the centerline of Fifth Street on the east, and the centerline of Ninth Street on the west.

B. Motor vehicles may be operated upon a sidewalk within the area stated within subsection A by:

1. A person with a disability utilizing an electric personal assistive device; or

2. A law enforcement officer or parking enforcement officer utilizing a motor vehicle for the purpose of enforcing ordinances of the City.

C. For the purposes of this section, the term electric personal assistive device means a self-balancing two non-tandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to fifteen miles per hour or less.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.64.210 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

10.64.210 Operation on sidewalk or crosswalk.
A. A person operating a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

B. Any person operating a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing a pedestrian.

C. No person shall operate a bicycle upon a sidewalk within a central business district as defined by Chapter 10.04 of this code the area bounded by the southern edge of the railroad tracks between Main and Omaha Streets on the north, the southern edge of the southern sidewalk on Saint Joseph Street to the south, the centerline of Fifth Street on the east, and the centerline of Ninth Street on the west.

D. The Traffic Engineer is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, and when the signs are in place, no person shall disobey the same.

CITY OF RAPID CITY

________________________________________
Mayor

ATTEST

________________________________________
Finance Director

(seal)

First Reading:
Second Reading:
Published:
Effective: