

ORDINANCE NO. 646

AN ORDINANCE OF THE CITY OF SALEM, SOUTH DAKOTA, PROVIDING THAT THE REVISED ORDINANCES OF THE CITY BE AMENDED BY REVISING CHAPTER 7.05, PROHIBITING PARKING ON ALL PUBLIC STREETS IN THE CITY DURING A SNOW REMOVAL ALERT; TICKETING AND TOWING VEHICLES AND FINES AND FEES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALEM, SOUTH DAKOTA:

Section 1. That Sections 7.0502, 7.0503, and 7.0505 of the Revised Ordinances of the City of Salem, South Dakota are hereby amended in its entirety to read as follows:

7.0502. Parking during snow removal alert

- A. Definitions. For the purposes of this Section, the following terms and words shall have the meaning given herein:
1. Snow Removal Alert: shall mean such times as there is a snow accumulation on the public streets of two (2) inches or more, or such times as the Public Works Director or his or her designee declares that snow removal operations on the public streets will commence and that the provisions of this Section in regard to parking on public streets during snow removal operations are effective and will be enforced.
  2. Street: shall mean the entire width of any public roadway within the City, and it shall not be limited to those roadways designated as a *Street* but shall include all other names by which public roadways are designated.
- B. Declaration of Snow Removal Alert. When the Public Works Supervisor or his or her designee determines that snow removal from the public streets will commence, the Public Works Supervisor or his or her designee will announce through local news media and whatever other sources are available that there has been declared a snow removal alert and that the provisions of this Section will be effective and be enforced, designating a particular date and time when the alert shall commence. The determination to declare a snow removal alert will be based on the then existing weather conditions, and the amount of snow then on the ground or expected according to forecasts from the National Weather Service.
- C. Parking During Snow Removal Alert. Parking on any public street in the City will be completely prohibited, on both sides and regardless of the directional run of that street, during the existence of a snow removal alert.
- D. Termination of Snow Removal Alert. After a snow removal alert has been declared, there will be no declaration of its termination, but the alert shall terminate and the provisions of this Section become not effective nor enforceable as to any particular street or portion of a street, as soon as that street or portion thereof has been plowed and cleared of snow accumulation, curb-to-curb, and the snow removal equipment is no longer operating in that area, after which normal parking may be resumed until the next declared snow removal alert.
- E. Violation of Snow Removal Alert. The owner or operator of any vehicle, trailer or moveable property item parked in violation of this Section shall be subject to a fine as defined in 7.0505. Late payment of the fine or any subsequent offenses occurring within six (6) months of a prior violation of this Section shall result in additional fines or penalties as provided section 7.0505. In addition to any fine or fines provided herein, violation of this section is hereby declared to be a Public Nuisance and may be removed by or at the direction of the City without further notice to the owner or person in control of possession thereof.

7.0503 Ticketing and Towing Vehicles.

Any authorized law enforcement official shall be authorized to ticket and tow away, or have removed and towed away by any commercial towing service, any vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, or obstructs or may obstruct the movement of any emergency or snow removal vehicle, or in any way is in violation with the provisions of the TITLE. Vehicles towed away for illegal parking shall be stored in a place designated by the City Council. Removal shall be at the expense and risk of the owner or person in control or possession thereof. The removal may be done by private tow truck, wrecker or other operator, without risk or liability to the City or private businessperson doing the removal. Once removed, the vehicle, trailer or other property item shall be impounded by private businessperson until the owner or person in control or possession thereof pays all towing and storage charges and City fines.

7.0505 Fines and Fees.

The city council shall, by resolution, set and have the authority, by resolution, to amend from time to time the towing fees and charges for towing vehicles and other items; and any other cost or fee item that may be associated with removal of vehicle or other items in violation of any city ordinance or state statute. Fees set as follows:

- The fine for prohibited or restricted parking as set forth in section 7.0502 and section 7.0504 in a street or alley shall be twenty-five dollars (\$25.00) for first and second offense, and fifty dollars (\$50.00) for all offences thereafter.
- The fine for prohibited or restricted parking shall be payable at Salem City Hall within seventy-two (72) hours from issuance or the fine will increase by twenty-five dollars (\$25.00). In the event of a failure to pay a prohibited or restricted parking fine within ten (10) days or in the event a misdemeanor charge is filed and a guilty pleas is entered, the matter shall be heard by the magistrate court of the Judicial Circuit which shall impose a fine of not more than one hundred dollars (\$100.00) upon a guilty verdict.

Adopted this 9<sup>th</sup> day of December 2019.

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Robin Westhoff, Mayor

ATTEST:

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Lori Heumiller, Finance Officer

(SEAL)

First Reading: November 12, 2019

Second Reading & Adoption: December 9, 2019

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