

TITLE FOURTEEN TRAFFIC

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CHAPTER 14-1 IN GENERAL

14-1-1 DEFINITIONS

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them;

Abandoned Motor Vehicle. Any motor vehicle which is left unattended on any street or alley, in any public parking lot or in any other public place for more than twenty-four (24) hours.

Amusement or Fee. Any bus which solicits monies from the passengers therein, or which conveyance is used in the promotion of any business.

Authorized Emergency Vehicle. Vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal department or public service corporations as are designated or authorized by the chief of police.

Bicycle. Every device propelled by human power, upon which any person may ride and having two tandem wheels either of which is more than twenty (20) inches in diameter.

Bus. Any vehicle other than an animal, drawn conveyance used to carry six (6) or more passengers for fee or amusement, and exempt from the jurisdiction, rules or regulations of the South Dakota Public Utilities Commission.

Business District. The territory contiguous to a highway when fifty (50) percent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings used for business.

Commercial Vehicle. Every vehicle designed, maintained or used primarily for the transportation of property.

Controlled Access Highway. Every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Crosswalk. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Curb. The extreme edge or lateral boundary of a roadway, whether marked by curing or not so marked.

Curb Loading Zone. The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Department. The police department of the city.

Double Parking. The standing or stopping of a vehicle in the line of traffic and to the rear of a vehicle angle parked or to the rear of a space where a vehicle may be parked at any angle to the curb or edge of the roadway; or to the roadway side of a vehicle parked parallel with the curb, or edge of the roadway or the roadway side of the space, in which a vehicle may be parked parallel to the curb or edge of the roadway.

Farm Tractor. Every motor vehicle designed and used primarily as a farm implement.

Freight Curb Loading Zone. The space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

Intersection. The area embraced within the prolongation of the lateral curb lines or, if none, then of the lateral boundary lines of two (2) or more highways which join one another at an angle, whether or not one such highway crosses the other; but such area, in the case of the point where an alley and a street meet shall not be deemed an intersection.

Junk Motor Vehicle. Any motor vehicle which does not have lawfully affixed thereto unexpired license plates or which is wrecked, dismantled; partially dismantled, inoperable or discarded.

Laned Street. A street, the roadway of which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Motorcycle. Every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground, except any such vehicle as may be included within the term "tractor".

Motor Vehicle. Every vehicle which is self propelled.

Official Traffic Signs. All signs and markings, other than signals, not inconsistent with this ordinance, placed or erected by a public body or official having jurisdiction, for the purpose of guiding, directing, warning, or regulating traffic.

Operator. Any person who is in actual physical control of a vehicle.

Owner. A person who holds legal title of a vehicle or in the event is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or leasee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vender, or leasee or mortgagor shall be deemed the "owner" for the purposes of this title.

Park or Parking. The standing of a vehicle, whether attended or unattended, upon a roadway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic signs or signals.

Parkway. The paved or unpaved strip of land paralleling the roadway and located between the roadway and sidewalk area.

Pedestrian. Any person afoot.

Police Officer. Every officer of the City police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private Road or Driveways. Every road or driveway not open to the use of the public for vehicular travel.

Railroad. A carrier of persons or property upon cars operated upon stationary rails.

Railroad City. An engine, whether steam, electric or other motor, with or without cars coupled thereto and operated upon rails.

Residence District. The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred (300) feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

Right-of-Way. The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one (1) grants precedence to the other.

Road Tractor. Every motor vehicle designed and used to draw other vehicles and not so constructed as to carry any load thereon, either independently or as a part of the weight of a vehicle or load so drawn.

Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway included two (2) or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

Safety Zone. The area or space officially set aside within a street or highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians.

Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic.

Through Street or Highway. Every street or highway or portion thereof on which vehicular traffic is given preferential right of way; and at the entrances to which vehicular traffic from intersecting streets or highways is required by law to yield the right of way to vehicles on such through streets or highways in obedience to either a stop sign or yield sign, when such signs are erected as provided in this title.

Traffic Control Signal. Any device using colored lights, or words, or any combination thereof, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided that for the purposes of this ordinance, a bicycle or a ridden animal shall be deemed a vehicle.

Authority:

SDCL § 9-30-4, Ch. 9-31; See Also Title 32.

14-1-2

ORDINANCES SAVED FROM REPEAL

Nothing contained in this code, nor in the ordinance adopting this code, shall be construed to repeal or otherwise affect in any manner any ordinance designating one-way streets or alleys, through streets, stop or yield intersections at which traffic control signals are to be installed, areas or spaces in which the parking of vehicles is prohibited or limited, intersections at which the turning of vehicles is prohibited, restricted or regulated, speed limits or any other ordinance regulating traffic on specific streets, alleys or other public ways in the City or portions thereof or in specific areas of the City and all such ordinances are hereby saved from repeal and recognized as continuing in full force and effect to the same extent as if set out at length in this code.

Authority:

SDCL § 9-30-4, Ch. 9-31; See Also Title 32.

14-1-3

DRIVER'S LICENSE REQUIRED

It shall be unlawful for any person who is a resident of this state to drive or operate upon any

of the streets or highways within the City any motor vehicle without first having secured and having in his possession a valid driver's license issued by the state.

Authority:
SDCL Ch. 32-12.

14-1-4

LICENSE PLATES

No person shall operate or drive a motor vehicle within the City without having conspicuously displayed thereon number plate or plates as required by state law, securely fastened, and which shall be kept free from mud, dirt, or other obstruction so that said number plate or plates shall be clearly legible by other persons upon the highway.

Authority:
SDCL Ch. 32-5.

14-1-5

CLINGING TO A MOVING VEHICLE

No person traveling upon any bicycle, motorcycle, coaster, sled, skis, roller skates, or any other toy vehicle shall cling to or attach himself or his vehicle to any other moving vehicle upon any street or highway.

Authority:
SDCL §§ 9-30-4, 9-31-1 et seq; See Also Title 32.

14-1-6

BOARDING OR ALIGHTING FROM VEHICLE

No person shall board or alight from any vehicle while such vehicle is in motion.

Authority:
SDCL §§ 9-30-4, 9-31-1 et seq; See Also Title 32.

14-1-7

COASTERS, ROLLER SKATES AND SIMILAR DEVICES

Persons on roller skates or riding in or by means of any coaster or toy vehicle or similar device may go upon any roadway as long as said person yields the right of way to oncoming traffic.

Authority:
SDCL §§ 9-30-4, 9-31-1 et seq; See Also Title 32.

14-1-8

RIDING ON OUTSIDE OF VEHICLE

No person shall ride on any vehicle upon and portion thereof not designated or intended for the use of passengers. This provision shall not apply to persons riding within truck bodies in space intended for merchandise.

Authority:
SDCL §§ 9-30-4, 9-31-1 et seq; See Also Title 32.

14-1-9

OPENING DOORS INTO TRAFFIC

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Authority:

SDCL §§ 9-30-4, 9-31-1, 9-32-1 et seq; See Also Title 32.

14-1-10

EMERGENCY AND EXPERIMENTAL REGULATIONS

The chief of police, by and with the approval of the City Council may make regulations necessary to make effective the provision of the traffic ordinances and make and enforce temporary regulations to cover emergencies of special conditions.

The City Council may make temporary rules regulating traffic or test traffic control devices under actual conditions of traffic. No such experimental rule regulating traffic shall remain in effect for more than ninety (90) days.

Authority:

SDCL §§ 9-30-4, 9-31-1, 9-32-1 et seq; See Also Title 32.

14-1-11

DRIVING WHEN DRIVER'S LICENSE IS CANCELED, SUSPENDED OR

It shall be unlawful for any person who is a resident of this state to drive or operate upon any of the streets or highways within the City, any motor vehicle when that person's driver's license has been canceled, suspended, or revoked by the State of South Dakota.

Authority:

SDCL §§ 9-30-4, 9-31-1 et seq; See Also Title 32.

14-1-12

RESTRICTED MINOR'S PERMIT RESTRICTIONS ON OPERATION

It shall be unlawful for any minor to drive or operate upon any of the streets or highways within the City, any motor vehicle, in any manner in violation of the restrictions imposed in a restricted license issued to him. The restricted permit entitles the holder thereof, while having such permit in his immediate possession, to operate a motor vehicle during the hours of 6:00 a.m. to 8:00 p.m. standard time if such motor vehicle is being operated under the direction of his parents or legal guardian, or when accompanied by a licensed operator who has had at least one (1) year of driving experience, who is eighteen years of age, and who is occupying a seat beside the driver.

Authority:

SDCL §§ 9-30-4, 9-31-1 et seq; See Also Title 32.

14-1-13

PERIOD OF RESIDENCY FOR PURPOSE OF LICENSING

Any person who has resided in this state for a period of ninety (90) days is considered a resident for the purpose of being licensed to drive a motor vehicle under the laws of this state, as required in section 14-1-3.

Authority:

SDCL §§ 9-30-4, 9-31-1 et seq; See Also Title 32.

14-1-14

ALLOWING UNAUTHORIZED PERSON TO USE VEHICLE

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street or highway by any person who is not authorized under this title or in violation of any of the provisions of this title.

