

APPLE SPRINGS ROAD DISTRICT
ORDINANCE NUMBER 2012-05-R

AN ORDINANCE TO REGULATE THE OPERATION OF OFF-ROAD VEHICLES
IN DITCHES ADJACENT TO DISTRICT ROADWAYS

WHEREAS, the Apple Springs Road District Board of Trustees deems it necessary, for the purpose of promoting safety and general welfare of the community to adopt an Ordinance to regulate the operation of off-road vehicles on roads and in ditches adjacent to District Roadways and Right-of-Way, and;

SECTION 1 – DEFINITIONS

OFF-ROAD VEHICLE: means any licensed or unlicensed self-propelled, two or more wheeled vehicle designed primarily to be operated on land other than a roadway and includes, but is not limited to, all-terrain vehicles, dune buggies, and any vehicle whose Manufacturer's Statement of Origin (MSO) or Manufacturer's Certificate of Origin (MCO) states that the vehicle is not for roadway use. Off-road vehicle does not include a farm vehicle as defined in SDCL § 32-3-2.4. (Definitions provided by SDCL § 32-20-1(4).

DISTRICT ROADWAY SYSTEM means the principal or primary Roadway system of roads in Apple Springs Road District and are under the supervision of the District. This system of roads provides access to the major geographical areas in Apple Springs Development. Roads included in this definition are designated by resolution of the Apple Springs Road District.

ROADWAY DITCH: means any drainage ditch and/or utility access ditch located within the public Right-of-Way and adjacent to a District Roadway as defined in this Ordinance. The term "roadway ditch" includes any shoulder or berm within the public Right-of-Way.

INTERSECTION: means the area embraced within the lateral boundary lines of two or more District Right-of-Way, which join one another at an angle, whether or not one such roadway crosses the other.

UTILITY: means any provider of electric, gas, water, sewer, pipeline, or telecommunications service.

SERVICE VEHICLE: means any vehicle designed for and customarily used by a utility provider while actively engaged in the line of duty for the utility.

NORMAL AGRICULTURAL OPERATION: means operation of an off-road vehicle by a person engaged in a reasonably necessary agricultural related activity.

CONSTRUCTION/CONTRACTOR VEHICLE: means any vehicle designed for the moving, grading, digging, scraping or hauling of dirt, rock, gravel, wood, water, construction material or waste material.

SECTION 2 – REGULATION PROHIBITION

1. Off-road vehicles shall not be operated in any roadway ditch along any section of roadway under the jurisdiction of Road District Trustees, and;

Exception: This ordinance does not prohibit off-road vehicles from being operated in a Roadway ditch while actively engaged in normal agricultural operations, service or construction/contractor vehicles actively engaged in official business.

SECTION 3 – VIOLATION ENFORCEMENT

1. Any speed limits, vehicle weight limits, and any other vehicle or traffic regulations on District roads may be enforced by any law enforcement officer.

2. A violation of any resolution passed by the Road District under the authority of this Ordinance is deemed to be a violation of this Ordinance and punishable as provided above.

3. In addition to any other penalty authorized by State law or County Ordinance, each violation of this Ordinance subjects the individual to a fine of two-hundred (\$200.00) dollars.

4. If these costs and expenses are not paid to the Road District Treasurer by the 30th of the following month of occurrence, the sum along with any late charges and/or penalties will be extended in a lien against the landowner of the described property or violator of this provision.

THEREFORE BE IT RESOLVED that the Apple Springs Road District Board of Trustees adopt the foregoing ordinance. Dated this 19th day of July 2012.

APPLE SPRINGS ROAD DISTRICT BOARD OF TRUSTEES

ATTEST:

First Reading: June 21, 2012
Second Reading: July 19, 2012
Date Published: July 19, 2012
Date Effective: July 19, 2012