

TITLE VII: TRAFFIC CODE

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CHAPTER 70: GENERAL PROVISIONS

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70.01 DEFINITIONS.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED EMERGENCY VEHICLES. Vehicle of the Fire Department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Chief of Police.

BUSINESS DISTRICT. The territory contiguous to a highway when 50% or more of the frontage thereon for a distance the 300 feet or more is occupied by buildings in use for business.

CROSSWALK. The portion of a roadway ordinarily included within the prolongation of curb and property lines at intersections or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

CURB. The extreme edge of a roadway.

DEPARTMENT. The Police Department of the City of Whitewood, South Dakota.

DIAGONAL PARKING. A vehicle shall be drawn up to the curb, gutter or sidewalk on the right-hand side of the street at an angle of 45 degrees with the curb line thereof, such vehicle to be parked within six inches of the curb, gutter or sidewalk on and along said street upon which such vehicle is parked, and no vehicle shall be parked nearer than one foot to any other.

FARM TRACTOR. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

HIGHWAY or STREET. Every way or place of whatever nature opened to the use of the public, as a matter of right, for purposes of vehicular travel. The terms **HIGHWAY** or **STREET** shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities or other institutions.

INTERSECTION. The area embraced within the prolongation of the lateral curb lines or, if none, then of the lateral boundary lines of two or more streets or highways which join one another at an angle whether or not one such street or 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**.

LANED STREET. A street, the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

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

MOTOR VEHICLE. Every motor vehicle, as defined herein, which is self-propelled.

MOTORCYCLE. Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term **TRACTOR** as herein defined.

OFFICIAL TRAFFIC SIGNALS. All signals, not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing, warning or regulating traffic.

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

OPERATOR or DRIVER. Any person who is in actual physical control of a vehicle.

OWNER. A person who holds the legal title of a vehicle or in the event a vehicle 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 lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the **OWNER** for the purpose of this title.

PARALLEL PARKING. All motor vehicles or other vehicles shall be drawn up parallel to the curb, gutter or sidewalk on the right-hand side of the street, the hub of both wheels on the right-hand side of the vehicle to be within one foot of the curb, gutter or sidewalk on and along the street upon which such vehicles are parked, and no vehicle shall be parked nearer than three feet of the front or rear of any other vehicle.

PARKING. The standing of a vehicle whether attended or unattended, upon a roadway or street 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.

PEDESTRIAN. Any person afoot.

PERSON. Every natural person, firm, co-partnership, association or corporation.

PRIVATE ROAD OR DRIVEWAY. Every road or driveway not open to the use of the public for purposes of vehicular travel.

RESIDENCE DISTRICT. The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings or buildings in use for residence.

RIGHT-OF-WAY. The privilege of the immediate use of the street or highway.

ROAD TRACTOR. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

ROADWAY. The portion of a street or highway between the regularly established curb lines or that part devoted to vehicular traffic.

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**.

SEMI-TRAILER. Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some type of its own weight and that of its own load rests upon or is carried by another vehicle.

SIDEWALK. The portion of a highway or street between the curb lines and adjacent property lines.

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 proceed.

TRAILER. Every vehicle without motive power designed for carrying property or passenger wholly on its own structure and for being drawn by a motor vehicle.

TRUCK TRACTOR. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

VEHICLE. Every device in, upon or any 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 title, a bicycle or a ridden animal shall be deemed a **VEHICLE**.

(Prior Code, ' 7.0101)

' 70.02 OPERATOR MUST BE LICENSED.

No person shall drive any motor vehicle upon a highway or street in this city unless such person holds a license which legally entitles said person to use the highways of the state.

(Prior Code, ' 7.0102) Penalty, see ' 70.99

' 70.03 LICENSE PLATES.

Except as otherwise specifically provided, no person shall operate or drive a motor vehicle on a public street or highway in the city unless such vehicle shall have a distinctive number assigned to it by the Department of Commerce and Regulation, and two number plates, bearing such number conspicuously displayed, horizontally and in an upright position, one on the front and on the rear of such vehicle, each securely fastened, and such plates shall at all times, as far as is reasonably possible, be kept visible. All number plates, markers or stamps evidencing registration or licensing of any vehicle in this state or any foreign state, territory, district or possession and any plate, marker or stamp used in substitution for or in lieu of the number plates required by this section by virtue of any law or executive order for any prior year or years shall be removed from said vehicles.

(Prior Code, ' 7.0103)

' 70.04 USE OF DYNAMIC BRAKE DEVICE PROHIBITED.

(A) Except as provided in this section, the use or operation of a dynamic braking device on unmuffled vehicles is hereby prohibited within this municipality

(B) A **DYNAMIC BRAKING DEVICE** is a device used on vehicles that converts the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. These devices are commonly referred to as Air brakes,@ Aengine brakes,@ Acompression brakes,@ AJacob=s Brakes,@ or AJake Brakes.@

(C) This section shall not apply to municipal emergency vehicles, whether or not responding to an emergency.

(D) As an affirmative defense to a charge of a violating of this section, the driver of the vehicle must prove by a preponderance of the evidence that:

(1) The driver of the vehicle was operating the vehicle in compliance with all applicable laws at the time the unmuffled dynamic braking device was used; and

(2) The speed of vehicle was reasonable given all of the relevant circumstances; and

(3) The driver believed that the use of the unmuffled dynamic braking device was necessary to either:

(a) Avoid an imminent threat to the safety of the driver or any other person; or

(b) Avoid an imminent threat to property.

(4) The driver=s belief as to the necessity for using the unmuffled dynamic braking device was objectively reasonable.

Penalty, see ' 70.99

' 70.05 TEXTING PROHIBITED.

(A) *Definitions.* The words and phrases defined in this section, shall, when used in this section, have the meanings respectively ascribed to them in such section, except in those instances where the context clearly indicates a different meaning:

ELECTRONIC WIRELESS COMMUNICATION DEVICE. A mobile communication device that uses short-wave analog or digital radio transmissions or satellite transmissions between the device and a transmitter to permit wireless telephone communications to and from the user of the device within a specified area;

VOICE OPERATED OR HANDS FREE TECHNOLOGY. Technology that allows a user to write, send, or listen to a text-based communication without the use of either hand except to activate, deactivate, or initiate a feature or function; and

WRITE, SEND, OR READ A TEXT-BASED COMMUNICATION. Using an electronic wireless communications device to manually communicate with any person using text-based communication including communications referred to as a text message, instant message, or electronic mail.