Authority:

SDCL §§ 9-30-4, 9-31-1 et seq; See Also Title 32.

14-1-15

PERMITTING UNAUTHORIZED MINOR TO USE VEHICLE

No person shall cause or knowingly permit his child or ward or any other minor under the age of eighteen (18) years to drive a motor vehicle upon any street or highway when such minor is not authorized under this title or in violation of any of the provisions of this title.

Authority:

SDCL § 9-30-4, 9-31-1 et seq; See Also Title 32.

14-1-16

SIRENS, WHISTLES AND UNNECESSARY LOUD NOISES PROHIBITED

It is unlawful, except as otherwise provided in SDCL §35-15-12, for a vehicle to be equipped with or for any person to use upon a vehicle any siren or compression or spark plug whistle or any exhaust horn or whistle or loud speaker which does not produce a harmonious sound or for any person to make any unnecessary or unreasonable loud or harsh sound by means of a horn or other warning device.

Authority:

SDCL §32-15-11

CHAPTER 14-2 ENFORCEMENT AND OBEDIENCE

14-2-1 DUTY OF THE POLICE OFFICER

It shall be the duty of the police officer(s), to enforce the traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this City, to make arrests for traffic violations, to investigate accidents and to cooperate with other officers of the City in the administration of the traffic laws in developing ways and means to improve traffic conditions, and to carry out those duties specifically imposed upon said officer(s) by this title and the traffic ordinances of this City.

Authority:
SDCL § 23A-3-2, 9-29-19, 9-29-19.1.

14-2-2 POLICE DIRECT TRAFFIC

Police officers shall direct all traffic in conformance with traffic laws and chapters provided that in event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, officers of the police or fire department may direct traffic as conditions may require.

Authority:
SDCL § 9-29-19; See Also § 9-32-1, 9-29-3.

14-2-3 OBEDIENCE TO POLICE

No person shall refuse or fail to comply with any lawful order, signal or direction of any police officer, or refuse to submit to any lawful inspection or fail to comply with the provisions or requirements of any warning ticket issued by the police officer under this chapter.

Authority:
SDCL § 23A-3-2, 9-29-19, 9-29-19.1

14-2-4 PERSONS PROPELLING PUSHCARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal drawn vehicle, shall be subject to the provisions of this title applicable to the driver of any vehicle, except those provisions of this title, which, by their very nature, can have no application.

Authority:
SDCL § 9-29-3, 9-32-1.

14-2-5 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS

The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United State Government, this state, county or city and it shall be unlawful for

any said driver to violate any of the provisions of this title, except as otherwise permitted in this title.

Authority:

SDCL §§ 23A-3-2, 9-29-19, 9-29-19.1, 9-29-3, 9-32-1.

14-2-6

EXEMPTIONS TO AUTHORIZED EMERGENCY VEHICLES

The provisions of this title regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles while the operator of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, exempt the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

Authority:

SDCL Ch. 32-31; See Also SDCL § 32-26-15.

14-2-7

APPLICATION TO WORKMEN AND EQUIPMENT

The provisions of this title shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a street, but shall apply to such persons and vehicles when traveling to or from such work; provided, however, such persons and vehicles shall not indiscriminately block traffic, but shall allow reasonable room on the traveled portion of the street for other vehicles to pass.

Authority:

SDCL § 9-45-1.

CHAPTER 14-3

PROCEDURES UPON ARREST

14-3-1

MANNER OF ARREST

A person charged with a violation of a traffic ordinance of the City by a police officer need not be arrested in the regular manner, but may first be given an opportunity, after notice, to appear voluntarily to answer for such traffic violation, provided the charges of the police officer do not exceed the jurisdiction of the Magistrate Court.

Authority:

*SDCL §§ 23A-3-2, 9-29-19, 9-29-19.1;
See Also Ch. 32-33.*

14-3-2

NOTICE TO APPEAR

A person charged with a violation of this chapter or a traffic ordinance by notice shall be given a notice to appear before the Magistrate at the time stated in such notice, and that in event of failure to do so, a warrant will be issued for his arrest.

The notice shall state the name, description and address of the offender, if known, the nature and date of the offense and a description of the vehicle involved in the violation by trade name and license number. The notice shall be signed by the police officer executing it.

The notice shall be made in triplicate, one (1) copy to be given to the owner or driver charged with the offense or to be left in or upon the automobile or vehicle involved in the violation, one (1) copy to be filed with the police department and one (1) copy to be filed with the Police Magistrate.

If the person charged with the offense is available he shall be given an opportunity to sign an agreement to appear to answer the charge at the time and place specified in the notice, which form of agreement shall be a part of said notice, and if he shall refuse to sign such agreement, then he shall be placed under arrest for the offense in the same manner otherwise provided by state law.

Authority:

SDCL §§ 29-19.1; See Also Ch. 32-33.

14-3-3

APPEARANCE AND DEPOSIT FOR FINE

In cases of non-moving violations and cases of failure to stop at a stop street, sign or signal which are not serious or aggravated cases, the person charged shall appear by power of attorney and upon making the deposit for fine as authorized by the court and a statement authorizing him/her to enter the plea of guilty to the offense, he shall not be required to appear in court.

Authority:

SDCL Ch. 32-33.

14-3-4

ARREST ON FAILURE TO APPEAR

Upon the failure of a person to appear in response to a notice of traffic violation, he shall be subject to arrest in the manner otherwise provided by law.

Authority:

SDCL Ch. 32-33 and §§ 23A-3-2, 9-29-19.

14-3-5

REMOVAL OF CARS ILLEGALLY PARKED

Any vehicle parked in violation of this chapter or traffic ordinance of this City may be removed from the streets by the police department and placed in public or private storage, and the owner thereof, in addition to the fines and penalties which may be imposed for such violation, shall pay the charges for towing and storage of said vehicle so removed by order of the police department.

Authority:

SDCL Ch. 32-33.

CHAPTER 14-4 ACCIDENTS

14-4-1 IMMEDIATE NOTICE OF ACCIDENT

The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage shall by the quickest means of communication give notice of such accident to the police department.

*Authority:
SDCL Ch. 32-34.*

14-4-2 WHEN DRIVER UNABLE TO REPORT

An accident report shall not be required from any person who is physically incapable of making such report during the period of such incapacity. Whenever the driver of a vehicle is physically incapable of making such report or is physically incapable of giving notice of an accident and there is another occupant in the vehicle at the time of the accident capable of doing so, such occupant in the vehicle at the time of accident shall cause to be given the notice not given by the driver.

*Authority:
SDCL Ch. 32-34.*

14-4-3 DUTY TO GIVE INFORMATION, RENDER AID

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the license number of the vehicle he is driving, and shall upon request and if available, exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

*Authority:
SDCL Ch. 32-34.*

14-4-4 PERSONAL INJURY

The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 14-4-3.

*Authority:
SDCL Ch. 32-34.*

14-4-5

PROPERTY DAMAGE

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 14-4-3. Every such stop shall be made without obstructing traffic more than necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor.

Authority:
SDCL Ch. 32-34.

14-4-6

UNATTENDED VEHICLE PROPERTY

The driver of any vehicle which collides with any vehicle or other property which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall attach securely in a conspicuous place in or on the vehicle struck a written notice giving the name and address of the driver and the owner of the vehicle doing the striking and a statement of the circumstances thereof. Such driver shall without unnecessary delay notify the police department of such accident.

Authority:
SDCL Ch. 32-34.

14-4-7

DUTY UPON STRIKING FIXTURES

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a street shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon arrest and if available exhibit his operator's license and shall make report of such accident when and as required by ordinance or statute.

Authority:
SDCL Ch. 32-34.

14-4-8

DUTY UPON STRIKING ANIMAL

The driver of any vehicle which collides with any dog or domestic animal causing injury thereto shall stop and attempt to ascertain the owner of such animal and shall notify the police department of such accident and shall also notify the humane officer thereof if such injured animal is not otherwise properly cared for.

Authority:
SDCL Ch. 32-34.

14-4-9

FILING OF ACCIDENT REPORT

The police department shall maintain a suitable system of filing traffic accident reports.

Authority:
SDCL Ch. 32-34.

14-4-10

GARAGE KEEPER TO REPORT DAMAGE VEHICLE

The person in charge of any garage, repair shop or service station to which is brought any vehicle which shows evidence of having been involved in a serious accident or struck by a bullet shall report to the police department within twenty four (24) hours after such vehicle is received, giving the kind of car and license number, and the name and address of the owner or operator of such vehicle.

Authority:
SDCL Ch. 32-34; See Also § 9-29-3.

CHAPTER 14-5

OPERATION OF VEHICLES GENERALLY

14-5-1

STARTING

A standing vehicle about to start shall give all moving vehicles the right of way.

Authority:
SDCL Ch. 9-31 generally.

14-5-2

DRIVE ON RIGHT SIDE OF STREET - GENERALLY

Upon all streets except upon one-way streets, the operator of a vehicle shall drive the same upon the right half of the street and shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb of a street unless it is impracticable to travel on such side of the street, and except when overtaking and passing another vehicle subject to the limitations applicable to overtaking and passing set forth in this title.

