

CITY OF BOX ELDER

PARKING REGULATIONS

ORDINANCE #482

EFFECTIVE 1/18/2011

CITY OF BOX ELDER ORDINANCE #482
PARKING REGULATIONS

BE IT ORDAINED by the Common Council of the City of Box Elder as follows:

ARTICLE I – PURPOSE AND JURISDICTION

SECTION 1 – PURPOSE AND REPEAL OF ORDINANCES.

Ordinance #482 is an ordinance regulating parking within the jurisdiction of the City of Box Elder. The Common Council of the City of Box Elder has deemed these regulations and controls to be reasonable and reasonably related to the health, safety, and welfare of the visitors to and residents of Box Elder. To eliminate conflicts with these regulations, Ordinances #184, 190, and 280 of the Box Elder Municipal Code are hereby repealed in their entirety.

SECTION 2 – JURISDICTION.

This Ordinance shall govern all territory within the municipal limits of the City of Box Elder, South Dakota.

SECTION 3 – SEVERABILITY AND SEPARABILITY.

Should any Article, Section, Subsection, or Provision of this Ordinance be found to be or declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof, other than the portion so declared to be invalid or unconstitutional.

ARTICLE II – DEFINITIONS

For the purposes of this Ordinance, and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereafter. Words used in the present tense shall include the future tense; words in the singular number include the plural; words in the plural number include the singular; the word “person” includes a firm, partnership, or corporation as well as an individual; the term “shall” is always mandatory and not discretionary; and the word “may” is permissive.

ALLEY: A service roadway providing only a secondary means of access to abutting property and not intended for general traffic circulation.

CITY: The City of Box Elder, South Dakota.

COUNCIL: The Common Council of the City.

CROSSWALK: That portion of a roadway ordinarily included within the prolongation of curb and property lines at intersections, whether or not marked, or any other portion of a roadway clearly indicated for pedestrian

**CITY OF BOX ELDER ORDINANCE #482
PARKING REGULATIONS**

crossing by lines or other markings on the surface of the roadway or by signage adjacent to the roadway.

CURB: The extreme edge or lateral boundary of a roadway, often denoted by the presence of concrete curbing.

DRIVEWAY: A road that provides vehicular and/or pedestrian access to a parcel of land which adjoins a street and that is not open to the use of the public for travel.

INTERSECTION: The area defined by the projection of the curb lines of two intersecting streets, whether or not one of the streets crosses the other.

PARK or PARKING: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

ROADWAY: That portion of a street that has been designed, improved, or ordinarily used for vehicular travel, usually between the curb lines.

SHOULDER: The extreme edge or lateral boundary of a roadway, usually lacking concrete curbing.

SIDEWALK: A paved area paralleling and usually separated from the traveled way, used as a pedestrian walkway.

STAND or STANDING: The halting of a vehicle, whether occupied or not, otherwise for the purpose of and while actually engaged in receiving or discharging passengers.

STREET: A public thoroughfare which affords the principal means of access to abutting property. Alleys and public highways are considered streets under this definition.

VEHICLE: A device in, upon, or by which any person or property is or may be transported or drawn upon a public street, except devices moved by human power or used exclusively upon stationary rails or tracks; including bicycles and ridden animals.

ARTICLE III – AUTHORITY TO DESIGNATE

SECTION 1 – DESIGNATION AND MARKING OF CROSSWALKS.

The Public Works Director, or his designee, may designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks

**CITY OF BOX ELDER ORDINANCE #482
PARKING REGULATIONS**

where, in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

SECTION 2 – AUTHORITY TO PROHIBIT.

The Public Works Director, or his designee, may prohibit stopping, standing, or parking of vehicles 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.

SECTION 3 – AUTHORITY TO ALLOW.

The Public Works Director, or his designee, may allow temporary parking of vehicles in areas where such parking would otherwise be prohibited and may erect signs indicating the limits and duration of such temporary parking when the temporary parking is needed to accommodate community, school, or special events.

ARTICLE IV – PROHIBITIONS

SECTION 1 – 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. In an alley;
2. On a crosswalk;
3. Where a curb or street edge is painted yellow;
4. In front of, or impeding the use of, a driveway;
5. Within fifteen feet (15') of a fire hydrant;
6. In a fire lane;
7. Within twenty-five feet (25') of a driveway entrance to a fire or police station;
8. Within an intersection;
9. Within twenty-five feet (25') of an intersection's curb/shoulder lines;
10. Within ten feet (10') of a mailbox between the hours of 8:00 AM and 6:00 PM on Monday through Saturday;
11. On City park grounds other than in a designated parking area;
12. Within a designated no parking area on a public street, in a public right-of-way, or on public property;
13. On any public street when snow has or is falling;
14. On or within ten feet (10') of railroad tracks;
15. On a sidewalk, bike path, or trail; or
16. In a location or manner that blocks traffic on a street.

CITY OF BOX ELDER ORDINANCE #482
PARKING REGULATIONS

SECTION 2 – PARKING IN A HANDICAPPED PARKING SPACE.

The operator of a vehicle shall not stop, stand, or park the vehicle in a handicapped parking space without the proper emblem or license plates attached to the vehicle.

SECTION 3 – UNATTENDED VEHICLES.

