

**AN ORDINANCE ESTABLISHING FOR PHYSICALLY DISABLED PERSONS
PARKING SPACES WITHIN THE CITY OF ALCESTER**

BE IT ORDAINED, by the City Council of the city of Alcester, Union County, South Dakota as follows:

Section 1. ESTABLISHMENT OF PARKING SPACES FOR DISABLED PERSONS: There is hereby established the following parking spaces for disabled persons within corporate limits of the City of Alcester, to-wit:

1. The northern most parking space on the west side of Iowa Street between 1st Street and 2nd Street east of the State Bank of Alcester.
2. The eastern most parking space on the south side of 2nd Street between Iowa Street and Broad Street north of the State Bank of Alcester.
3. The southern most parking space on the east side of Iowa Street between 2nd Street and 3rd Street west of the Thrift Store.
4. Two parking spaces being the western most two spaces on the north side of 2nd Street between Iowa Street and Dakota Street in front of the Senior Citizens building
5. The second parking space west of Dakota Street on the north side of 2nd Street, between Dakota Street and Iowa Street, located in front of the Dakota Earth building.
6. The first parking space east of the curb cutout in front of the City auditorium on the south side of 2nd Street between Broad Street and the north/south alley between Broad Street and Iowa Street.
7. A parking space on the west side of Park Avenue south of the southern most water tower approach immediately east of the east shelter house in the Alcester City Park.

These parking spaces shall be accessible to and usable by physically disabled persons pursuant to SDCL 32-30-11.1 as it may, from time to time be amended.

Section 2. MARKING: Such spaces shall meet the specifications with the Americans with Disabilities Act as amended on January 1, 2002 for marking buildings and facilities accessible to, and usable by, the physically handicapped.

Section 3. ELIGIBILITY FOR USE: Any physically disabled person who displays special license plates issued under SDCL 32-5-76 or 32-5-108 a serially numbered certificate issued under SDCL 32-5-76.1 or 32-5-76.2 or a similar license plate or certificate

issued in another state on an automobile used in transporting him or her, shall be entitled to park in any space reserved for the physically disabled.

Section 4. REPORT OF IMPROPER USE OF SPECIAL PLATES OR CERTIFICATES - REVOCATION OF PRIVILEGE: If any police officer of the City of Alcester shall find that such license plates or certificates are being improperly used, they shall report such violation to the Department of Revenue which may revoke the privilege of displaying license plates or certificates so improperly used.

Section 5. USE OF PRIVILEGES BY PERSONS AS A PERSON WITHOUT A PHYSICAL DISABILITY AS VIOLATION OF ORDINANCE: Any person who is not physically disabled or who exercises the privileges granted to a physically disabled person pursuant to this ordinance commits a Class 2 misdemeanor and shall be punished according to the recognized fine schedule for a class 2 misdemeanor under the laws of the State of South Dakota as said from time to time be established. In no event, however, shall the minimum fine be less than One Hundred (\$100.00) Dollars per offense.

Section 6. UNAUTHORIZED PARKING IN HANDICAPPED SPACE AS VIOLATION OF ORDINANCE: The owner of any vehicle not displaying a serially numbered certificate or special license plate parked or stopped in a parking space or blocking a parking space on public or private property designated as reserved for a person with a physical disability shall be ticketed and the owner of the vehicle is guilty of a violation of this ordinance and commits a Class 2 misdemeanor in which instance the maximum penalty shall be the same set forth under SDCL 32-30-11.3 and 11.4 as may from time to time be amended. In no event, however, shall the minimum fine be less than the sum of One Hundred (\$100.00) Dollars per offense if the parking space is marked in accordance with the Americans with Disabilities Act Accessibility guidelines as of January 1, 2002.

Section 7. SEVERABILITY: If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid, the constitutionality of the remainder of the ordinance and the applicability thereof to other persons or circumstances shall not be affected thereby.

Dated this _____ day of September, 2013.

CITY OF ALCESTER

Rick Johnson, Mayor

ATTEST: (SEAL)

Michael Kezar, Finance Officer

First Reading: September 9, 2013
Second Reading: September 23, 2013
Approved: September 23, 2013
Published: September 26, 2013
Effective: October 17, 2013

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Section 7. SEVERABILITY: If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid, the constitutionality of the remainder of the ordinance and the applicability thereof to other persons or circumstances shall not be affected thereby.

Dated this 23 day of September, 2013.

CITY OF ALCESTER


Rick Johnson, Mayor

ATTEST: (SEAL) 

Michael Kezar, Finance Officer

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