(SDCL ' 32-26-46)

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(B) *Use of handheld electronic wireless communication device for text-based communication on city street*

(1) *Prohibited*---Violation as petty offense. No person may operate a motor vehicle on a city street while using a handheld electronic wireless communication device to write, send, or read a text-based communication.

(2) *Exceptions.* This section does not apply to a person who is using a handheld electronic wireless communication device:

(a) While the vehicle is lawfully parked;

(b) To contact any emergency public safety answering point or dispatch center;

(c) To write, read, select, or enter a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call; or

(d) When using voice operated or hands free technology.

(C) *Penalty.* A violation of this section is a petty offense with a fine of \$100. (SDCL ' 32-26-47)

' 70.99 PENALTY.

Any person or persons violating any of the provisions of this title shall be deemed guilty of a violation of this chapter and shall, upon conviction thereof, be punished by a fine of not less than \$25 or more than \$500, with the exception of violations of ' ' 71.01, 71.18, 71.19 and 71.24. Violation of the forgoing specifically enumerated sections shall, upon conviction thereof, be punished by the following maximum penalties: a fine not exceeding \$500.

(Prior Code, ' 7.1001)

CHAPTER 71: OPERATION OF VEHICLES

Section

- 71.01 Persons under the influence of intoxicating liquor or narcotic drugs
- 71.02 Railroad warning signals must be obeyed
- 71.03 Drive on right side of highway
- 71.04 Keep to the right in crossing intersections or railroads
- 71.05 Meeting of vehicles
- 71.06 Overtaking a vehicle
- 71.07 Limitations on privilege of overtaking and passing
- 71.08 Driver to give way to overtaking vehicle
- 71.09 Following too closely
- 71.10 Turning at intersections
- 71.11 Right-of-way
- 71.12 Exceptions to right-of-way rule
- 71.13 What to do on approach of police vehicle or Fire Department vehicle and the like
- 71.14 Driving through safety zone prohibited
- 71.15 Coasting prohibited
- 71.16 Vehicle shall not be driven on sidewalk
- 71.17 Backing around corners or into intersections prohibited
- 71.18 Reckless driving
- 71.19 Careless driving
- 71.20 U-turns at intersections
- 71.21 U-turn prohibited
- 71.22 Slow driving
- 71.23 Stealing rides and trailing sleds
- 71.24 Exhibition driving
- 71.25 Engine brakes

- 71.99 Penalty

' 71.01 PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS.

It shall be unlawful for any person who is an habitual user of narcotic drugs, or any person who is an intoxicated condition, or under the influence of intoxicating liquor or narcotic drug, to drive or operate or attempt to drive or operate any motor vehicle or other vehicle upon any of the public highways, streets, alleys or public grounds of this city.

(Prior Code, ' 7.0201) Penalty, see ' 71.99

' 71.02 RAILROAD WARNING SIGNALS MUST BE OBEYED.

(A) Whenever any person driving a vehicle approaches a highway and railroad grade crossing and a clearly visible and positive signal gives warning of the immediate approach of a railway train or car, it shall be unlawful for the driver of the vehicle to fail to bring the vehicle to a complete stop before traversing such grade crossing.

(B) It shall be the duty of the drivers of the vehicles upon the highway to bring such vehicles to a full stop before reaching any grade, railroad or crossing, and before crossing the same, to ascertain when such crossing can be made in safety, in the following cases, even when no signal is given warning:

(1) In the case of vehicles of any kind carrying school children, passengers for hire, explosives or inflammable liquids; and

(2) In the case of all motor vehicles at every crossing designated by stop signs.
(Prior Code, ' 7.0202) Penalty, see ' 71.99

' 71.03 DRIVE ON RIGHT SIDE OF HIGHWAY.

Upon all highways of sufficient width, except upon one-way streets, the driver of a vehicle shall drive the same upon the right half of the highway and shall drive a slow-moving vehicle as closely as possible to the right-hand edge or curb of such highway, unless it is impracticable to travel on such side of the highway and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing set forth in ' 71.08.

(Prior Code, ' 7.0203) Penalty, see ' 71.99

' 71.04 KEEP TO THE RIGHT IN CROSSING INTERSECTIONS OR RAILROADS.

In crossing an intersection of highways or streets or the intersection of a highway by a railroad right-of-way, the driver 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.

(Prior Code, ' 7.0204) Penalty, see ' 71.99

' 71.05 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.
(Prior Code, ' 7.0205) Penalty, see ' 71.99

' 71.06 OVERTAKING A VEHICLE.

(A) The driver of any vehicle overtaking another vehicle proceeding in the same direction on a two-lane street, shall pass at a safe distance to the left thereof or on a four-lane street shall pass at a safe distance in the lane for traffic going the same direction as the over-taken vehicle but not being used by the overtaken vehicle.

(B) The driver of a vehicle shall not deviate from his or her 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.
(Prior Code, ' 7.0206) Penalty, see ' 71.99

' 71.07 LIMITATIONS ON PRIVILEGE OF OVERTAKING AND PASSING.

(A) The driver of a vehicle shall not drive to the left side of the centerline of a highway 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.

(B) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any railway grade crossing nor at any intersection of highways or streets unless permitted so to do by a traffic or police officer.

(C) The driver of any vehicle shall not overtake and pass any other vehicle proceeding in the same direction when traveling in a no-passing zone on highways, streets or bridges when either marked by signs or lines on the roadways.
(Prior Code, ' 7.0207) Penalty, see ' 71.99

' 71.08 DRIVER TO GIVE WAY TO OVERTAKING VEHICLE.

The driver of vehicle upon a highway or street, about to be overtaken, and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
(Prior Code, ' 7.0208) Penalty, see ' 71.99

' 71.09 FOLLOWING TO 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 vehicles and the traffic upon and condition of the highway.

(Prior Code, ' 7.0209) Penalty, see ' 71.99

' 71.10 TURNING AT INTERSECTIONS.

(A) The driver of a vehicle intending to turn to the right at an intersection shall approach such intersection in the lane for traffic nearest to the right-hand curb or edge of the highway, and when intending to turn to the left shall approach such intersection in the lane for traffic to the right of and nearest to the centerline of the highway or street and in turning shall pass beyond the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left.

