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5-6-19

**ORDINANCE NO. 6324**

**AN ORDINANCE UPDATING AND REVISING THE GENERAL PARKING REGULATIONS OF THE CITY OF RAPID CITY BY AMENDING CHAPTER 10.40 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 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 general regulations on parking 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 10.40: STOPPING, STANDING AND PARKING GENERALLY**

- 10.40.010 Authority to prohibit—Compliance required.
- 10.40.020 General prohibitions.
- 10.40.030 Unattended vehicles.
- 10.40.040 Parallel and angle parking.
- 10.40.050 Parking in alleys.
- 10.40.060 Parking near entrance to certain buildings prohibited.
- 10.40.070 Parking near railroad track.
- 10.40.080 Bus and taxicab stands.
- 10.40.090 Handicapped parking spaces.
- 10.40.100 Parking of commercial vehicles.
- 10.40.110 Stopping or parking semitrailers in designated district.

- 10.40.120 Opening door or entering and emerging from vehicle.
- 10.40.130 Leaving door open into lane of traffic.
- 10.40.140 Starting standing vehicle.
- 10.40.150 Loading zones–Designation.
- 10.40.160 Loading zones–Use.
- 10.40.170 Removal of vehicles parking in violation of title.
- 10.40.180 Fire lane.
- 10.40.190 Storage and parking of trucks, trailers and commercial vehicles.

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#### **Parking Violations and Appeals**

- 10.40.310 Parking violation penalties.
- 10.40.320 Immobilization of vehicle for outstanding violations.
- 10.40.330 Appeal of violation notices.

#### **10.40.010 Authority to prohibit–Compliance required.**

The City Engineer, or their designee, may prohibit stopping, standing or parking of motor vehicles, or otherwise regulate the times and manner of parking on public streets and alleys, and may erect signs indicating no stopping, standing or parking, upon any street or part thereof, when the parking would interfere with traffic or create a hazardous situation. No person shall stop, stand or park any vehicle contrary to the directions of any sign placed pursuant to this section.

#### **10.40.020 General prohibitions.**

The operator of a vehicle shall not stop, stand or park the 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 25 feet of the intersection curb lines;
4. Within 20 feet of the driveway entrance to a fire station;
5. Within 10 feet of a fire hydrant;
6. In front of a private driveway;
7. On a sidewalk;
8. Within 10 feet of a residential mailbox, between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Saturday;
9. Alongside or opposite any street elevation or obstruction, when stopping, standing or parking would obstruct traffic;
10. Contrary to the signing or other designation by the City Engineer, or their designee;
11. Across any painted line or to park vehicle in such a position that the vehicle shall not be entirely within the parking space designated by such lines;
12. Alongside or in front of a curb that has been painted yellow at the direction of the City Engineer, or their designee.
13. Park on the street side of a vehicle that is already parked on the side of the road, or park behind a vehicle that is parked in a designated space in a manner that obstructs traffic, or blocks, or partially blocks, another vehicle from exiting its parking spot (i.e. Double Park).

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

**10.40.040 Parallel and angle parking.**

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 12 inches of the curb, and no closer than 4 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 the marks or signs. Vehicles parked in designated angle parking spots must be headed in the direction of traffic within 12 inches of the curb. 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 the lines or markings.

**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. No person shall park or 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 freight, in which case the driver shall either notify the Police Department as to the time of the loading or unloading prior to the operation, or shall do the same after 5:30 p.m. and before 8:00 a.m.

B. In no event shall any person block an alley with a vehicle for longer than 30 minutes at any 1 time. Any vehicle parked in an alley must have its emergency flashers on in continuous operation.

C. In alleys designated as 1-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.

**10.40.060 Parking near entrance to certain buildings prohibited.**

No vehicles shall be parked on the side of the street or alley immediately adjacent to a theater, hotel, city auditorium, or any other building which the traffic control officer shall determine that the parking would constitute a potential hazard based upon the advice and counsel of the Police Chief and the Fire Chief except at the time permitted as indicated by a sign or marking thereon.

**10.40.070 Parking near railroad track.**

It is unlawful for any person, without permission, except for purposes of loading or unloading, to park or cause to be parked any motor vehicle within six (6) feet of any railroad track at any point within the city limits.