The foregoing provisions of this section shall not be deemed to prevent the marking of lanes for traffic upon any street and the allocation of designated lanes to traffic moving in a particular direction or at designated speeds.

Authority:
SDCL Ch. 9-31 generally; See Also SDCL § 32-26-1.

14-5-3

SAME AT INTERSECTIONS

In crossing an intersection of highways or the intersection of a highway by a railroad right-of-way, except upon a one-way street, the operator of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such right half is obstructed or impassable.

Authority:
SDCL Ch. 9-31 generally; See Also SDCL § 32-26-2.

14-5-4

MEETING OF VEHICLES

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

Authority:
SDCL Ch. 9-31 generally; See Also SDCL § 32-26-3.

14-5-5

DRIVING ON ROADWAYS LANED FOR TRAFFIC

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

Authority:

*SDCL Ch. 9-31 generally; See Also SDCL
§ 32-26-5, as well as §§ 32-26-6 to 32-26-10.*

14-5-6

DESIGNATION OF TRAFFIC LANES

The City Council is hereby authorized to mark lanes for traffic on street pavements at such places as may be deemed advisable, consistent with the provisions of this title.

Authority:

SDCL Ch. 9-31 generally.

14-5-7

DRIVING ON LEFT OF OTHER VEHICLES

It shall be unlawful for any driver or operator of a motor vehicle to drive or operate his vehicle on the left-hand side of another motor vehicle moving in the same direction in a single traffic lane, unless the driver or operator on the left is in the process of passing or overtaking another motor vehicle.

Authority:

SDCL Ch. 9-31 generally.

14-5-8

DRIVING ON LEFT AT INTERSECTIONS

No vehicle shall be driven on the left side of the roadway when approaching within one hundred (100) feet of or traversing any intersection or railroad crossing, or when the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.

Authority:

SDCL Ch. 9-31 generally.

14-5-9

DRIVING ON LEFT AT CURVES

No vehicle shall be driven on the left side of the roadway when approaching or upon the crest of a grade or a curb in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

Authority:

SDCL Ch. 9-36.

14-5-10

OVERTAKING - GENERALLY

The operator of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, but only when such left side is clearly visible and is free from oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety and shall not cut in front of the overtaken vehicle until safely clear of same.

Authority:
SDCL § 32-26-26.

14-5-11

SAME - WHEN VISION IS OBSTRUCTED

The operator of a vehicle shall not drive to the left side of a center line of the traversable roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

Authority:
SDCL § 32-26-34; See Also Ch. 9-31 generally.

14-5-12

SAME - NO PASSING ZONES

The operator of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction in any "no passing zone" and the City Council is hereby authorized to designate such no passing zones by the painting or placing of double lines in the center of said street and any zone or any street in the City where double lines, buttons, or lanes have been painted or placed in the center of such street, shall be and is hereby designated as no passing zones and no operator of any vehicle shall pass and other vehicle proceeding in the same direction, in said zone.

Authority:
SDCL § 32-26-37; See Also Ch. 9-31 generally.

14-5-13

DUTY OF OVERTAKEN OPERATOR

The operator of a vehicle on a street shall not deviate from his direct line of travel without ascertaining that such movement can be made with safety to other vehicles approaching from the rear and about to overtake and pass such first mentioned vehicle.

The operator of a vehicle upon a street about to be overtaken and passed by another vehicle approaching from the rear shall give way consistent with safety upon suitable and audible signal being given by the operator of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Authority:
SDCL § 32-26-31; See Also Ch. 9-31 generally.

CHAPTER 14-6

RIGHT-OF-WAY REGULATIONS

14-6-1

GENERALLY

Subject to the exceptions stated in this article, the right-of-way rules as between vehicles at intersections is hereby declared as follows:

- A. When two (2) vehicles approach an intersection at approximately the same time, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- B. The operator of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which he may otherwise have hereunder.

Authority:

SDCL § 32-26-13; Also see § 9-45-1 and Ch. 9-31

14-6-2

LEFT TURN

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

The driver of a vehicle intending to turn to the left into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close thereto as to constitute a hazard.

Authority:

SDCL § 32-26-19 and Ch. 9-31 generally.

14-6-3

EMERGENCY VEHICLES

The operator of a vehicle entering a public street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the operator's thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not relieve the operator of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the operator of any such vehicle from the consequences of an arbitrary exercise of such right-of-way.

Authority:

SDCL § 32-26-15 and Ch. 9-31 generally.

CHAPTER 14-7

TRAFFIC CONTROL SIGNS, SIGNALS AND DEVICES

14-7-1

OBEDIENCE

No person shall violate any rule, regulation, traffic direction, sign or marking adopted, prescribed, or established in accordance with the provisions of this title.

Authority:

SDCL Ch. 32-28 and 9-31.

14-7-2

NECESSITY OF SIGNS

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

Authority:

SDCL Ch. 32-28 and 9-31.

14-7-3

INTERFERENCE WITH SIGNS; UNAUTHORIZED SIGNS AND SIGNALS

No person shall willfully deface, injure, move, obstruct or interfere with any official traffic sign or signal. No person shall place or maintain or display upon or in view of any street any unofficial sign, signal or device which purports to be or is an imitation of or resembles any official traffic sign or signal, or which attempts to direct the movement of traffic. Every such prohibited sign, signal or device is declared to be a public nuisance and the chief of police is empowered to cause it to be removed without notice.

Authority:

SDCL Ch. 32-28 and 9-31.

14-7-4

PLAY STREETS

The City Council may declare any street or part thereof a play street and place appropriate signs or devices in the roadway and blockade such roadway with appropriate markers and in said manner prohibit the public from traveling on said street and reserve such street for the use of children.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

Authority:

SDCL Ch. 32-28 and 9-31.

CHAPTER 14-8

SPEED

14-8-1 GENERAL RESTRICTIONS

It shall be unlawful for any person to drive a vehicle on a street or highway at a speed that is greater than reasonable and prudent under the conditions then existing or at a speed in excess of those fixed in this article.

Authority:

SDCL Chapters 9-31 and 32-25 generally.

14-8-2 ESTABLISHMENT OF SPEED ZONES

The City Council is authorized and empowered to determine and establish upon any street or highway within the City or any part thereof, limited speed zones which speed limit shall constitute the maximum speed at which any person may drive or operate any vehicle upon zone, street or highway or portion thereof so zoned, and on which highway the maximum speed permissible in said zone has been conspicuously posted by signs adopted by the council.

The beginning and end of such limited speed zones shall be indicated by signs showing the speed limits. The City Council may change the speed limit or the extent of any such limited speed zone at any time it may deem necessary.

Authority:

SDCL Chapters 9-31 and 32-25 generally.

14-8-3 MAXIMUM LIMITS GENERALLY

Except as may otherwise be provided by this chapter, it shall be unlawful for any person to operate or drive any vehicle at a rate of speed greater than the following:

- a. Twenty (20) miles per hour within any business district.
- b. Fifteen (15) miles per hour on an alley.
- c. Twenty (20) miles per hour within any residence district.
- d. Fifteen (15) miles per hour within any school district.
- e. The appropriate legal maximums established by state law on all other unmarked streets and highways within the City shall be effective.

Authority:

SDCL Chapters 9-31 and 32-25 generally.

14-8-4 SCHOOL ZONES

It shall be unlawful for any person to operate or drive any vehicle at a speed greater than fifteen (15) miles per hour when passing a school during recess or while children are going to or leaving school during opening or closing hours for such school.

Authority:

SDCL Chapters 9-31 and 32-25 generally.

14-8-5

OBSTRUCTED INTERSECTIONS

It shall be unlawful for any person to operate or drive any vehicle at a greater speed than fifteen (15) miles per hour when approaching within fifty (50) feet of, and in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty (50) feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred (200) feet from such intersection.

Authority:

SDCL Chapters 9-31 and 32-25 generally.

14-8-6

EMERGENCY VEHICLES

The speed limit set out in this chapter shall not apply to authorized emergency vehicles when responding to emergency calls, provided the drivers thereof sound audible signals by siren or horn and two (2) red lights are displayed to the front or a flashing red light is displayed on top of said vehicle, so as to be plainly visible to all traffic in the area. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street nor shall it protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

Authority:

SDCL Chapters 9-31 and 32-25 generally.

14-8-7

SLOW SPEED

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Authority:

SDCL § 32-24-5.1; Also see Ch. 9-31 generally.

CHAPTER 14-9

ONE-WAY STREETS AND ALLEYS

14-9-1

DESIGNATION

Whenever any statute of this City designates any one-way street or alley, the City Council shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Authority:

SDCL Ch. 9-31, 32-26, 32-28.

14-9-2

OBEDIENCE

It shall be unlawful for any person to operate any vehicle in violation of the markings, signs, barriers, or other devices placed in accordance with the provisions of this title.

Authority:

SDCL Ch. 9-31, 32-26, 32-28.

CHAPTER 14-10

TURNS

14-10-1

GENERALLY

No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or more right or left upon a roadway, unless and until such movement can be made with reasonable safety.

Authority:
SDCL Ch. 9-31.

14-10-2

RIGHT TURN

The operator of a vehicle intending to turn to the right at an intersection or into an alley or driveway shall approach the point of turning in the line of traffic nearest the right-hand curb or edge of the street.

Authority:
SDCL § 32-26-17.

14-10-3

TURNING LEFT

Except where otherwise directed by turning markers, the operator of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

Authority:
SDCL § 32-26-18.

14-10-4

LIMITATIONS ON TURNING AROUND

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction on any street in a business or commercial area, or at any intersection controlled by traffic control signals, and shall not upon any other street so turn a vehicle except at an intersection and unless such movement can be made in safety and without interfering with other traffic.

Authority:
SDCL §§ 9-31-1, 9-32-1.

CHAPTER 14-11

TURNING AND STOPPING SIGNALS

14-11-1

GENERALLY

No person shall turn any vehicle without first giving an appropriate signal in the event any other traffic may be affected by such movement.

Authority:
SDCL § 9-31-1.

14-11-2

WHEN REQUIRED

A signal of intention to turn a vehicle right or left when required shall be given continuously during not less than the last one hundred (100) feet of travel by the vehicle before turning.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Authority:
SDCL § 9-31-1.

14-11-3

SIGNALS BY HAND AND ARM OR SIGNAL DEVICE

Any stop or turn signal when required by this article shall be given by means of the hand and arm or by signal lamp or lamps or standard approved mechanical signal device, but when a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such a lamp or lamps or signal device.

Authority:
SDCL §§ 9-31-1, 32-26-23.

14-11-4

METHOD OF GIVING HAND-AND-ARM SIGNALS

All signals required by this article to be given by hand-and-arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- A. LEFT TURN. Hand and arm extended horizontally.
- B. RIGHT TURN. Hand and arm extended upwards.
- C. STOP OR DECREASE SPEED. Hand and arm extended downward.

Authority:
SDCL §§ 9-31-1, 32-26-23.

CHAPTER 14-12

REQUIRED STOPS AND YIELD INTERSECTIONS

14-12-1 DESIGNATION OF THROUGH STREETS

Whenever the City Council shall designate by ordinance any street or any portion of a street as a through street, the provisions of this title shall be applicable thereto.

Authority:
SDCL § 9-31-2.

14-12-2 SIGNS REQUIRED AT THROUGH STREETS

Whenever any ordinance of the City designates and describes a through street it shall be the duty of the City Council to place and maintain a stop sign, or yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the City Council. Such signs must be illuminated at night.

Authority:
SDCL § 32-29-2; See Also Ch. 9-31.

14-12-3 OTHER INTERSECTIONS WHERE STOP OR YIELD REQUIRED

The City Council is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one or more entrances to any such intersection, in which event they shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed by law, in which event they shall cause to be erected a yield sign at every place where obedience thereto is required.

Authority:
SDCL Chapters 9-31 and 32-29.

14-12-4 OBEDIENCE TO SIGNS

The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at the clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before

entering the intersection.

Authority:

SDCL Chapters 9-31 and 32-29.

14-12-5

VEHICLE ENTERING STOP INTERSECTION

Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop, and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

Authority:

SDCL § 32-29-2.1.

14-12-6

VEHICLE ENTERING YIELD INTERSECTION

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

Authority:

SDCL § 9-31-2.

14-12-7

ALLEY, PRIVATE DRIVEWAY

The operator of a vehicle emerging from an alley, private driveway or building into or onto a street shall stop such vehicle immediately prior to driving onto a crosswalk or crosswalk area extending across such approach and shall not proceed into or onto such street in such a manner as to interfere with or block traffic on such street.

Authority:

SDCL § 32-26-14.

14-12-8

STOP WHEN TRAFFIC OBSTRUCTED

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Authority:

SDCL § 9-31-2.

14-12-9**STOP AT RAILROAD CROSSING SIGNAL**

Whenever any person driving a vehicle approaches a railroad grade crossing and a clearly audible or visual signal gives warning of the immediate approach of a railway train or car, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely.

Authority:

SDCL § 32-29-4.

14-12-10**CERTAIN VEHICLES MUST STOP AT RAILWAY GRADE CROSSINGS**

The operator of any motor bus carrying passengers for hire, and the operator of any school bus carrying any school child, and the operator of any motor truck carrying explosive substances or explosive liquids of any specific gravity as a cargo or part of a cargo, and the operator of any vehicle of the tractor or caterpillar type, other than the truck tractor, shall, before crossing at grade any track or tracks of railway bring such vehicle to a stop not less than ten (10) feet from such railway or more than fifty (50) feet from the nearest rail of such track, and while stopped, shall both look and listen in both directions along such track for approaching trains or cars before traversing such crossing. While in the process of such a crossing said driver is required to use the gear necessary to avoid having to shift midway through the railway track or tracks.

Authority:

SDCL §§ 32-29-5, 9-31-1.

CHAPTER 14-13

MISCELLANEOUS DRIVING RULES

14-13-1

RECKLESS DRIVING

Any person who drives a vehicle within the limits of the City carelessly or heedlessly or in disregard of the rights or safety of others, or without due caution and circumspection, or at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving.

Authority:
SDCL Ch. 32-24.

14-13-2

CARELESS DRIVING

Any person who drives a vehicle within the limits of the City carelessly in disregard to the width, grade, curves, corners, condition or customary usage of the streets of highways, or whose temporary inadvertence to the operation of such vehicle causes or is likely to cause damage to any person or property shall be guilty of careless driving.

Authority:
SDCL Ch. 32-24.

14-13-3

EXHIBITION DRIVING

Any person who drives a vehicle within the limits of the City in such a manner that creates or causes engine noise, or tire squeal, skid or slide upon acceleration or stopping; or that simulates a temporary race; or that causes the vehicle to turn abruptly or sway, shall be guilty of exhibition driving.

Authority:
SDCL §§ 32-24-9, 9-29-3.

14-13-4

UNSAFE BACKING

The driver of a vehicle shall not back the same unless such movement can be made safely and without interfering with other traffic.

Authority:
SDCL § 32-30-20.

14-13-5

MAXIMUM PASSENGERS

No person shall drive a vehicle when it is loaded, or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

Authority:
SDCL § 32-26-44.

14-13-6**INTERFERENCE WITH VIEW, MECHANISM**

No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

Authority:
SDCL § 32-26-44.

14-13-7**FOLLOWING TOO CLOSELY**

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and the condition of the highway, but this shall not be construed to prevent one vehicle overtaking and passing another.

Authority:
SDCL § 32-26-40

14-13-8**VEHICLES ON SIDEWALKS**

No person shall drive any vehicle or motor vehicle upon the sidewalks or permit any such vehicle to be driven or remain on any sidewalk or parking.

Authority:
SDCL § 32-26-21.1.

14-13-9**FOLLOWING FIRE APPARATUS**

It shall be unlawful for the operator of any vehicle other than one on official business to follow closer than five hundred (500) feet of any fire vehicle traveling in response to a fire alarm or to drive into or stop any vehicle within the block where the fire apparatus has stopped in answer to the fire alarm.

Authority:
SDCL § 32-31-7.

14-13-10**CROSSING FIRE HOSES**

No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street or private driveway to be used at any fire alarm or fire without the consent of the fire department official in charge.

Authority:
SDCL § 32-31-8.

14-13-11**DRIVING THROUGH PROCESSIONS**

No driver of any vehicle shall drive through or otherwise interfere with any funeral or other authorized procession in any of the streets, and it shall be the duty of the driver of any vehicle to stop when reaching a street on which such a procession is passing and wait until the procession has entirely passed.

Authority:
SDCL § 9-29-3; See Also Ch. 32-24.

14-13-12 CORNER CUTTING

It shall be unlawful for any person to drive any motor vehicle upon or across any sidewalk, driveway, filling station or other commercial driveway or other similar surface located at the corner of any intersection protected by a traffic light or other traffic signal or sign, for the purpose of evading the regulations governing the turning of motor vehicles at intersections.

Authority:
SDCL Ch. 32-24.

14-13-13 APPROACHING STOPPED SCHOOL BUS

Any person using, operating or driving a motor vehicle upon or over the roads or streets of Hosmer, upon approaching any school bus used in transporting school pupils to or from school, while such bus is stopped shall bring his/her motor vehicle to a complete stop prior to passing such school bus. If a stop signal which meets standard requirements prescribed by State law is displayed upon the bus, such signal shall serve as a due warning to the driver of any approaching vehicle that children may be on the highway and such vehicle shall not pass until the signal is no longer actuated or the driver of the bus signals traffic to proceed.

14-13-14 ENTERING OR LEAVING CONTROLLED ACCESS HIGHWAY

No person shall drive a vehicle onto or from any controlled access highway except at such entrances and exits as are established by public authority.

14-13-15 DRIVING THROUGH SAFETY ZONE

It shall be unlawful for the driver of a vehicle to drive through or over a safety zone.

14-13-16 PROHIBITED AREAS

No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb at a distance which is unlawful.

CHAPTER 14-14

STANDING AND PARKING

14-14-1 MOTOR VEHICLES LEFT UNATTENDED

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first setting the brakes thereon and stopping the motor of said vehicle. If standing upon any grade, the front wheel of the vehicle shall be turned toward the curb.

Authority:
SDCL § 32-30-5.