(B) For the purpose of this section, the *CENTER OF THE INTERSECTION* shall mean the meeting point of the medial lines of the highways or street intersecting one another.

(C) The Common Council may authorize the Chief of Police to modify the foregoing methods of turning at intersections by clearly indicating by buttons, markers or other direction signs installed within an intersection the course to be followed by vehicles turning thereat, and it shall be unlawful for any driver to fail to turn in a manner as so directed.

(Prior Code, ' 7.0210) Penalty, see ' 71.99

' 71.11 RIGHT-OF-WAY.

When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right, except as otherwise provided in ' ' 71.13 and 73.02. The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which might otherwise have hereunder. 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, but said driver, having so yielded and having given a signal when and as required by this title, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn. The driver of any vehicle upon a highway shall yield the right-of-way to a pedestrian crossing such highway or street within any clearly marked crosswalk or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices. At intersections where traffic is controlled by traffic-control signals or police officers, drivers of vehicles, including those making turns, shall yield the right-of-way to pedestrians crossing or those who have started to cross the roadway on a AGreen@ or AGo@ signal, and in all cases pedestrians shall yield the right-of-way to vehicles lawfully proceeding directly ahead on a AGreen@ or AGo@ signal. Every pedestrian crossing a highway or street at any point other than a pedestrian crossing, crosswalk or intersection shall yield the right-of-way to vehicles upon the highway or street.

(Prior Code, ' 7.0211) Penalty, see ' 71.99

' 71.12 EXCEPTIONS TO RIGHT-OF-WAY RULE.

The driver of a vehicle about to enter or cross a public highway or street from a private road or driveway or alley shall yield the right-of-way to all vehicles approaching on such public highway or street. The driver of a vehicle upon a highway or street shall yield the right-of-way to Police and Fire Department vehicles, when the latter are operated upon official business and ambulances, and the drivers thereof sound audible signal by bell, siren or exhaust whistle. The provisions above shall not operate to relieve the driver of a Police, Fire Department vehicle or ambulance from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right-of-way. Highway or street maintainers in the performance of their duties of maintaining the highway shall have the preference of right-of-way, and shall be permitted to drive upon the left-hand side of the traveled portion of the highway or street for the purpose of dumping materials, for repairing said highway or street and also for smoothing the road surface; such highway or street maintainer shall not indiscriminately block the traffic, but shall allow reasonable room on the traveled portion of the highway for other vehicles to pass; such highway or street maintainer shall not however, be bound by the rules herein provided to turn to the right when meeting other vehicle or allowing them to pass when his or her work requires him or her to remain on the other side of the traveled portion of the highway; such maintainer shall not in any way interfere with the traffic on said highway unless absolutely necessary and he or she shall take all proper precautions to provide for the safety and protection of the users of such a highway, including proper warning of such repair or maintenance work; such maintainers, however, shall be subject to the rules of travel as herein provided, except when the performance of their maintenance work requires them to do otherwise.

(Prior Code, ' 7.0212) Penalty, see ' 71.99

' 71.13 WHAT TO DO ON APPROACH OF POLICE VEHICLE OR FIRE DEPARTMENT VEHICLE AND THE LIKE.

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this title and the laws of the state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position as near as possible and parallel to the right-hand edge or curb of the nearest edge or curb, clear of any intersection of highways or streets, and shall stop and remain in such position unless otherwise directed by a police or traffic officer or until the authorized emergency vehicle shall have passed. This section does not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(Prior Code, ' 7.0213) Penalty, see ' 71.99

' 71.14 DRIVING THROUGH SAFETY ZONE PROHIBITED.

The driver of a vehicle shall not at any time drive through or over a safety zone as defined in this title.

(Prior Code, ' 7.0214) Penalty, see ' 71.99

' 71.15 COASTING PROHIBITED.

The driver of a motor vehicle, when traveling upon a down grade upon any highway, shall not coast with the gears of such vehicle in neutral.

(Prior Code, ' 7.0215) Penalty, see ' 71.99

' 71.16 VEHICLE SHALL NOT BE DRIVEN ON SIDEWALK.

The operator of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway or alley, or except as may be specifically allowed in this title.

(Prior Code, ' 7.0216) Penalty, see ' 71.99

' 71.17 BACKING AROUND CORNERS OR INTO INTERSECTIONS PROHIBITED.

It shall be unlawful for the operator of any vehicle to back such vehicle around a corner at an intersection, or into an intersection of public streets.

(Prior Code, ' 7.0217) Penalty, see ' 71.99

' 71.18 RECKLESS DRIVING.

It shall be unlawful for any person to drive any vehicle upon any highway, street or alley of this city in a careless and heedless manner in disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

(Prior Code, ' 7.0218) Penalty, see ' 71.99

' 71.19 CARELESS DRIVING.

It shall be unlawful and it shall constitute careless driving for any person to drive any vehicle upon any highway, street or alley of this city carelessly and without due caution, at a speed or in a manner so as to endanger or be likely to endanger, any person or property, but not amount to reckless driving as defined in ' 71.18.

(Prior Code, ' 7.0219) Penalty, see ' 71.99

' 71.20 U-TURNS AT INTERSECTIONS.

At any intersection where traffic is controlled by traffic-control signals or by a police officer, or where warned by an official traffic-control sign displaying the words ANo U-turn@ or ANo Left Turn@, it shall be unlawful for the operator of a vehicle to turn such vehicle at the intersection in a complete circle, so as to proceed in the opposite direction. Vehicles making a lawful U-turn at any intersection in the city shall grant the right-of-way to all vehicles and motor vehicles approaching and entering such intersections for any purpose other than making a U-turn.

(Prior Code, ' 7.0220) Penalty, see ' 71.99

' 71.21 U-TURN PROHIBITED.

No person shall make a U-turn by operating a motor vehicle in the middle of any block or at any other place other than at an intersection where said U-turns are not prohibited.

(Prior Code, ' 7.0221) Penalty, see ' 71.99

' 71.22 SLOW DRIVING

No person shall drive any vehicle or motor vehicle at an unnecessarily slow rate of speed as to hinder or retard traffic.

(Prior Code, ' 7.0222) Penalty, see ' 71.99

' 71.23 STEALING RIDES AND TRAILING SLEDS.

It shall be unlawful for any person to cause to be attached to or permit any sled of any kind occupied by children to be trailed behind any vehicle or motor vehicle in the city limits of this city, and no person

shall ride, trespass upon, seize hold of or drag, slide or in any manner trail behind any vehicle.
(Prior Code, ' 7.0223) Penalty, see ' 71.99

' 71.24 EXHIBITION DRIVING.

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

(Prior Code, ' 7.0224) Penalty, see ' 71.99

' 71.25 ENGINE BREAKS.

It shall be unlawful for the driver of any vehicle to use its engine brakes or Jake brakes while traveling within the city limits of the city.

(Prior Code, ' 7.0225) Penalty, see ' 71.99

' 71.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 70.99.

(B) Upon conviction of a violation of ' 71.24, such person shall be punished by a fine or not more than \$500.

(Prior Code, ' 7.0224)

(C) A violation of ' 71.25 shall be punishable by a fine of up to \$500.

(Prior Code, ' 7.0225)

CHAPTER 72: CONDITION OF VEHICLES

Section

- 72.01 Restrictions on tire equipment
- 72.02 Brakes
- 72.03 Horns and warning devices
- 72.04 Mirrors
- 72.05 Windshields must be unobstructed
- 72.06 Prevention of noise, smoke and the like; muffler cut-outs regulated
- 72.07 Required lighting equipment of vehicles
- 72.08 Obstruction of operator=s view of driving mechanism

' 72.01 RESTRICTIONS ON TIRE EQUIPMENT.

No tire on a vehicle moved on a highway or street shall have on its periphery any block, stud, flange, cleat or spike, or any protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire except that 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; provided, however, notwithstanding anything therein to the contrary, it shall be lawful to operate upon the highways and streets of this city, motor vehicles equipped with pneumatic tires in which there are embedded metal studs or wires of tungsten steel, or other similar metal. The Common Council may, in its discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.

(Prior Code, ' 7.0301) Penalty, see ' 70.99

' 72.02 BRAKES.

Every motor vehicle, other than a motorcycle, when operated upon a highway or street shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels; if these two separate means of applying the brakes, are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels. Any combination of motor vehicle trailers, semi-trailers or other vehicles shall be equipped with brakes upon one or more of such vehicles adequate to stop such combinations of vehicles within the distance specified for motor vehicles under regulations set forth in the section. Every motorcycle and bicycle with motor attached when operated upon a highway or street shall be provided with at least one brake which may be operated by hand or foot. Every Police and Fire Department vehicle and every ambulance used for emergency call shall be equipped with a bell, siren or exhaust whistle.

(Prior Code, ' 7.0302) Penalty, see ' 70.99

' 72.03 HORNS AND WARNING DEVICES.

Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of at least 200 feet, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle, any siren, or any compression or spark plug whistle, or any exhaust horn, or whistle which does not produce a harmonious sound, or for any person at any time to use a horn otherwise than a reasonable warning or to make any unnecessary or unreasonable loud or harsh sound by means of a horn or other 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.

(Prior Code, ' 7.0303) Penalty, see ' 70.99

' 72.04 MIRRORS.

No person shall drive a motor vehicle on a highway which motor vehicle is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position, unless such vehicle is equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle.

(Prior Code, ' 7.0304) Penalty, see ' 70.99

' 72.05 WINDSHIELDS MUST BE UNOBSTRUCTED.

It shall be unlawful for any person to drive any vehicle upon a highway 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 or other than temporary driving instructions placed thereon by the manufacturer. It shall also be unlawful for any person to drive any vehicle upon a highway or street with any object or gadget dangling between the view of the driver and the windshield of said vehicle.

(Prior Code, ' 7.0305) Penalty, see ' 70.99

' 72.06 PREVENTION OF NOISE, SMOKE AND THE LIKE; MUFFLER CUT-OUTS REGULATED.

No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. It shall be unlawful to use a Amuffler cut-out@ on any motor vehicle upon a highway or street. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

(Prior Code, ' 7.0306) Penalty, see ' 70.99

' 72.07 REQUIRED LIGHTING EQUIPMENT OF VEHICLES.

Every motor vehicle operated or driven in the city shall, during the period of one-half hour after sunset and one-half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible any person on the street at a distance of 200 feet ahead, display lighted lamps as required by SDCL ' 32-17-5 and 32-17-6, and all amendments thereto, and SDCL ' ' 32-17-1, 32-17-8, 32-17-14, 32-17-15, 32-17-22, and all amendments thereto.

(Prior Code, ' 7.0307) Penalty, see ' 70.99

' 72.08 OBSTRUCTION OF OPERATOR=S VIEW OF DRIVING MECHANISM.

It shall be unlawful for the operator of any vehicle to drive the same when there are in the front seat of such vehicle more than three adult persons or when in any other manner it is so loaded so as to obstruct the view of the operator to the front or sides or to interfere with the operator=s control over the driving mechanism of the vehicle.

(Prior Code, ' 7.0308) Penalty, see ' 70.99

CHAPTER 73: TRAFFIC AND PARKING REGULATIONS

Section

- 73.01 Vehicles must stop at certain through highways and streets
- 73.02 Vehicles must yield at certain through highways and streets
- 73.03 Passing school bus
- 73.04 Parking or stopping on streets or highways
- 73.05 Parking in violation of no parking signs
- 73.06 Stop; alley or private driveway
- 73.07 Parking and stopping prohibited in certain places
- 73.08 Parking; snow removal
- 73.09 Removal of cars illegally parked

- 73.99 Penalty

' 73.01 VEHICLES MUST STOP AT CERTAIN THROUGH HIGHWAYS AND STREETS.

The Common Council shall, by authorizing the placement of octagonal shaped AStop@ signs, determine at what intersections vehicles shall come to a complete stop. It shall be unlawful not to obey said signs.

(Prior Code, ' 7.0501) Penalty, see ' 73.99

' 73.02 VEHICLES MUST YIELD AT CERTAIN THROUGH HIGHWAYS AND STREETS.

(A) The Common Council shall by authorizing the placement of triangular shaped AYield Right-of-Way@ signs determine at what intersections certain vehicles shall have a preferential right-of-way.

(B) 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, or shall stop if necessary, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he or she is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard.

(C) Said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding.

(Prior Code, ' 7.0502) Penalty, see ' 73.99

' 73.03 PASSING SCHOOL BUS.