**10.40.080 Bus and taxicab stands.**

The City Engineer, or their designee, may establish bus and taxicab stands in such places as he or she shall consider to be of the greatest benefit and convenience to the public, and every such bus and taxicab stand shall be designated by appropriate signs. It is unlawful for the operator of any vehicle other than a bus or taxicab to stand or park the vehicle in any officially designated bus or taxicab stand, except that a vehicle may be temporarily stopped in the stand for the purpose of and while actually engaged in loading or unloading passengers. It is unlawful for the operator of any bus or taxicab to stand or park the vehicle upon any street at any place other than at a designated bus or taxicab stand, except that the vehicle may be temporarily stopped in accordance with other parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers, provided the vehicle is attended by the driver thereof.

**10.40.090 Handicapped parking spaces.**

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

**10.40.100 Parking of commercial vehicles.**

- A. Commercial vehicles having a gross weight exceeding 3 tons, shall not be parked on any public street, highway or right-of-way, except in those places designated by the City Engineer, or their designee.
- B. This section shall not apply to those commercial vehicles temporarily parked for loading or unloading freight or merchandise.

**10.40.110 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.

**10.40.120 Opening door or entering and emerging from vehicle.**

No person shall open the door of, or enter or emerge from, any vehicle in the path of an approaching vehicle which is so close thereto as to constitute a hazard.

**10.40.130 Leaving door open into lane of traffic.**

It is unlawful for any person to leave the door or doors of any vehicle opened into a lane or path of traffic while the vehicle is stopped, standing or parked on any street, roadway or other public way, regardless of whether the vehicle is attended or unattended, or whether the vehicle is being loaded or unloaded.

**10.40.140 Starting standing vehicle.**

A person about to start a standing vehicle shall give all moving vehicles the right-of-way.

**10.40.150 Loading zones—Designation.**

The City Engineer, or their designee, 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 the hours during which the regulations with respect to the zones are applicable.

**10.40.160 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 the curb loading zone are effective. In no event shall any vehicle be parked in such zone for a period in excess of 30 minutes. While parked in such zone, a vehicle must have its emergency flashers on 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 the stop does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the zone.

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

**10.40.170 Removal of vehicles parking in violation of title.**

Any motor vehicle parked in violation of any provision of this title or in such manner or location as to create a hazard or obstruction to lawful traffic may be removed at the direction of the Police Department to any place designated by the Police Department for the storage of the vehicle. The owner or agent of the owner shall pay the reasonable cost of the removal and storage before reclaiming any vehicle removed under the provisions of this section.

**10.40.180 Fire lane.**

A. It is unlawful for the owner or operator of a motor vehicle to stop, stand or park a vehicle in any area on public or private property designated as a fire lane. The owner of the property shall post and maintain appropriate signs indicating any area so designated.

B. The driver of a commercial vehicle may stop temporarily at a place designated as a fire lane, if the area has also been designated as a joint use loading zone/fire lane by the Fire Chief. In no event shall the vehicle be allowed to remain parked in any zone so designated for a period exceeding 15 minutes. Any vehicle parked within any zone designated as a fire lane is required to activate and maintain emergency signal flashers in continuous operation.

**10.40.190 Storage and parking of trucks, trailers and commercial vehicles.**

A. *Purpose.* The purpose of this section is to minimize adverse aesthetic impacts that large vehicles have in residential zoning districts by limiting the type of the vehicles, their size and the number of the vehicles.

B. *Allowed storage.* Vehicles and trailers of all types, including commercial, travel, boat, camping, storage and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential, commercial or industrial district except in accordance with the below provisions. The parking of vehicles which do not meet the below provisions shall be allowed only if the vehicle is temporarily parked in conjunction with provision of service to that property.

1. *Number.* Only 1 vehicle used principally for commercial purposes shall be permitted on each property in a residential zoning district, provided no other provisions of this section are violated.

2. *Vehicle size.* Vehicles parked in residential districts shall not exceed any of the following:

a. A Gross Vehicle Weight Rating (GVWR) of 12,000 lbs. or more;

b. A height of 7 feet from top to bottom; or

c. A length of 22 feet from front to back. The height measurement excludes racks less than 4 feet in height. These restrictions shall not apply to recreational vehicles. For the purposes of the measurement of vehicle dimensions, the height of a vehicle shall be the vertical distance between the lowest part of the tires of the measured vehicle to the top of the highest part of the vehicle. The length of a vehicle shall be the horizontal distance between the front edge of the vehicle to the rear edge of the vehicle. For purposes of these measurements, accessories, attachments and materials fixed or carried upon such vehicle shall be considered part of the vehicle, with the exception of aerial antennas.

3. *Commercial vehicles hauling explosive, toxic or hazardous materials.* Commercial vehicles used for hauling explosives, gasoline, liquefied petroleum products, toxic or hazardous materials shall not be stored in or adjacent to a residential district. Parking is permitted only for the purposes of unloading or dispensing.

4. *Clear sight triangle.* At no time shall a motor vehicle, recreational vehicle, travel trailer or hauling trailer be parked in the boulevard, across a sidewalk, or within the required sight triangle.

5. *Parking of vehicles.* Any vehicle which does not meet the above provisions, and is used for the storage or transport of merchandise, equipment or business supplies shall be located on a commercial or industrial lot which contains an existing principal structure. Such a vehicle shall be screened by a 6-foot opaque fence or plant materials from any abutting residential lots or housed in an enclosed building.

#### **TEMPORARY PARKING FOR SPECIAL EVENTS**

##### **10.40.200 Authority to grant temporary parking plan for special events.**

The Common Council may grant a permit to authorize deviations from the ordinary parking regulations regarding the location, extent, and manner of parking, not to exceed 14 days, for special events; provided that the applicant follows the proper permit application procedure; and provided the Council finds that granting such permit is appropriate under the specific circumstances of the special event, and that the potential benefits to the city in granting such outweigh any risk of potential harm that may result.

##### **10.40.210 Permit–Required–Application.**

A permit must be applied for in writing on a form obtained from the City Finance Office. The application must be filed thirty (30) days prior to the special event, setting forth the following information:

- A. Name, address and telephone number of any individual, group, association, firm or corporation requesting the permit, and the applicable title or office of the person so applying;
  - B. The name, address and telephone number of the person(s) responsible for the organization, coordination and conduct of the special event;
  - C. Time and date of commencement and termination of the special event, and its nature and purpose;
  - D. The location and terms of the requested deviations; and
  - E. Such other reasonable relevant information requested for investigation of the application.
- The application shall be reviewed by the Police Department prior to Council action, to investigate the risk of potential harm.

##### **10.40.220 Permit–Contents.**



The permit required by this chapter shall include all information in the application, and shall be signed by the Mayor after Council approval, with the signed copy kept with the application on file at the City Finance Office.

**10.40.230 Deviation from permit.**

No person organizing, conducting, coordinating or participating in the special event for which a permit has been granted under the provisions of this chapter shall deviate from or alter any of the terms or contents of such permit without express permission of the Common Council.

**10.40.240 Permit-Revocation.**

Any permit issued under the provisions of this chapter may be revoked by the Chief of Police, or his or her designee, for the permittee's violation of any applicable provisions of the permit, state law, or city ordinance.

**PUBLIC PARKING ADVISORY BOARD**

**10.40.250 Public parking board – created.**

There is hereby created a parking policy board to be named the Rapid City Parking Advisory Board. Members of the board shall serve without compensation.

**10.40.260 Composition and qualifications.**

The board shall be composed of seven (7) members appointed by the Mayor and confirmed by the City Council. The members of the board shall be citizens of Rapid City, or be the owner of property located in the district established in § 10.44.010 of this code. For purposes of this section, an owner of property shall mean the title holder, purchaser under a contract for deed, lessee, or an officer, agent, or employee of a legal entity that meets one of the three criteria. A minimum of four (4) board members shall be from the district established in § 10.44.010 of this code.

**10.40.270 Term of office.**

The term of office for board members is three (3) years. At the initial formation of the board the terms of the members shall be staggered so that four (4) members shall be appointed to a three (3) year term and (3) members shall be appointed to a two (2) year term. Thereafter, all appointments shall be for a three (3) year term. Any vacancies on the board shall be filled in the same manner as for the original appointment and shall serve out the remainder of the unexpired term of the board member being replaced.

**10.40.280 Officers.**

The board shall elect annually from its membership a chair and vice-chair and any other officers it may deem necessary.

#### **10.40.290 Meetings.**

The board shall meet as necessary to fulfill its obligations and perform the duties established by this code.

#### **10.40.300 Powers and duties.**

The board shall advise and make policy recommendations to the City staff and City Council on all aspects of public parking within the City. The purpose of the board is to provide citizen and property owner input into the policy decisions of the City related to all aspects of public parking, including on-street parking, parking meters, parking garages, parking lots, and parking fees. The board is also responsible for hearing and deciding any administrative appeals from people assessed additional fees for parking in violation of this chapter and Chapter 10.44 of this code.