14-14-2 PLACES WHERE RESTRICTED

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- A. In front of a public or private driveway;
- B. Within fifteen (15) feet of a fire hydrant;
- C. Within twenty (20) feet of a crosswalk at an intersection;
- D. Within thirty (30) feet upon the approach to any flashing signals, stop sign, yield sign or traffic control signal located at the side of a roadway;
- E. Within twenty (20) feet of the driveway entrance to any fire station;
- F. At any place where official signs prohibit standing.

Authority:
SDCL § 32-30-6.

14-14-3 PLACES WHERE STOPPING PROHIBITED

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall stop, stand or park a vehicle:

- A. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- B. On a sidewalk;
- C. Within an intersection;
- D. On a crosswalk;
- E. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- F. Along or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- G. Upon a bridge or other elevated structure upon a highway;
- H. On railroad tracks;
- I. At any place where official signs prohibit parking.

Authority:
SDCL § 32-30-6.1.

14-14-4**MANNER OF PARKING GENERALLY**

Except where angle parking shall be permitted, it shall be unlawful for the driver, operator or owner of any motor vehicle, trailer or implement to park or leave standing, attended or unattended, on any street or avenue of the City unless such vehicle, trailer or implement be parked parallel to the curb or shoulder headed in the direction of traffic, with the curbside wheels of such vehicle, trailer or implement within twelve (12) inches of the curb or shoulder and no closer than four (4) feet to any other vehicle.

Authority:
SDCL Ch. 32-30.

14-14-5**ANGLE PARKING**

The City Council shall determine upon which streets angle parking shall be permitted and shall mark or sign such streets or curbs. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street or upon any railway tracks.

Authority:
SDCL § 32-30-2.3.

14-14-6**ANGLE PARKING REQUIRED IN DOWNCITY BUSINESS AREA**

All motor vehicles in the down City business area shall be parked at a forty-five (45) degree angle, with the right front wheel against the curb.

All motor vehicles shall park on the right hand side of the street from the proper direction of travel.

14-14-7**PARKING WITHIN MARKINGS**

Whenever parking spaces are marked by lines on the pavement, whether for parallel or angle parking, a vehicle must be parked entirely within the lines of the parking space.

Authority:
SDCL Ch. 32-30.

14-14-8**OBSTRUCTING SNOW REMOVAL AND STREET CLEANING**

No vehicle shall be parked in such a manner or for such a period of time, so as to unreasonably interfere with or obstruct the removal of snow from, or the cleaning of the streets in the city.

Authority:
SDCL § 9-30-5.

14-14-9

NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR

The City Council is hereby authorized to determine and designate by proper signs, places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

Authority:

SDCL §§ 9-32-1, 9-29-3.

14-14-10

LENGTH OF VEHICLE

All vehicles exceeding in length twenty-two (22) feet shall be parked at places only as have been marked and designated for such use by the City Council and shall be parked parallel with the curb. This section shall not apply to light delivery trucks delivering goods from place to place or to garbage trucks in the collection of refuse which requires a stop or parking of but a few minutes to receive or deliver merchandise.

Authority:

SDCL Ch. 32-30.

14-14-11

PHYSICALLY HANDICAPPED PERSONS ENTITLED TO PARK

Any physically handicapped person, who displays special license plates issued in accordance with state law on an automobile used in transporting him shall be entitled to park without limitation in areas where parking is normally restricted by time factors and in posted handicap zones. Provided, however, that the city, by ordinance, prohibit parking on any street or highway for the purpose of creating a fire lane, and the privileges extended to such handicapped persons shall not apply on streets where and during such times as parking is prohibited.

Authority:

SDCL § 32-30-11.6.

14-14-12

USE OF PRIVILEGES BY NON-HANDICAPPED PERSON AS PETTY OFFENSE

Any person who is not physically handicapped and who exercises the privileges granted by physically handicapped persons under this ordinance, commits a petty offense.

Authority:

SDCL § 32-30-11.3, 32-30-11.4.

14-14-13

DESIGNATION OF PROHIBITED PARKING

Whenever in any street or avenue in the City the curb is painted with a solid yellow stripe, or an appropriate sign is erected, by or under the direction of the City council, such stripe,

marking or sign shall indicate a "No Parking" area or zone, and it shall be deemed unlawful for any person to park a vehicle adjacent to such marking.

Authority:
SDCL § 32-30-6.2.

14-14-14

DESIGNATION OF LIMITED PARKING

No vehicle shall be parked for a longer period of time than that designated by appropriate signs located and controlling the space where such vehicle is parked.

Authority:
SDCL Ch. 32-30.

14-14-15

REPORT OF VIOLATION

In the event any vehicle is found standing or parked in violation of any of the provisions of this title, it shall be the duty of any police officer to report:

- A. The location where such parking violation has occurred;
- B. The state license number of such vehicle;
- C. The time and date when such vehicle is parked in violation of this ordinance;
- D. Any other facts, or knowledge of which is necessary or helpful to a thorough understanding of the circumstances of such violation.

Such violations are hereby declared to be a nuisance. Each police officer shall attach to such vehicle a notice to the operator thereof that such vehicle has been parked in violation of the provisions of this title.

Authority:
SDCL § 9-29-13; See Also Ch. 32-30.

14-14-16

PENALTY FOR VIOLATION

Unless otherwise provided, the City Council by resolution may from time to time establish fines and penalties for parking violation including, but not limited to, improper parking, prohibited parking, obstructing snow removal, street cleaning and all other parking and standing violations.

Authority:
SDCL § 9-19-3.

14-14-17

SNOW REMOVAL EMERGENCY

There shall be a snow removal emergency whenever there is a snow accumulation on the public streets of the City of two (2) inches or more and provision in regard to parking on public streets during snow removal operation shall be effective and will be enforced.

14-14-18**PROHIBITED PARKING ON STREETS**

In the event of a snow removal emergency as defined in section 14-14-17, no person shall park or allow to remain parked any motor vehicle or trailer on any public street in the City until such time as the street has been cleared of snow.

14-14-19**RESTRICTED PARKING IN ALLEYS**

In the event of a snow removal emergency as defined by section 14-14-18, parking in the alleys shall be permitted; provided, however, no person shall park or allow to remain parked any motor vehicle or trailer on any public alley in the City so as to obstruct emergency through traffic.

14-14-20**CAMPERS, BOATS AND TRAILERS RESTRICTED**

It shall be unlawful for boats, campers and trailers or any other type of vehicle other than a motor vehicle to be parked on the street within the City other than temporary.

14-14-21**IMMUNITY OF LIABILITY IN EVENT OF VIOLATION**

The City shall not be the responsible party for providing alternate parking space during a snow removal emergency and neither the City nor its agents nor its employees will be liable for damage to any person, motor vehicle or trailer damaged by snow removal operations when such motor vehicle or trailer is in violation of this division.

14-14-22**NO AUTHORIZATION FOR OTHERWISE PROHIBITED OR RESTRICTED PARKING**

Nothing in this division authorizes parking a vehicle where otherwise prohibited or restricted by signs or otherwise.

14-14-23**FINES AND REMOVAL OF VEHICLES IN VIOLATION**

The fine for prohibited or restricted parking as set forth in section 14-14-18 and 14-14-19 in a street or alley shall be twenty-five dollars (\$25.00).

All fines for prohibited or restricted parking shall be payable at the City Finance Office within ten (10) days from issuance. In the event of a failure to pay a prohibited or restricted parking fine within ten (10) days or in the event of a not guilty plea, the matter shall be heard by the Magistrate Court of the Fifth Judicial Circuit which shall impose a fine of not more than five

hundred dollars (\$500.00) upon a guilty verdict.

In addition to any fine or fines provided herein, any vehicle or trailer parked in violation of section 14-14-18 or 14-14-19 is hereby declared to be a public nuisance and may be removed at the owner's expense.

14-14-25

TOWING ILLEGALLY PARKED VEHICLES

The police department and all members thereof shall be authorized to remove and tow away, or have removed and towed away by commercial towing service, any vehicle illegally parked in violation of this article. Vehicles towed away for a violation of the article shall be restored to the owner or operator of such vehicle upon payment of towing costs and storage fees. The City shall not be liable for any damage to property or persons incurred as a result of such towing or storage.

CHAPTER 14-15

PEDESTRIANS

14-15-1 DESIGNATION OF CROSSWALKS

The City Council is hereby authorized and empowered to establish and to designate and shall thereafter maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks approximately equal in width to the adjacent sidewalks at all intersections where in their opinion, there is particular danger to pedestrians crossing the roadway.

Authority:
SDCL Ch. 32-27.

14-15-2 DESIGNATION OF SAFETY ZONES

The City Council is hereby empowered to establish safety zones of such kind and character and at such places as they may deem necessary for the protection of pedestrians.

Authority:
SDCL Ch. 32-27.

14-15-3 PEDESTRIAN'S RIGHT-OF-WAY

The operator of any vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at the end of a block, except at intersections where traffic is being regulated by police officers or traffic control signals.

Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross a roadway, it shall be unlawful for the operator of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.

Authority:
SDCL § 32-27-1

14-15-4 PEDESTRIANS RIGHTS AND DUTIES AT CONTROLLED

Whenever stop signals, signs or flashing red signals are in place at an intersection or a marked crosswalk between intersections, the pedestrian shall have the right-of-way over drivers of vehicles and at such marked places drivers of vehicles shall stop before entering the nearest crosswalk and any pedestrian within or entering the crosswalk at either edge of the roadway shall have the right-of-way over any vehicle so stopped.

The driver of a vehicle shall stop before entering any crosswalk when any vehicle proceeding in the same direction is stopped at such crosswalk for the purpose of permitting a pedestrian to cross.

Authority:
SDCL § 32-27-2.

14-15-5 JAYWALKING

Every pedestrian crossing a highway within a business, school, or residence district at any

point other than a pedestrian crossing, crosswalk or intersection shall yield the right-of-way to vehicles upon the highway.

Authority:
SDCL § 32-27-4.

14-15-6 PEDESTRIANS TO OBEY TRAFFIC SIGNALS

At intersections where traffic is directed by a policeman or stop-and-go signals, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic and pedestrians shall obey all traffic signals and directions.

Authority:
SDCL § 32-27-3.

14-15-7 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK

Pedestrians shall move, whenever practicable, upon the right half of the crosswalks.

Authority:
SDCL §§ 9-32-1, 9-29-3.

14-15-8 SOLICITING RIDES

It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the operator of any private vehicle.

Authority:
SDCL §§ 9-32-1, 9-29-3.

14-15-9 BLIND PEDESTRIANS

Whenever a pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog or carrying, in a raised or extended position, a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching the intersection or place where such pedestrian is attempting to cross, shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian.

Nothing contained in this section shall be construed to deprive any totally or partially blind person, not carrying such a cane or walking stick or not being guided by a dog, of the rights or privileges conferred by law upon pedestrians crossing streets or highways.

CHAPTER 14-16

SNOWMOBILES

14-16-1

DEFINITIONS

"Snowmobile", any engine driven vehicle of a type which utilizes sled type runners, wheels, or skis with an endless belt tread or similar means of contact with the surface upon which it is operated.

Authority:

SDCL Ch. 32-20A; Specifically § 32-20A-1.

14-16-2

AUTHORIZED OPERATION

No person shall operate a snowmobile on private property of another without the express permission to do so by the owner or occupant of such property, and no person shall operate a snowmobile on public or private property of their own or another between the hours of 11:00 p.m. and 7:00 a.m., the following day.

Operators of snowmobiles must adhere to all speed limits and traffic safety regulations applicable to motor vehicle operators.

Authority:

SDCL Ch. 32-20A; See Also §§ 9-29-3, 9-32-1.

14-16-3

EQUIPMENT REQUIRED

All snowmobiles operated within the City of Hosmer shall have the following equipment:

- A. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle, and no person shall use a muffler cutout, bypass or similar device on such vehicle.
- B. Adequate brakes in good working condition.
- C. A safety or "deadman" throttle in operating condition, such being a device which when pressure is removed from the accelerator, the throttle causes the motor to disengage from the driving track.
- D. At least one headlight and one tail light in good working condition.

Authority:

SDCL Ch. 32-20A; See Also §§ 9-29-3, 9-32-1.

14-16-4

VALID DRIVER'S LICENSE REQUIRED

It shall be unlawful for any person to drive or operate a snowmobile upon any of the streets or highways within the City of Hosmer without first having obtained and having in his possession a valid license to operate a motor vehicle, except that all persons under the age of fourteen (14) may operate a snowmobile only whenever accompanied by a person holding a valid

driver's license to operate a motor vehicle. The word "accompanied" shall be defined as one or more persons holding a valid motor vehicle driver's license supervising a group of under age fourteen (14) snowmobile operators traveling together.

Authority:

SDCL Ch. 32-12; Also See § 9-32-1 and Ch. 32-20A.

14-16-5

TRAVEL BY DIRECT ROUTE

The operation of snowmobiles on the streets and highways within the City of Hosmer is hereby restricted to travel to and from the residence of the operator to and from the City limits by the most direct route.

Authority:

SDCL § 32-20A-9.

14-16-6

STOPPING AT INTERSECTIONS

The operator of a snowmobile in the City of Hosmer shall stop and yield the right-of-way at all intersections.

Authority:

SDCL §§ 32-20A-7(1) and 32-20A-9.

14-16-7

LAW ENFORCEMENT OFFICER EXCEPTION

A law enforcement officer acting in the course of his official duties shall be exempt from the requirement of this title.

Authority:

SDCL § 32-25-11.3.

14-16-8

CONTROLLED ACCESS HIGHWAY OR RAILROAD RIGHT OF WAY

No snowmobile shall be operated upon or across a controlled access highway, except that it may cross in the ditch of an underpass or on the extreme right of an overpass; no snowmobile shall be operated, other than by a law enforcement officer or a railroad employee in the lawful discharge of his duties, upon any railroad right of way, except that it may be driven directly across a railroad crossing after stopping and yielding the right of way to approaching railroad traffic.

14-16-9

IMPROPER OPERATION UPON ROADWAY

A snowmobile may be operated upon or across a roadway:

- A. To cross at right angles to the roadway only after stopping and yielding the right of way to all approaching traffic and crossing as closely as possible to an intersection or approach;

- B. When there is no ditch along either side of a roadway, then on the shoulder or berm until there is a ditch on the right-hand side of the roadway which can be traversed;
- C. When by reason of a bridge or culvert or other obstruction, it is impossible to proceed, then only in the right hand of the roadway and for only such distance as necessary to clear the obstruction;
- D. When permitted in writing by a law enforcement officer or a county civil defense director as authorized under South Dakota Codified Law 32-20A;
- E. When snow has not been removed from a roadway which has been obstructed and is not used by other types of motor vehicles.

14-16-10

CROSSING STREETS AT RIGHT ANGLES

Persons operating snowmobiles are permitted to cross streets at right angles, but only may do so after stopping and yielding the right-of-way to all approaching traffic and crossing as closely as possible to an intersection or approach.

14-16-11

SPEED

No person shall operate a snowmobile at a speed greater than what is posted or proper.

14-16-12

CARELESS, RECKLESS OR NEGLIGENT OPERATION PROHIBITED

No person shall operate a snowmobile in a careless, reckless or negligent manner so as to be likely to endanger the person or property of another or to cause injury or damage thereto.

14-16-13

SIDEWALK OPERATION PROHIBITED

No person shall operate a snowmobile upon any sidewalk in the city.

14-16-14

TOWING

No person operating a snowmobile shall tow any person or object behind such snowmobile except when such person or object is situated upon a conveyance which is attached to such snowmobile by means of a rigid hitch or tow bar.

CHAPTER 14-17 TRUCK ROUTE SYSTEM

14-17-1

DESIGNATION

The following chapter shall be known as the "Brandon City Truck Route System."

Authority:

SDCL §§ 9-31-1, 9-31-2, 32-14-7.

14-17-2

DEFINITIONS

For the purpose of this article, the terms defined in this section shall have the following meanings:

TRUCKS: Any motor vehicle designed or operated for the transportation of property, including a vehicle directly connected to a trailer.

MOTOR VEHICLE: All machines propelled by any power other than muscular, used upon the streets or highways for the transportation of property.

TRAILER: A vehicle of the trailer type, without a power unit of its own, designed and used in conjunction with a motor vehicle for the transportation of property.

TRUCK ROUTE: Streets and highways designated as truck routes by the City Council.

STREETS: All other streets with the City which are not designated as truck routes.

Authority:

SDCL §§ 9-31-1, 9-31-2,

14-17-3

TRUCK ROUTES

The City Council, by resolution, may designate streets and highways within the City of Hosmer as truck routes.

Truck routes will be enforced by the weight limits imposed by section 14-17-9. Any motor vehicle exceeding such limits is in violation of this title, unless such vehicle meets an exception as provided by this title.

Authority:

SDCL §§ 9-31-1, 9-31-2, 32-14-7.

14-17-4

SEASONAL WEIGHT LIMITS

The City's public works department may, by order, prohibit the operation of any trucks upon any street or highway within the City or impose any weight restrictions deemed necessary by such department for a period of time not to exceed ninety (90) days in any given calendar

year. The prohibition or restriction shall be based upon a reasonable belief that normal use of such streets or highways is not in the public's interest or may damage such streets or highways. The order will not become effective until signs are erected and maintained at each end of the affected portion of such street or highway.

Authority:

SDCL §§ 9-31-1, 9-31-2, 32-14-7.

14-17-5

DETOURS

Trucks may operate on any officially established detour of a truck route or street unless such detours are posted prohibiting such operation by trucks.

Authority:

SDCL §§ 9-31-1, 9-31-2, 32-14-7.

14-17-6

POSTING

All truck routes upon which truck traffic is permitted will be posted accordingly.

Authority:

SDCL §§ 9-31-1, 9-31-2, 32-14-7.

14-17-7

OPERATION OF TRUCKS

A truck, as defined, may not operate on any City street or highway other than designated truck routes, unless otherwise permitted by this article.

Authority:

SDCL §§ 9-31-1, 9-31-2, 32-14-7.