The operator of a motor vehicle upon a highway or street within the city limits upon meeting or overtaking from either direction and on the same roadway any vehicle used and designated as a school bus which is stopped on the highway or street for the purpose of receiving or discharging any school children shall stop before reaching such school bus and shall not proceed until such bus resumes motion, or until signaled by the school bus driver to proceed.

(Prior Code, ' 7.0503) Penalty, see ' 73.99

' 73.04 PARKING OR STOPPING ON STREETS OR HIGHWAYS.

(A) All vehicles parked or stopped in the business district must be diagonally parked in the lanes designated for parking by appropriate signs on the pavement or curb, except in areas designated for parallel parking or in areas which the Police Department may designate under authority and direction of the Common Council by proper signs as ANo Parking@ and, wherever said Police Department has so designated ANo Parking@, it shall be unlawful for any person to fail to comply therewith.

(B) On all highways or streets in the city not otherwise designated by division (A) above or succeeding sections or by the Police Department as directed by the Common Council, all vehicles shall be parked parallel with the curb.

(C) No docking of semi-trailers shall be permitted on Laurel Street from Garfield Street north to the city limits. Eighteen-wheel trucks may be parked for a maximum of two hours.

(Prior Code, ' 7.0504) Penalty, see ' 73.99

' 73.05 PARKING IN VIOLATION OF NO PARKING SIGNS.

It shall be unlawful for public and private persons to designate by signs clearly visible to motor vehicle traffic certain areas on land belonging to said persons as a no parking area to members of the public except for certain invited persons. Any person who parks and leaves standing his or her motor vehicle on any public or private ground within this city in violation of such no parking signs clearly posted upon said property has violated this chapter.

(Prior Code, ' 7.0505) Penalty, see ' 73.99

' 73.06 STOP; ALLEY OR PRIVATE DRIVEWAY.

The operator of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway. (Prior Code, ' 7.0506) Penalty, see ' 73.99

' 73.07 PARKING AND STOPPING PROHIBITED IN CERTAIN PLACES.

It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle on any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal:

(A) Within an intersection;

(B) On a crosswalk;

(C) In front of a private driveway;

(D) On a sidewalk;

(E) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(F) Within 15 feet of the driveway entrance to any fire station;

(G) Within 15 feet of a fire hydrant;

(H) Within 15 feet of the point of intersection of curb lines;

(I) At a designated ALoading or Passenger Zone@;

(J) At a designated taxicab stand or bus stand;

(K) Any ANo Parking Zone@ which may be designated by signs or by a curb which is painted with a solid yellow stripe;

(L) In a public alley within the city limits, except that trucks and other vehicles may stop in such alleys for the purpose of loading or unloading merchandise or materials; and

(M) On the roadway side of any other vehicle stopped or parked at the edge or curb of a street except temporarily engaged in the loading or unloading of passengers or materials.

(Prior Code, ' 7.0507) Penalty, see ' 73.99

' 73.08 PARKING; SNOW REMOVAL.

(A) In order that the Street Department may efficiently clean the streets and highways in the city, the Police Department or the person in charge of the cleaning of the streets is hereby authorized to place signs in any block or blocks within said city, stating that snow removal will be made at a specified time in the near future, in which case it shall be unlawful to park any motor vehicle upon any of the said streets or highways upon which said signs have been placed during the specified time. Such signs shall be placed at the end of each of said blocks to be cleaned.

(B) Any automobile parked in violation of any of the provisions of this section may be removed by the Police Department or the Street Department and the owner thereof, in addition to the other penalties prescribed for the violation of this section shall be required to pay the cost of towing and removal of said automobile.

(Prior Code, ' 7.0508) Penalty, see ' 73.99

' 73.09 REMOVAL OF CARS ILLEGALLY PARKED.

All vehicles found to be in violation of this chapter, in regards to parking may be summarily removed by the Police Department and all charges or expenses incident to such removal including any storage for such vehicle, shall be assessed by the court having jurisdiction over any offense brought hereunder against the owner or driver of such vehicle in addition to the other penalties provided for in this chapter.

(Prior Code, ' 7.0509) Penalty, see ' 73.99

' 73.99 PENALTY.

(A) Upon finding a vehicle in violation of this chapter, the Police Department may issue a parking citation to the registered owner of such vehicle by affixing the same to the vehicle, and the driver or registered owner shall, within the prescribed time stated upon the citation, make payment of the fine to the City Finance Officer or Police Department in the amount of \$5, or other amount that may be set by the Common Council from time to time by resolution.

(B) Failure of the registered owner to pay this fine imposed for a parking citation within the prescribed time limit shall be punishable by a fine of \$500.

(Prior Code, ' 7.0510)

CHAPTER 74: TRAFFIC-CONTROL DEVICES

Section

- 74.01 Signals on starting, stopping or turning
- 74.02 Flag or light at end of load
- 74.03 Other than official signs prohibited
- 74.04 Interference with signs and signals prohibited
- 74.05 Traffic-control signal legend
- 74.06 Following directions of police officer

' 74.01 SIGNALS ON STARTING, STOPPING OR TURNING.

(A) The driver of any vehicle upon a highway or street before starting, stopping or turning from a direct line shall first see the such movement can be made in safety and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn and, whenever the operation of any other vehicle may be affected by such movement, shall give a signal as required in this section plainly visible to the driver of such other vehicle of the intention to make such movement.

(B) The signal herein required shall be given either by means of the hand and arm in the manner herein specified, or be an approved mechanical or electrical signal device such as signal lamp or lamps, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible both to the front and rear, then said signals must be given by such a lamp or lamps or signal device.

(C) Whenever the signal is given by means of the hand and arm, the driver shall indicate his or her intention to start, stop or turn by extending the hand and arm from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (1) Left turn: hand and arm extended horizontally;
- (2) Right turn: hand and arm extended upward; and

(3) Stop or decrease speed: hand and arm extended downward.

(Prior Code, ' 7.0601) Penalty, see ' 70.99

' 74.02 FLAG OR LIGHT AT END OF LOAD.

Whenever the load on any vehicle shall be extended more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load a red flag not less than 12 inches both in length and width, except that between one-half hour after sunset and one-half hour before sunrise there shall be displayed at the end of any such load a red light plainly visible under normal atmospheric conditions at least 200 feet from the rear of such vehicle.

(Prior Code, ' 7.0602) Penalty, see ' 70.99

' 74.03 OTHER THAN OFFICIAL SIGNS PROHIBITED.