### **PARKING VIOLATIONS AND APPEALS**

#### **10.40.310 Parking violation penalties.**

A. *Parking enforcement officers.* In addition to enforcement by law enforcement officers, the Chief of Police shall have the authority to designate parking enforcement officers for the purpose of enforcing the parking ordinances contained in the municipal code. Parking enforcement officers shall be supplied with appropriate identification and with the necessary forms for providing notice of parking violations.

B. *Notice of violation.* Notice of violation of any parking regulation shall be given by attachment of a notice to the vehicle. The notice shall state the violation, the amount of the penalty, a statement advising of the late fee and when it will apply, and any other information necessary to support the violation.

C. *Owners liability for violations.* Every person in whose name a vehicle is registered or licensed shall be responsible for parking, stopping, or standing of a vehicle in violation of this code. It is not a defense that the vehicle was illegally parked by another, unless it is shown that at the time the violation occurred the vehicle was being used without the consent of the registered owner.

D. *Penalty.* The owner or operator of any vehicle parked in violation of this chapter, shall within seven (7) days from the date when the notice of violation was attached to the vehicle, pay to the City's Finance Office, or through online or other methods as the City may choose to provide, a penalty fee for and in full satisfaction of the parking violation, in an amount set by resolution of the City Council. If the person fails to pay the penalty fee within seven (7) days, he

or she shall pay an additional late fee in an amount set by resolution of the City Council. The City may impose additional late fees as set by a resolution of the City Council. All parking fees shall be considered paid when the full amount is received in the Finance Office.

**10.40.320 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 3 or more outstanding, or otherwise unsettled, parking violation notices pending against the owner of the motor vehicle; or

2. If the registered owner of a vehicle or vehicles owes \$125 or more in penalties and/or late fees for outstanding or otherwise unsettled parking violation notices.

B. *Notice of immobilization.* Upon immobilization of the motor vehicle, the officer or employee causing the vehicle to be immobilized 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. Paying the full amount of the penalty fee along with any late fees for each violation for which there is an outstanding or otherwise unsettled parking violation; and

2. The payment of an immobilization fee as set by resolution of the City Council.

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 sub-section (C) of this section. If the outstanding parking violations for an immobilized vehicle have not been resolved within 48 hours, the vehicle may be towed or impounded. All fees and late charges shall be collected before the owner of the vehicle, or other authorized person, shall be permitted to repossess or secure the release of the vehicle. In addition to any penalty, immobilization, and late fees incurred prior to towing of the vehicle, the owner of a vehicle which has been towed or impounded is responsible for paying any towing and storage fees.

E. *Enforcement.* The Chief of Police, along with the city's Traffic Engineer, shall have authority for implementing the parking enforcement provisions of this section.

F. *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.

**10.40.330 Appeal of parking violations.**

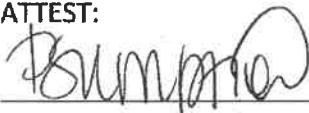
Any vehicle owner who receives a parking violation notice may appeal the imposition of a penalty fee within seven (7) days of receiving the notice of violation. Failure of the vehicle owner to appeal a notice of violation within seven (7) days will constitute a waiver of any appeal for that violation. The filing of an appeal will toll the imposition of any late fees for that violation. City staff will initially screen all appeals and will have the authority to administratively resolve any appeals where it is determined an error has been made, or if it is determined that dismissing or reducing the violation is in the best interests of justice. If the appeal is not resolved at the administrative level, the vehicle owner may choose to have the appeal heard by the Parking Advisory Board. If an appeal is taken to the Parking Advisory Board an additional fee will be imposed to help defray the cost of the appeal. The appeal fee will be established by resolution of the City Council. The Parking Advisory Board may affirm the violation, dismiss the violation, or reduce the penalties and fees which have been imposed. If the board dismisses the parking violation the appeal fee shall be automatically waived. If the board affirms the violation in whole, or in part, the vehicle owner will have forty-eight (48) hours to pay the outstanding balance on all fees and costs or a late fee equivalent to the late fee for violations that are more than seven (7) days old will be imposed in addition to the penalty fee. So long as the balance parking fees remains outstanding, additional late fees consistent with the schedule adopted by the City Council shall continue to be imposed.

CITY OF RAPID CITY



Steve Allender, Mayor

ATTEST:



Pauline Sumption, Finance Officer

(SEAL)

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