14-17-8

OWNER'S RESPONSIBILITY

In addition to the driver or operator, the owner of any truck being operated with such owner's permission and/or consent is liable for any violation of this ordinance.

Authority:

SDCL §§ 9-31-1, 9-31-2, 32-14-7.

14-17-9

LOAD LIMITS

Trucks may operate on any City street or highway as long as the gross vehicle weight does not exceed eighteen thousand (18,000) pounds and/or six thousand (6,000) pounds per axle.

Trucks whose gross weight is more than eighteen thousand (18,000) pounds and/or six thousand (6,000) pounds per axle, may operate only on designated truck routes as defined in the ordinance.

Authority:

SDCL §§ 9-31-1, 9-31-2, 32-14-7.

14-17-10 POLICE AUTHORITY

Any police officer has the authority to require any person driving or in control of any truck to proceed to any public or private scale for the purpose of weighing and determining whether such truck is in violation of this ordinance or any other code provision. Such authorities may issue a citation to any motor vehicle that exceeds the limits imposed by this ordinance. Such authorities may detain such vehicles until the weight of such vehicles meets the limits imposed by this ordinance.

Authority:
SDCL §§ 9-31-1, 9-31-2, 32-14-7.

14-17-11 EXCEPTIONS TO THE USE OF TRUCK ROUTES

- A. A truck arriving at the end of any designated truck route may be driven over the most direct course to the nearest truck route which extends in the same general direction.
- B. The Chief of Police shall have the authority, for cause or upon request, to issue temporary permits for trucks to operate over routes not established as truck routes by the City Council, or to deviate from the provisions of this ordinance relating the operation of trucks. Such actions of the Chief of Police shall be subject to review and modification or cancellation by the City Council.
- C. The provision of this ordinance relating to the operation of trucks shall not apply to emergency vehicles of the police department, fire department, or health department, not to any public utility vehicles where actually engaged in the performance of emergency duties necessary to be performed by said departments or public utilities, not to any vehicle owned by or performing work for the United States of America, the state, its political subdivisions, or the city.
- D. Any contractor or material men, while engaged in the repair, maintenance or construction of City streets or City improvements, provided that these vehicles shall only use the City streets within the immediate work area and shall only use the shortest route from the truck route to the work area.
- E. Whenever any truck route has been established and identified, any person driving a truck having a gross weight of or more shall drive such truck on such routes and none other, except when it is impracticable to do so or where it becomes necessary to traverse another street or streets to a destination for the purpose of loading or unloading commodities, or for the purpose of towing a disabled or damaged motor vehicle to or from public or private property, and then only by such deviation from the nearest truck route as is reasonably necessary.

Authority:
SDCL §§ 9-31-1, 9-31-2, 32-14-7.

CHAPTER 14-18

MOTORCYCLES AND MOPEDS

14-18-1 DEFINITION OF TERMS

MOTORCYCLE: Means and includes motorcycles, motorbikes, mopeds, bicycles with motor attached and all motor operated vehicles of the bicycle, tricycle, or quad wheeled type including but not limited to three wheeled ATV's, four-wheeled ATV's, go-karts, and similar such vehicles, whether the motive of power be a part thereof or attached thereto and having a saddle or seat on which the driver stands, but excluding a tractor.

MOPED: Means a motor driven cycle equipped with two or three wheels, foot pedals to permit muscular propulsion and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty cubic centimeters regardless of the number of chambers in such power source. The power source may not be capable of propelling the vehicle, unassisted, at a speed in excess of thirty (30) miles per hour on a level road surface and is equipped with a power drive system that functions directly or automatically only, not requiring clutching, or shifting by the operator after the drive system is engaged.

Authority:
SDCL § 9-31-1.

14-18-2 MOTORCYCLE LICENSE REQUIRED

No person may operate a motorcycle, except a moped, on any street or highway within the City, without a motor vehicle driver's license or permit which has certified that such person is qualified to operate such motorcycle.

Authority:
SDCL § 9-31-1, 9-32-1.

14-18-3 REQUIRED HANDLEBAR HEIGHT

No person shall operate on any street or highway within the City, a motorcycle on which the handlebars or grips are more than fifteen (15) inches above the seat level when depressed.

Authority:
SDCL § 9-32-1.

14-18-4 PROTECTIVE HELMET REQUIRED FOR MINOR - MOPEDS EXEMPT

It is unlawful for any person under the age of sixteen (16) years old to operate or ride upon a motorcycle on the streets and highways within the City unless the person wears a protective helmet of a type meeting department of transportation motor vehicle safety standard 218 as in effect on January 1, 1984. It is unlawful for any person to operate a motorcycle with any person under the age of eighteen (18) as a passenger if the passenger is not wearing a protective helmet. Mopeds are exempt from the provisions of this section.

Authority:
SDCL § 9-32-1.

14-18-5**EYE PROTECTIVE DEVICE OR WINDSCREEN REQUIRED**

No person may operate or ride a motorcycle unless he is wearing an eye protective device, except when the motorcycle is equipped with an approved windscreen.

Authority:
SDCL § 9-32-1.

14-18-6**OPERATOR AND PASSENGERS RESTRICTED TO PERMANENT AND**

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

Authority:
SDCL § 9-32-1, 9-31-1.

14-18-7**POSITION OF MOTORCYCLIST**

A person shall ride upon a motorcycle only while sitting astride the motorcycle and the seat thereof, facing forward.

Authority:
SDCL § 9-32-1, 9-31-1.

14-18-8**CARRYING PACKAGE ON MOTORCYCLE - RESTRICTIONS**

No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handle bars.

Authority:
SDCL § 9-32-1, 9-31-1.

14-18-9**OPERATION OF MOTORCYCLE IN PARK**

It shall be unlawful to operate a motorcycle in any municipal, county or state park, except upon normally traveled roads or roadways, or in specifically designated areas.

Authority:
SDCL § 9-32-1, 9-31-1, 9-29-3.

14-18-10**RESTRICTION OF TWO ABREAST**

Motorcycles shall not be operated more than two (2) abreast in a single lane.

Authority:
SDCL § 9-32-1, 9-31-1.

14-18-11**ATTACHMENT TO ANOTHER VEHICLE**

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

14-18-12**CARRYING A GUN**

It shall be unlawful for any person other than a law enforcement officer or conservation officer to operate or ride on any motorcycle with any firearm in his possession unless the firearm is completely unloaded and within a carrying case which encloses the entire firearm.

14-18-13**FULL USE OF DRIVING LANE**

All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This section shall not apply to motorcycles operated two (2) abreast in a single lane.

14-18-14**PASSING IN SAME LANE**

The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken. This section shall not apply to motorcycles being operated two (2) abreast in the same lane, or a motorcycle and a bicycle being operated two (2) abreast in the same lane.

14-18-15**ADJACENT LANES**

No person shall operate a motorcycle between adjacent lanes of traffic, or between adjacent lines or rows of vehicles.

CHAPTER 14-19

MOTOR VEHICLES

14-19-1 TAMPERING WITH VEHICLES

Any person who shall tamper with the motor vehicle of another, with intent to injure the same or cause inconvenience to the owner thereof, or who shall take and operate the motor vehicle of another without the consent of the owner or person lawfully in charge thereof, under such circumstances as not to constitute larceny, shall be guilty of a misdemeanor.

Authority:

SDCL § 9-29-3, for more information see § 32-3-51.9

14-19-2 WARNING TICKETS

The police, upon reasonable belief that a vehicle is being operated in violation of any provision of this code, the traffic ordinance of the City or applicable state law or if in such unsafe condition as to endanger any person, may require the driver of the vehicle to stop and submit to inspection of the vehicle and its equipment, license plates and registration card. The police are hereby authorized to issue a warning ticket to any driver whose vehicle is in violation of any of the provisions of this article, the traffic ordinances of the City or applicable state law. Such warning tickets shall clearly designate the provisions which are being violated and shall provide for notification to the police department when such violation is corrected, the time specified on the warning ticket. The form and content of the warning ticket shall be at the discretion of the Chief of Police.

Authority:

Try SDCL § 9-29-18.

14-19-3 LIGHTS REQUIRED

A motor vehicle in motion, during the period from half an hour after sunset to half an hour before sunrise, shall display at least two (2) lighted lamps on the front and one (1) lighted lamp on the rear of such motor vehicle, such lamps to conform to the state law; provided that a motorcycle or a motor bicycle shall be required to display but one (1) lighted lamp in front and one (1) lighted lamp in the rear.

Authority:

Try SDCL Ch. 32-17.

14-19-4 HEAD LIGHT DIMMED

No person shall use head lights upon any vehicle on any street unless the same are dimmed in such a way as to prevent the light from being dazzling or blinding to persons using the streets.

Authority:

SDCL § 9-32-1; See Also Ch. 32-17

14-19-5**WARNING DEVICES**

Every motor vehicle operated or driven in the City shall be provided with a horn for signaling which shall be in good working order at all times such vehicle is operated on the streets of the City.

Authority:
SDCL § 32-15-10.

14-19-6**EMERGENCY VEHICLE WARNING DEVICE**

Every police and fire department and fire patrol vehicle and every ambulance used for emergency calls shall be equipped with a bell, siren or exhaust whistle. It shall be unlawful for any other vehicle to be equipped with such equipment.

Authority:
SDCL §§ 32-15-12 and 9-31-1.

14-19-7**RED, BLUE LIGHTS**

Except as to police or fire departments, or fire patrol vehicles or tow trucks or wreckers operating under such circumstances as may be provided by law, any person who drives or moves any vehicle upon a highway with any red light thereon visible from directly in front or to the sides thereof shall be guilty of a misdemeanor.

Authority:
SDCL §§ 32-17-9.

14-19-8**BRAKES**

Every motor vehicle shall be provided with foot pedal brakes in good working order and sufficient to control such motor vehicle at all times when same is in use.

Authority:
SDCL Ch. 32-18.

14-19-9**MUFFLERS**

No person shall drive a motor vehicle on any street within the City unless such vehicle is equipped with a muffler in good working order and in constant operation.

Authority:
SDCL § 32-15-17; Also see Ch. 9-31 generally.

14-19-10**PROJECTING LOADS**

No person shall drive any vehicle upon any street with any load or part of a load projecting more than four (4) feet beyond the rear end or front end, or more than two (2) feet beyond the sides of the body, or carrying part of such vehicle, unless there be attached to the extreme ends and sides of such projecting load some warning sign or signal plainly discerning to other

drivers and clearly indicating the projecting parts of such load.

Authority:

SDCL §§ 9-31-1, 9-32-1.

14-19-11

CLEATED, SPIKED TIRES

No tire on a vehicle moved on a street within the City shall have on its periphery any block, stud, flange, cleat, spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to slide or skid subject to the following provisions:

- A. Notwithstanding the foregoing, it shall be lawful to operate, upon the highways of this City, motor vehicles equipped with pneumatic tires in which there are embedded metal studs or wires of tungsten steel or other similar metals.
- B. No person shall operate or move any tractor engine, tractor or other vehicles exceeding ten thousand (10,000) pounds in weight having wheels to the surface of which are attached mudlugs, ice spurs, spikes, or long chains upon or across any street that is surfaced with paving or any other hard surfaced material, without first laying a plank of at least two (2) inches thickness over the surface of such street in a manner so as to protect such street from contact with said vehicle.

Authority:

SDCL § 32-19-2 and Ch. 9-31; Specifically § 9-31-1.

14-19-12

WEIGHT AND SIZE OF VEHICLE AND LOADS

No person shall drive or operate any vehicle upon any street the gross weight of which including the load or the size of which do not comply with the requirements of the state law governing such vehicle.

Authority:

SDCL Ch. 9-31 and 32-22.

14-19-13

WINDSHIELDS MUST BE UNOBSTRUCTED

It shall be unlawful for any person to drive any vehicle upon a public street with the front windshield obstructed or with any sign, poster, or other non-transparent material upon the front windshield, side wings, side or rear windows of such motor vehicle other than a certificate or other paper required to be so displayed by law in a low area or other temporary driving instructions placed thereon by the manufacturer.

Authority:

SDCL §§ 32-15-5, 9-31-1.

14-19-14

PROTECTION OF LOAD

No vehicle shall be driven or moved on any street or highway in the City unless such vehicle is

so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or suppression of dust and dirt.

No person shall operate on any street or highway in the City any vehicle with any load unless said load and any covering is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

Authority:

SDCL §§ 9-31-1, 9-32-1.

CHAPTER 14-20

ABANDONED VEHICLES

14-20-1

PROHIBITED

No person shall abandon any vehicle within the City and no person shall leave any vehicle at any place within the City for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

Authority:

SDCL §§ 32-20-12 to 32-30-18.

14-20-2

DETERMINATION OF ABANDONMENT

Whenever any vehicle is left unattended on any public street, alley, public place or parking lot within the City for a longer period than twenty-four (24) hours without notifying the chief of police where such vehicle is parked, it shall be deemed to be an abandoned vehicle and subject to the provisions of this article.

Authority:

SDCL §§ 32-20-12 to 32-30-18.

14-20-3

VEHICLES BLOCKING TRAFFIC, WRECKED VEHICLES

A vehicle found unattended upon a bridge or causeway or where a vehicle constitutes an obstruction and hazard to traffic or a wrecked vehicle may be removed at any time and without regard to the twenty-four (24) hour period provided for in this article.

Authority:

SDCL §§ 32-20-12 to 32-30-18.

14-20-4

LEAVING OF WRECKED, NON-OPERATING VEHICLE ON STREET

No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the City.

Authority:

SDCL §§ 32-20-12 to 32-30-18.

14-20-5

DUTY OF PROPERTY OWNERS

No person owning, in charge of or in control of any real property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow an abandoned vehicle, partially dismantled, non-operating, wrecked or junked vehicle or vehicle in a state of substantial disrepair to remain on such property longer than thirty (30) days; except that this section shall not apply with regard to a vehicle in an enclosed building, or to a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise or to a vehicle in an appropriate storage place or depository

maintained in a lawful place and manner by the City or authorized by the City, or to unlicensed vehicles held in connection with the business enterprise including auto parts, so long as said business stores the vehicles in an enclosed or fenced area.

Authority:

SDCL §§ 32-20-12 to 32-30-18.

14-20-6

REMOVAL

Whenever any police officer finds an abandoned vehicle within the City, he is hereby authorized to provide for the removal of such vehicle to a garage or place of safety.

Authority:

SDCL §§ 32-20-12 to 32-30-18.

14-20-7

NOTICE TO OWNER

It shall be the duty of the police department to attempt to notify the registered owner, and if encumbered the lien holder, of the removal and storage of any vehicle under the provisions of this chapter and where such vehicle has been stored.

Authority:

SDCL §§ 32-20-12 to 32-30-18.

14-20-8

RECOVERY BY OWNER, LIEN HOLDER

The registered owner or the lien holder of any vehicle removed and stored under the provisions of this article may recover the same upon the payment of all costs incident to the removal and storage of such vehicle.

Authority:

SDCL §§ 32-20-12 to 32-30-18.

14-20-9

SALE OF UNCLAIMED VEHICLE

If after three (3) months from the date of mailing the notice of removal and storage provided for by this article the vehicle shall remain unclaimed, such vehicle may be sold by the police department at public auction upon notice to be published in a newspaper of general circulation in the county not less than once a week for two (2) consecutive weeks.

Authority:

SDCL Specifically §§ 32-30-12.1 and 32-30-16.

14-20-10

NOTICE OF SALE

The notice of sale provided for by this article shall contain a description of the removed and stored vehicle, including the year, make, model, serial number, color, license number, if any, a statement that the vehicle was found abandoned, the date thereof, and the place, date and time at which such vehicle shall be sold, which date shall not be sooner than one (1) week following the date of the last publication of notice of sale.

Authority:

SDCL Specifically §§ 32-30-12.1 and 32-30-16.

14-20-11**LIEN FOR COSTS**

The police department, or whomever is designated by the chief of police to provide storage to the abandoned vehicle, shall have a possessory lien upon any vehicle removed under the provisions of this article for the costs in taking custody of and storing such vehicle.

Authority:

SDCL Specifically § 14-20-1.

14-20-12**TITLE MAY VEST IN City - WHEN**

If after six (6) months from the date of mailing the notice of removal and storage provided for by this article, the vehicle shall remain unclaimed, the title to such vehicle shall be vested in the City, and such vehicle may be disposed of in any manner as may be provided by the City Council. The proceeds of any such disposal shall first be applied to the costs incurred in the enforcement of this article with the balance to be deposited to the general fund of the City.

Authority:

SDCL § 14-20-1.

14-20-13**TITLE MAY VEST IN City - NOTICE TO COMMISSIONER OF**

Within thirty (30) days after acquiring title to any vehicle under the provisions of this article, the City shall notify the commissioner of motor vehicles thereof and shall provide the commissioner, on such form as he may prescribe, all facts and information relevant thereto as he may require. Upon receipt thereof, the commissioner shall appropriately mark the title and registration records and notify the owner of records at his last known address of the actions taken.

Authority:

SDCL §§ 32-30-12 to 32-30-18.

14-20-14**RACING OR ANTIQUE VEHICLES**

No owner or occupant of private property shall have an uncovered motor vehicle in operating condition specifically adapted or designed for operation on drag strips or raceways or an uncovered motor vehicle retained on private property for antique collection purposes as stated in section 14-20-5.

14-20-15**FENCES REQUIRED**

Any business storing vehicles or used auto parts shall be entirely enclosed by a fence eight (8) feet in height which shall be kept neatly painted in natural earth colors and in good repair at all times, and which will be constructed of a minimum of one inch (1") dimension rough or finished lumber or corrugated iron, so as to exclude such yard from public view.

14-20-16**ADVERTISEMENT ON FENCES**

The fences enclosing such business shall not be used for bill posting or other advertising purposes, except that a space not larger than eight (8) feet by twelve (12) feet may be used for the advertisement of the business of the owner thereof. Where such yard fronts on more than one (1) street, the use of space for advertising herein permitted shall extend to each street on which said yard abuts.

14-20-17**CONTENTS EXTENDING ABOVE FENCE LINE**

Any person or business storing motor vehicles and used parts shall not place or deposit the contents to a height greater than the height of the fence surrounding it.