No unauthorized person shall erect or maintain upon any highway, any warning or direction sign, marker, signals or light in imitation of any official sign, marker, signal or light erected under the provisions of this title, and no person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial advertising. Nothing in this section shall be construed to prohibit the erection of signs, markers or signals bearing thereon the name of a organization authorized to erect the same by the Common Council.

(Prior Code, ' 7.0603) Penalty, see ' 70.99

' 74.04 INTERFERENCE WITH SIGNS AND SIGNALS PROHIBITED.

No person shall willfully deface, injure, move, obstruct or interfere with any official traffic sign or signal as provided in this title.

(Prior Code, ' 7.0604) Penalty, see ' 70.99

' 74.05 TRAFFIC-CONTROL SIGNAL LEGEND.

Whenever traffic is controlled by traffic-control signals exhibiting the words *AGo@*, *ACaution@* or *AStop@* or exhibiting different colored lights successively one at a time, or with arrow, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(A) *Green alone or AGo@*. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicle and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(B) *Steady yellow alone.*

(1) Vehicular traffic facing the signal is hereby warned that the red of AStop@ signal will be exhibited immediately thereafter and such vehicle or traffic shall not enter or be crossing the intersection when the red or AStop@ signal is exhibited.

(2) Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(C) *Steady red alone, or AStop@.*

(1) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or AGo@ is shown alone, except, as hereinafter provided.

(2) When the Common Council may permit, the driver of a vehicle which is stopped as close as practicable at entrance to the intersection in obedience to a red or AStop@ signal, may make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by signal at said intersection. Such Common Council action permitting a right turn after a stop when facing a steady red light alone shall be effective when a sign is erected at such intersection giving notice thereof.

(D) *Steady red with green arrow.*

(1) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(2) No pedestrian facing such signal shall enter the roadway unless her can do so safely and without interfering with any vehicular traffic.

(3) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows.

(a) *Flashing red.* When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) *Flashing yellow.*

1. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

2. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossing shall be governed elsewhere in this title.
(Prior Code, ' 7.0605) Penalty, see ' 70.99

' 74.06 FOLLOWING DIRECTIONS OF POLICE OFFICER.

Regardless of all traffic signs, a driver of a motor vehicle shall obey traffic directions personally given by any police officer. Any willful failure to obey said directions shall constitute a violation of this chapter.
(Prior Code, ' 7.0606) Penalty, see ' 70.99

CHAPTER 75: ACCIDENTS

Section

- 75.01 Duty to stop
- 75.02 Striking unattended vehicle
- 75.03 Duty upon striking fixtures

' 75.01 DUTY TO STOP.

The driver of any vehicle involved in any accident resulting in injury or death to any person or damage to property shall immediately stop and give his or her name, address and the registration number of his or her vehicle and exhibit his or her registration receipt to the person struck or the driver or occupants of any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

(Prior Code, ' 7.0701) Penalty, see ' 70.99

' 75.02 STRIKING UNATTENDED VEHICLE.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

(Prior Code, ' 7.0702) Penalty, see ' 70.99

' 75.03 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 or her name and address and of the registration number of the vehicle he or she is driving and shall upon request and if available exhibit his or her operator's license and shall make report of such accident when and as required by this title.

(Prior Code, ' 7.0703) Penalty, see ' 70.99

CHAPTER 76: PEDESTRIANS AND SKATERS

Section

- 76.01 Pedestrians= right-of-way
- 76.02 Crossing streets
- 76.03 Pedestrians= rights and duties at controlled intersections
- 76.04 Pedestrians to obey traffic signals
- 76.05 Boarding or alighting from vehicles
- 76.06 Crossing at right angles
- 76.07 Skating on sidewalk

' 76.01 PEDESTRIANS= RIGHT-OF-WAY.

(A) 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 the block, except at intersections where the movement of traffic is being regulated by police officers or traffic-control signals.

(B) Whenever any vehicle has stopped at a marked crosswalk or at any intersections 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.

(Prior Code, ' 7.0801) Penalty, see ' 70.99

' 76.02 CROSSING STREETS.

It shall be unlawful for a pedestrian to cross a roadway at any point other than within a marked or unmarked crosswalk in the business district as defined in this title or on any federal highway.

(Prior Code, ' 7.0802) Penalty, see ' 70.99

' 76.03 PEDESTRIANS= RIGHT AND DUTIES AT CONTROLLED INTERSECTIONS.

(A) Whenever stop signals 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 pedestrians within or entering the crosswalk at either edge of the roadway shall have the right-of-way over any vehicle so stopped.

(B) 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 purpose of permitting a pedestrian to cross.
(Prior Code, ' 7.0803) Penalty, see ' 70.99

' 76.04 PEDESTRIANS TO OBEY TRAFFIC SIGNALS.

At intersections where traffic is directed by a police officers 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.
(Prior Code, ' 7.0804) Penalty, see ' 70.99

' 76.05 BOARDING OR ALIGHTING FROM VEHICLES.

It shall be unlawful for any person to board or alight from any vehicle while such vehicle is in motion.
(Prior Code, ' 7.0805) Penalty, see ' 70.99

' 76.06 CROSSING AT RIGHT ANGLES.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.
(Prior Code, ' 7.0806) Penalty, see ' 70.99

' 76.07 SKATING ON SIDEWALKS.

No person shall roller skate or operate any wagon or scooter or similar device upon any sidewalk on Main Street within the city.
(Prior Code, ' 7.0807) Penalty, see ' 70.99

CHAPTER 77: BICYCLES

Section

- 77.01 Impounding
- 77.02 No interference with pedestrian, no riding certain areas
- 77.03 Must obey traffic laws
- 77.04 Carrying riders
- 77.05 No more than two abreast
- 77.06 Lighting required
- 77.07 No riding without permission; no damage to license tag
- 77.08 No hitching rides

' 77.01 IMPOUNDING.

(A) Any city police officer or any other person authorized by the Common Council shall have the right to impound any bicycle which is operated or parked on the streets, alleys or sidewalks of the city without a current license attached thereto.

(B) A license shall be considered current during the two years for which it was issued and for three months after the expiration of the two years.

(C) Any owner of an impounded bicycle may redeem the bicycle by proving ownership of the same and by purchasing a current license for the bicycle as provided herein.

