

Ordinance No. 6237

**AN ORDINANCE TO AMEND SECTION 12.12.110 OF THE
RAPID CITY MUNICIPAL CODE TO AUTHORIZE THE CITY TO MAINTAIN
PARKWAYS IN DOWNTOWN AREAS**

WHEREAS, the City of Rapid City has adopted regulations pertaining to streets, sidewalks, and public places in Title 12 of the Rapid City Municipal Code (R.C.M.C.); and

WHEREAS, R.C.M.C. 12.12.110 regulates maintenance of parkways by property owners; and

WHEREAS, because the majority of greenspace within downtown areas is the streetscape, the impact of landscaping in the public right of way is significant and it is important that such landscaping be consistent and high quality; and

WHEREAS, the City is currently maintaining some landscaping within public rights of way in areas of the Central Business District and in some areas in the proposed Urban Commercial District; and

WHEREAS, the Downtown Area Master Plan adopted by the Common Council in October 2016 recommends the use of street trees and other landscaping elements to enhance downtown areas by greening and softening public space; and

WHEREAS, in order to promote an interesting and vibrant pedestrian oriented environment in the downtown area, the proposed Urban Commercial District promotes plantings, particularly street trees, to be located within the public right of way contingent on the Parks and Recreation Director's approval; and

WHEREAS, for all of these reasons, the ordinance should allow for City maintenance of landscaping that is located within the public right of way within downtown areas when the Director of the Parks and Recreation Department deems it appropriate to assume these maintenance responsibilities; and

WHEREAS, it is therefore in the best interests of the health, safety, and general welfare of its citizens to amend R.C.M.C. 12.12.110 to allow for City maintenance of landscaping in the public right of way when appropriate

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 12.12.110 of the R.C.M.C. is hereby amended to read in its entirety as follows:

12.12.110 Parkways—Maintenance.

A. Maintenance by property owner.

1. The owner of any lot, parcel of ground or tract of land shall be responsible for the condition and upkeep of that portion of any street or public right-of-way abutting upon his or her

property and not used as a roadway for vehicular traffic. This section, however, shall not apply to the center parkways on boulevards, or in those downtown areas where the City assumes responsibility for maintenance of landscaping in the public right of way. The property owner shall keep all weeds cut on his or her parkways and is granted the right to make the same into grass plots and lawns and to plant and maintain shrubs, flowers and trees, ~~except cottonwood and Chinese elms,~~ under the supervision of the Parks and Recreation Director, for the purpose of beautifying the city streets. The owner may prohibit pedestrian traffic thereon except on concrete sidewalks where concrete sidewalks exist. When concrete sidewalks have not been installed, pedestrians may walk on parkways and shall not walk in streets. This shall not be construed to authorize pedestrian traffic in areas where dedicated streets have not been opened to travel.

2. The property owner shall keep the grass cut in a neat and satisfactory manner and shall not place or allow to grow any shrub, tree or plant of any kind so as to interfere with the view of the driver of any vehicle traveling on any roadway or in any alley.

B. No parkway shall be fenced or otherwise enclosed and the city reserves the right to remove, or order removed, at any time, all trees, shrubs and other plants, where necessary, in order to construct or widen sidewalks, or to widen the roadway used for vehicular traffic, or where the trees or shrubs interfere with the vision of the drivers of motor vehicles on the streets or in the alleys.

(Ord. 5793 (part), 2012)

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

First Reading:
Second Reading:
Published:
Effective: