

ORDINANCE 22

TRAFFIC ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF COMMISSIONERS OF THE CITY OF SUMMERSET, Meade County, South Dakota that the following Ordinance 22 – Traffic Ordinance be adopted as follows:

Chapters:

- 22.01 General Provisions
- 22.02 Regulations as to Operation of Vehicles
- 22.03 Regulations as to Condition of Vehicles
- 22.04 Speed Regulations
- 22.05 Parking and stopping
- 22.06 Sign, Signals, and Traffic Control Devices
- 22.07 Accidents, Duties Reports
- 22.08 Pedestrians
- 22.09 Bicycle

Chapter 22.01 General Provisions

SECTIONS:

- 22.01.01 Scope and Purpose
- 22.01.02 Definitions
- 22.01.03 Penalty

22.01.01 SCOPE AND PURPOSE

The purpose of this Ordinance is to set forth certain laws and regulations applicable to traffic, parking and other areas of public concern and safety therefore, violations of which shall be enforceable within the City and one mile thereof.

22.01.02 DEFINITIONS

AUTHORIZED EMERGENCY VEHICLE: Vehicles of the Fire Department, police vehicles and such ambulances and emergency vehicle 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 fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

CROSSWALK: That 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 marking on the surface.

CURB: The extreme edge of a roadway.

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 use of public, as a matter of right, for purposes of vehicular travel. The term "highway or street" shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities or other institutions.

INTERSECTIONS: 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: Any street, the roadway of which is divided into two or more clearly marked lanes for vehicle 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.

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 with the term “tractor” as herein defined.

OFFICIAL TRAFFIC SIGNALS: All signals, not inconsistent with this Ordinance, 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 Ordinance, 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 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 vehicle is entitled to possession, then such conditional vendee or lessee or mortgager shall be deemed the owner for the purpose of this Ordinance.

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 who goes or travels on foot or who travels with the assistance of a wheelchair.

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

RIGHT OF WAY: The privilege of this 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: That 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 pedestrian 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.

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

SIDEWALK: That 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 to protect.

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

TRUCK: Any motor vehicle used for carrying goods, and/or materials which has a box or cargo box exceeding six feet in width and/or has a total length of over twenty-six feet including any permanently attached or removable trailers or cargo boxes.

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 or MOTOR 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.

22-01.03: PENALTY

Any violation of the provisions of this Ordinance is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant of SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Ordinance and/or state law.

CHAPTER 22.02 Regulations as to the Operation of Vehicles

SECTIONS:

- 22.02.01: Operator must be licensed
- 22.02.02: Persons under the Influence of Intoxication Liquor or Narcotic
Drugs
- 22.02.03: Stop Requirements for Railroad Grade Crossing
- 22.02.04: Drive on right side of highway
- 22.02.05: Meeting of vehicles
- 22.02.06: Overtaking a vehicle
- 22.02.07: Limitation of privilege overtaking and passing
- 22.02.08: Driver to give way to overtaking vehicles
- 22.02.09: Following too closely
- 22.02.10: Turning at intersection
- 22.02.11: Right of way
- 22.02.12: Exceptions
- 22.02.13: Requirements on approach of police or fire department vehicles
- 22.02.14: Driving through safety zone prohibited
- 22.02.16: Driving on sidewalk and bike path prohibited
- 22.02.17: Backing around corners or into intersections prohibited
- 22.02.18: Reckless driving
- 22.02.19: Careless driving
- 22.02.20: U-turns at intersections
- 22.02.21: U-turns prohibited
- 22.02.22: Trucks routes and use of streets or highways by trucks
- 22.02.23: Slow driving
- 22.02.24: Stealing rides and trailing sleds

- 22.02.25: Exhibition driving
- 22.02.26: Commercial advertising vehicles

22.02.01: 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 of South Dakota.

22.02.02: PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS

No person who is in an intoxicated condition, or under the influence of intoxicating, liquor or narcotic drugs, shall 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 the City.

22.02.03: STOP REQUIREMENTS FOR RAILROAD GRADE CROSSING

If any person driving a vehicle approaches a railroad grade crossing and a clearly visible or audible signal gives warning of the immediate approach of a railway train or car, he or she shall bring such vehicle to a complete stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and may not proceed until he or she can do so safely.