(D) Such proof of ownership shall be made to the city police either orally or written in such manner as to reasonably satisfy the Chief of Police that the applicant is the owner of the bicycle.
(Prior Code, ' 7.0906) Penalty, see ' 70.99

' 77.02 NO INTERFERENCE WITH PEDESTRIAN, NO RIDING CERTAIN AREAS.

No person shall ride or propel any bicycle upon any public street, highway or alley in such manner as to interfere with any pedestrian thereon, and no person shall ride or propel any bicycle upon the sidewalks on Main Street.

(Prior Code, ' 7.0907) Penalty, see ' 70.99

' 77.03 MUST OBEY TRAFFIC LAWS.

Persons riding or propelling any bicycle shall observe all traffic laws, regulations and traffic signs.
(Prior Code, ' 7.0908) Penalty, see ' 70.99

' 77.04 CARRYING RIDERS.

No person shall propel or operate a bicycle upon said highways or streets, or alleys carrying or permitting to be carried any other person upon such bicycle, except that two persons may ride upon a tandem bicycle.

(Prior Code, ' 7.0909) Penalty, see ' 70.99

' 77.05 NO MORE THAN TWO ABREAST.

No person shall ride or propel any bicycle upon any of said public streets, highways or alleys or other public place in this city more than two abreast.

(Prior Code, ' 7.0910) Penalty, see ' 70.99

' 77.06 LIGHTING REQUIRED.

No bicycle shall be permitted on any public street, highway, alley, sidewalk or boulevard of this city during the period from a half hour after sunset to a half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible any person on said public street, highway, alley or sidewalk at a distance of 200 feet ahead unless said bicycle is equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least 300 feet in front of such bicycle and shall also be equipped with a reflex mirror lamp on the rear exhibiting a yellow or red light visible under like conditions from a distance of at least 200 feet to the rear of said bicycle.

(Prior Code, ' 7.0911) Penalty, see ' 70.99

' 77.07 NO RIDING WITHOUT PERMISSION; NO DAMAGE TO LICENSE TAG.

No person shall deface, mutilate or remove a license tag placed upon any bicycle, nor shall any person take any bicycle for the purpose of riding or propelling the same upon the street or highway without the consent of the owner.

(Prior Code, ' 7.0912) Penalty, see ' 70.99

' 77.08 NO HITCHING RIDES.

It shall be unlawful for any person riding upon any bicycle, motorcycle, coaster wagon, sled, roller skates or any other similar vehicle to attach the same or himself or herself to any moving vehicle upon any public street or highway, or to hold on to such moving vehicle.

(Prior Code, ' 7.0913) Penalty, see ' 70.99

CHAPTER 78: SNOWMOBILES

Section

- 78.01 Definitions
- 78.02 Operator=s license
- 78.03 License
- 78.04 Rules of the road
- 78.05 Safety equipment and inspection
- 78.06 Lights
- 78.07 Equipment
- 78.08 Hours of permitted operation
- 78.09 Permitting unauthorized person to drive a snowmobile

- 78.99 Penalty

' 78.01 DEFINITIONS.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SNOWMOBILE. Any engine-driven vehicle of a type which uses sled type runners or skis with an endless belt tread or similar means of contact with the surface upon which it is operated and the vehicle does not exceed forty-eight inches in width.

SUPER MODIFIED SNOWMOBILE. Any snowmobile which has been individually built from parts expressly for track racing or has had the chassis, suspension, track, and engine substantially altered.

' 78.02 OPERATOR=S LICENSE.

No snowmobile shall be operated until the driver thereof shall have in his or her possession a valid driver=s license or chauffeur=s license from the state of residence.

(Prior Code, ' 7.1102) Penalty, see ' 78.99

' 78.03 LICENSE.

(A) All snowmobiles shall have a license issued by the state or for the state of residence. Speeding and reckless driving shall be prohibited.

(B) No person shall operate a snowmobile in the following manner:

(1) At a speed that is greater than is reasonable for prudent under the circumstances; or

(2) In any reckless way so as to endanger the person or property of another.

(Prior Code, ' 7.1103) Penalty, see ' 78.99

' 78.04 RULES OF THE ROAD.

Every operator of a snowmobile shall observe all of the rules of the road pertaining to vehicles and in addition shall yield the right-of-way to motor vehicles. All ordinances of the city pertaining to the operation of vehicles shall be applicable to the operation of snowmobiles and are adopted by reference and made a part hereof, the same as if set forth fully herein.

(Prior Code, ' 7.1104) Penalty, see ' 78.99

' 78.05 SAFETY EQUIPMENT AND INSPECTION.

No snowmobile shall be driven on the roadways, streets or alleys, when said snowmobile is in such unsafe condition as to endanger any person or property. The city police may at any time upon reasonable cause to believe that snowmobile is unsafe or not equipped as required by this chapter, require the driver of such vehicle to stop and submit such vehicle to an inspection and test with reference thereto as may be appropriate. No person shall operate any vehicle which has been found unsafe, except to return such snowmobile to his or her residence, place of business or to a garage until said vehicle has been placed in proper repair.

(Prior Code, ' 7.1105) Penalty, see ' 78.99

' 78.06 LIGHTS.

A snowmobile in motion during the period of one-half hour after sunset to one-half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person within an area of 200 feet ahead cannot be operated within this time unless equipped with headlights.

(Prior Code, ' 7.1106) Penalty, see ' 78.99

' 78.07 EQUIPMENT.

Every snowmobile shall be at all times equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke, with brakes adequate to control movement of and to stop and hold such vehicle, and exhibit a red flag or cloth not less than 12 inches square and hung or suspended five feet above ground level so that the entire area thereof is visible from all directions while on any roadway, street or alley.

(Prior Code, ' 7.1107) Penalty, see ' 78.99

' 78.08 HOURS OF PERMITTED OPERATION.

No snowmobile shall be operated within the city between the hours of 9:30 p.m. and 6:00 a.m., except that a driver may drive during this restricted time when he or she is coming into town or is leaving town or when driving from work to his or her residence.

(Prior Code, ' 7.1108) Penalty, see ' 78.99

' 78.09 PERMITTING UNAUTHORIZED PERSON TO DRIVE A SNOWMOBILE.

No person shall authorize or knowingly permit a snowmobile owned by him or her or under his or her control to be driven on any public highway who is not authorized hereunder or in violation of any of the provisions of this chapter.