- A. No vehicle may be left unattended or parked on a street, alley, public right-of-way, or public property for a period in excess of twenty-four (24) hours.
- B. No vehicle may be left unattended in a location for any period of time where it is obstructing any portion of a street in such a manner that it creates a traffic hazard.
- C. No unattended boats, trailers, travel trailers, campers, recreational vehicles, snowmobiles, or all-terrain vehicles shall be left standing or parked on public streets.

SECTION 4 – EXEMPTIONS TO PROHIBITIONS.

The provisions of this Ordinance shall not apply to emergency vehicles (such as police vehicles, fire trucks, ambulances, or hazardous materials response vehicles), health department vehicles, public utility vehicles (when actually engaged in the performance of public utility duties), tow trucks engaged in the process of towing a disabled or damaged motor vehicle to or from public or private property, or to any vehicle owned by the United States of America, the State of South Dakota, Meade or Pennington Counties, or the City of Box Elder.

SECTION 5 – DAMAGE TO PARKING SIGNS.

No person shall alter, cover, deface, injure, knock down, or remove any official parking control device, sign, signal, or marking or any part thereof.

ARTICLE V – CITATION OR REMOVAL OF VEHICLES IN VIOLATION

SECTION 1 – NOTICE TO BE ATTACHED TO VEHICLES.

When any police officer or code enforcement officer finds a vehicle parked in violation of this Ordinance, that officer shall attach to the vehicle a citation stating that it has been parked in violation of this Ordinance and stating the cost of the violation as provided in this Ordinance or as established by order of the Magistrate Court.

CITY OF BOX ELDER ORDINANCE #482
PARKING REGULATIONS

SECTION 2 – REMOVAL OF VEHICLES.

Any motor vehicle parked in violation of any provision of this Ordinance or in a manner or location that creates a hazard or obstruction to traffic may be removed at the direction of a police officer or code enforcement officer to any place designated by the Chief of Police for the storage of such vehicles. The owner of the vehicle, or his agent, shall pay the cost of the removal and storage of the vehicle plus all outstanding violation costs associated with the vehicle or the owner before reclaiming a vehicle removed under the provisions of this Ordinance.

SECTION 3 – RECORD OF VIOLATIONS.

The Finance Officer, or his designee, shall keep a record of all violations of this Ordinance, indicating the location, date and hour, and the nature of the violation, the make, license number, and state issuing the license of the vehicle, and any other information necessary to provide a thorough understanding of the circumstances of the violation.

ARTICLE VI – VIOLATIONS AND PENALTIES

Parking contrary to and in violation of Article 4, Section 1 of this Ordinance shall be deemed prohibited parking subject to a fine of twenty-five dollars (\$25.00), which is payable to the City Finance Department. If the owner or operator of the violating vehicle fails to pay the fine within seventy-two (72) hours of the issuance of the citation, the fine shall increase to its full amount of forty dollars (\$40.00). Failure of the owner or operator of the violating vehicle to pay the fine within two weeks of the issuance of the citation shall be deemed a Class II Misdemeanor.

Parking contrary to and in violation of Article 4, Section 3 of this Ordinance shall be deemed prohibited parking subject to a fine of fifty dollars (\$50.00), which is payable to the City Finance Department. If the owner or operator of the violating vehicle fails to pay the fine within seventy-two (72) hours of the issuance of the citation, the fine shall increase to its full amount of eighty dollars (\$80.00). Failure of the owner or operator of the violating vehicle to pay the fine within two weeks of the issuance of the citation shall be deemed a Class II Misdemeanor.

Parking contrary to and in violation of Article 4, Section 2 of this Ordinance shall be deemed prohibited parking subject to a fine of one hundred dollars (\$100.00), which is payable to the City Finance Department. If the owner or operator of the violating vehicle fails to pay the fine within seventy-two (72) hours of the issuance of the citation, the fine shall increase to its full amount of two hundred dollars (\$200.00). Failure of the owner or operator of the violating vehicle to pay the fine within two weeks of the issuance of the citation shall be deemed a Class II Misdemeanor.

CITY OF BOX ELDER ORDINANCE #482
PARKING REGULATIONS

A violation of any provision of this Ordinance or any amendment thereto, or failure to perform any act required hereunder, is a Class II Misdemeanor. In addition to any fine or penalty assessed by the court, any violator found guilty shall pay all court costs and expenses involved in the case, towing fees, and any restitution necessary to repair any damage resulting from the violation. Any violation of this Ordinance is hereby declared to be a public nuisance per se.

BE IT FURTHER ORDAINED by the Common Council of the City of Box Elder that this Ordinance shall become effective in accordance to law.

CITY OF BOX ELDER

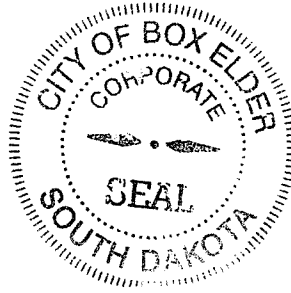


Mayor Alfred Dial

ATTEST:



Finance Officer Debbie Knapp



(SEAL)

P&Z Public Hearing: 11/8/10
Common Council Public Hearing: 12/7/10
First Reading: 12/7/10
Second Reading: 12/21/10
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