

ORDINANCE #O2019-18

**AN ORDINANCE REPEALING MITCHELL CITY CODE
CHAPTER 3-6: TRAFFIC COMMISSION, UPDATING REFERENCES TO SAID
COMMISSION, RELOCATING CERTAIN PROVISIONS OF SAID CHAPTER, AND
CORRECTING A REFERENCE TO THE TRAFFIC DIVISION**

BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA AS FOLLOWS:

Section 1.

That Mitchell City Code Chapter 3-6: Traffic Commission and its subsections are hereby REPEALED in their entirety.

Section 2.

That a new section be ADDED to the Mitchell City Code to read as follows:

7-1-6: Certain Powers and Duties Reserved by Council:

A. For traffic matters, the City Council hereby reserves to itself the powers and duties set out in the further subsections of this section. For other traffic matters where the council has not reserved authority, where authority has not been granted to another public body, and where City Council action is not otherwise required, the Mayor may establish policies and direct appropriate departments to address such other traffic matters.

B. Establish And Maintain Traffic Signs, Signals And Markings: The City Council shall have the following powers, duties, and authority:

1. To place and maintain or cause to be placed and maintained all official traffic signs and signals required by Title 7 of this code. All signs and signals required for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city.
2. To establish and to designate and thereafter maintain or cause to be maintained by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in its opinion, there is particular danger to pedestrians crossing the roadway and at such other places as it may deem necessary.
3. To determine those intersections at which operators of vehicles shall not make a left turn and to place proper signs at such intersections.
4. To determine the location of truck loading zones and erect and maintain or cause to be erected and maintained appropriate signs indicating the same.

5. To establish bus and taxicab stands in such places as it 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.
6. To determine upon what streets angle parking shall be permitted and to mark or sign such streets or cause the same to be marked or signed.
7. To place and maintain or cause to be placed and maintained on each and every street intersecting a through street, as designated in title 7 of this code, and at or near the property line of the through street, appropriate signs, devices or markers, bearing the word "stop" and to be located in such a position and to be provided with letters of a size to be clearly legible from a distance of at least one hundred feet (100') along the line of the intersecting street. All such signs shall be illuminated at night, or so placed that they shall be illuminated by street lights, or by the headlights of approaching motor vehicles.
8. To erect and maintain signs in each block designating any time limits on parking therein.
9. To place turning markers within or at the entrance to intersections, directing the traffic turning to the left to follow a line of travel other than that as directed in title 7 of this code.
10. To determine and designate, by proper signs, the route of travel to be used by semitrailers and large trucks.
11. To determine in what streets or alleys only one way traffic shall be allowed and to cause such streets or alleys to be marked with appropriate signs.

C. Issue Special Permits: The City Council may issue special permits for the following purposes:

1. Delivery Vehicles: To issue to any owner of a vehicle used to transport merchandise or material a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the operator of such vehicle the privilege of standing or parking in the central business district between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. for the purpose of unloading and delivering or pick up and loading of merchandise or materials if, in the opinion of the traffic commission, such privilege is reasonably necessary in the conduct of the owner's business and will not seriously interfere with traffic. Such special permit may be revoked by the traffic commission at any time if, in its opinion, the conditions of such permit are not fulfilled in good faith by the owner of such vehicle or by his agents.
2. Semitrailer Parking: To issue to the owner of any semitrailer used in the transportation of merchandise or materials a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the owners such vehicle the privilege of standing or parking in the central business district, parallel to the curb between the hours of twelve o'clock (12:00) P.M. and eleven o'clock (11:00) A.M., for the purpose of

unloading or pick up of merchandise or material if, in the opinion of the traffic commission, such privilege is reasonably necessary to the conduct of business and will not seriously interfere with the traffic. Such permit may be revoked by the traffic commission if, in its opinion, the conditions of such permit are not complied with.

3. Loading And Unloading At Curb: To issue to any owner of a vehicle used to transport merchandise or materials a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the operator of such vehicle the privilege of loading and unloading while the vehicle is backed against the curb if, in the opinion of the traffic commission, such privilege is reasonably necessary in the conduct of the owner's business and will not seriously interfere with traffic.

Section 3.

That the phrase “traffic commission” be removed and replaced with the phrase “City Council” in the following locations in the Mitchell City Code:

Section 7-3-2(A)(1)(b)
Section 7-3-4(D)
Section 7-3-4(E)
Section 7-4-3(H)
Section 7-4-4(A)
Section 7-4-4(C)
Section 7-4-5

Section 4.

That the phrase “traffic and safety committee” in MCC Section 7-7-6(D)(3) be removed and replaced with the phrase “City Council”.

Section 5.

That the phrase “traffic” be removed from MCC Section 1-7-4(A) so as to read as follows:

“The department of public safety (or public safety department) is hereby established. The department of public safety shall include the police, fire, ambulance, communications, and animal control operations of the city.”

Section 6.

That the phrase “traffic” be added to MCC Section 1-7-3(A) so as to read as follows:

“The department of public works (or public works department) is hereby established. The department shall include all public utility functions operated by the city including water, wastewater, streets, traffic, sanitation, and solid waste

disposal. Contracts for public improvements shall be administered through the public works department. The engineering functions of the city shall be performed and/or administered by the public works department.

Section 7.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 8.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Adopted by majority vote of the Mitchell SD City Council in regular session this ____ day of _____, 2019.

Robert B. Everson, Jr. – Mayor

Attest:

(seal)

Michelle Bathke – City Finance Officer

First Reading: _____

Second Reading: _____

Adoption: _____

Published: _____