(Prior Code, ' 7.1109) Penalty, see ' 78.99

' 78.99 PENALTY.

Any person who shall violate one or more of the provisions hereof shall be subject to a fine not to exceed \$500.

CHAPTER 79: ABANDONED VEHICLES

Section

- 79.01 Determination of abandonment
- 79.02 Vehicles blocking traffic; wrecked vehicles
- 79.03 Removal
- 79.04 Notice to owner
- 79.05 Recovery by owner
- 79.06 Sale of unclaimed vehicle
- 79.07 Notice of sale
- 79.08 Disposition of funds from sale

' 79.01 DETERMINATION OF ABANDONMENT.

Whenever any vehicle is left unattended on any public street, alleyway or parking lot within the city for a longer period than 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 chapter.

(Prior Code, ' 7.1201)

' 79.02 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 without regard to the 24-hour period provided for in this chapter.

(Prior Code, ' 7.1202)

' 79.03 REMOVAL.

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

(Prior Code, ' 7.1203)

' 79.04 NOTICE TO OWNER.

It shall be the duty of the Police Department to notify the registered owner of the removal and storage of any vehicle under the provisions of this chapter and where such vehicle has been stored.
(Prior Code, ' 7.1204)

' 79.05 RECOVERY BY OWNER.

The registered owner of any vehicle removed and stored under the provisions of this chapter may recover the same upon the payment of all costs incident to the removal and storage of such vehicle.
(Prior Code, ' 7.1205)

' 79.06 SALE OF UNCLAIMED VEHICLE.

If, after three months from the date of mailing the notice of removal and storage provided for by this chapter, 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 consecutive weeks.
(Prior Code, ' 7.1206)

' 79.07 NOTICE OF SALE.

The notice of sale provided for by this chapter 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 the time at which such vehicle shall be sold, which date shall not be sooner than one week following the date of the last publication of notice.
(Prior Code, ' 7.1207)

' 79.08 DISPOSITION OF FUNDS FROM SALE.

After the costs of removing, storing, advertising and selling a vehicle under the provisions of this chapter are deducted, the balance of the funds derived from the sale of any vehicle under this chapter shall be held for the owner for a period of 90 days. If such proceeds are not claimed at the expiration of such period, such proceeds shall be paid into the General Fund of the city.
(Prior Code, ' 7.1208)

CHAPTER 80: TRAFFIC SCHEDULES

Schedule

- I. Speed limits
- II. One-way streets
- III. Load limits

SCHEDULE I. SPEED LIMITS.

(A) It shall be unlawful for any person to drive a vehicle on a highway, street or alley located in the city at a speed greater than is reasonable and prudent under the conditions then existing or at speeds in excess of those fixed by the chapter or established by the Common Council as hereinafter set forth.
(Prior Code, ' 7.0401)

(B) Proper signs shall be painted and properly placed designating the lawful rate of speed.

(1) It shall be unlawful for any person to run, or cause to be run, any vehicle upon any of the public streets, alleys or public grounds of the city at a greater speed than 15 mph; provided, however, that on Main Street, it shall be lawful to run, or cause to be run any vehicle at a speed not in excess of 20 mph, and provided further that in turning a corner, in turning around, in changing from one street to another, or crossing intersections of streets, all motor vehicle shall be slowed down to a rate of speed not to exceed 15 mph, and provided that, in driving upon or along any highway around the tourist and public campgrounds, or around the public school, situated in the city, no person shall run, or cause to be run, any vehicle at a greater rate of speed than 15 mph.

(2) The speed limit on Laurel Street from Meade Street north to the existing city limits shall be 25 mph; and on Laurel Street/Crook City Road south from Meade Street to Logan Street, the speed limit shall be 15 mph; and Logan Street to the existing city limits, the speed limit shall be 25 mph.

(3) The speed limit on Oak Street from Hooker Street to the north city limits shall be 25 mph.

(4) The speed limit on Pine and Elm Streets from Sherman to the north city limits and in the alley between Pine and O=Dea Street from Sherman Street to the north city limits shall be five mph.

(5) The speed limit on O=Dea Street shall be 15 mph.
(Prior Code, ' 7.0402) Penalty, see ' 70.99

SCHEDULE II. ONE-WAY STREETS.

All vehicles, as defined by ' 70.01, traveling on Pine Street between the intersections of Fillmore Street and Sherman Street shall travel one way, from south to north and on Elm Street, from south end of the gas station to the intersection of Sherman Street, shall travel one way from north to south, and said streets are hereby designated as one-way streets. Vehicles on the west side of the designated portion of Pine Street shall park parallel to the street. Vehicles on the east side of the street shall park at an angle to the street as shown by the yellow lines established by the city.
(Prior Code, ' 7.0607)

SCHEDULE III. LOAD LIMITS.

An ordinance setting load limits for a portion of Laurel Street to prevent injury to said street pursuant to SDCL ' 9-30-2.

(A) No motor vehicle or combination of motor vehicles operating on Laurel Street from Meade Street south to the city limits may have a weight in excess of 12,000 pounds on any one axle.

(B) Any person who is violation of division (A) above shall be fined in addition to and not in substitution for any and all penalties now provided by law for such offense the following amounts:

(1) In an amount equal to \$0.05 per pound for each pound of such excess or combined excess weight over 1,000 pounds when such excess is 2,000 pounds or less;

(2) In an amount equal to \$0.10 per pound for each pound of such excess or combined excess weight when such excess exceeds 2,000 pounds and is 3,000 pounds or less; and

(3) In an amount equal to \$0.15 per pound for each pound of such excess or combined excess weight when such excess exceeds 3,000 pounds and is 4,000 pounds or more.

(C) Any peace officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh or cause to have weighed by means of a portable or stationary scales and may require that such vehicle be driven to the nearest scales in the event such scales are within five miles.

(D) Whenever an officer upon weighing a vehicle and load as provided in division (C) above determines that the weight is unlawful such officer shall require the driver to stop the vehicle in a suitable place adjacent to the place of weighing. The vehicle shall there remain until such portion of the load is removed as may be necessary to reduce the weight to the maximum specified in division (A) above. The unloading of any required portion of such load shall be the duty and at the sole risk of the owner or operator of such vehicle and all material unloaded shall be cared for by and continue to be at the sole risk of such owner or operator. A violation of this section shall be a separate offense punishable by a fine not exceeding \$200.

(Prior Code, ' 11.0515)