If any person driving a vehicle of any kind carrying school children, passengers for hire, explosives, or inflammable liquids approaches a railroad grade crossing, he or she shall bring such vehicle to a complete stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and may not proceed until her or she can do so safely. Said requirement to stop shall apply with or without the presence of a signal giving warning.

If any person driving a vehicle approaches a railroad grade crossing designated by stop signs, he or she shall bring such vehicle to a complete stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and may not proceed until he or she can do so safely. Said requirement to stop shall apply with or without the presence of a signal giving warning.

22.02.04: 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 this Chapter.

22.02.05: MEETING OF VEHICLES

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

22.02.06: OVERTAKING A VEHICLE

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 overtaken vehicle but not being used by the overtaken vehicle.

The driver of a vehicle 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.

22.02.07: LIMITATIONS OF PRIVILEGE OF OVERTAKING AND PASSING

The driver of any vehicle shall not drive to the left side of the center line 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 sufficient distance ahead to permit such over-taking and passing to be made safely.

The driver of any vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any railroad grade crossing not at any

intersection of highways or streets unless permitted to do so by a law enforcement officer provided, however, a driver of a vehicle may overtake and pass on the right of another vehicle proceeding in the same direction at an intersection where a traffic holding lane is clearly marked either by signs or lines on the roadway.

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 any highway, street, or bridge when either marked by signs or lines on any highway, street or bridge.

22.02.08: DRIVER TO GIVE WAY TO OVERTAKING VEHICLE

The driver of any 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 the driver of the overtaking vehicle, and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

22.02.09: 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 vehicles and the traffic upon and condition of the highway or street.

22.02.10: TURNING AT INTERSECTIONS

The driver of a vehicle intending to turn to the right at an intersection shall approach such intersection in the lane of traffic nearest to the right hand side of the highway, and in turning shall keep as close as practicable to the right-hand curb or edge of the highway or street, 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 center line 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.

For the purpose of this Section, the center of the intersection shall mean the meeting point of the medial lines of the highway or streets intersecting one another.

The City Commission may authorize the Police Chief to modify the foregoing methods of turning at intersections by clearing indicating by buttons, markers, or other directions 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.

22.02.11 RIGHT OF WAY

When to 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 specifically provided by this Chapter. The driver of any vehicle traveling at an unlawful speed shall forfeit any right of way which he or she might otherwise have hereunder.

The driver of any 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 Ordinance, 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 street or 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 directions devices.

At intersections where traffic is controlled by traffic control signals or law enforcement, drivers of vehicles, including those marking turns, shall yield the right of way to pedestrians crossing or those who have started to cross the roadway on a "Green" or "Go" signal, and in all other cases, pedestrian shall yield the right of way to vehicles lawfully proceeding directly ahead on a "Green" or "Go" 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.

22.02.12: EXCEPTIONS TO RIGHT OF WAY RULE

The driver of any 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 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 vehicles or allowing them to pass when his work requires him to remain on the other side of the traveled portion of the highway; such maintainers shall not in any way interfere with the traffic on said highway unless absolutely necessary, and 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.

22.02.13: REQUIREMENTS ON APPROACH OF AUTHORIZED VEHICLE

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this Ordinance and laws of the state of South Dakota, or of a law enforcement 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 highway or street, or in case of a one-way highway 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 law enforcement officer or until the authorized emergency vehicle shall have passed. This Section shall 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.

22.02.14: DRIVING THROUGH SAFETY ZONE PROHIBITED

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

22.02.15: COASTING PROHIBITED

No person shall when driving a vehicle upon a down grade upon any highway coast with the gears of said vehicle in neutral.

22.02.16: DRIVING ON SIDEWALK AND BIKE PATH PROHIBITED

No person shall drive any vehicle within any sidewalk or bike path area except at a permanent or temporary driveway or alley, or except as may be specifically allowed in this Ordinance.

22.02.17: BACKING AROUND CORNERS OR INTO INTERSECTIONS PROHIBITED

No person shall back any vehicle around a corner at an intersection, or into an intersection of public streets.

22.02.18: RECKLESS DRIVING

No person shall drive any vehicle upon any highway, street or alley in a careless and/or 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 likely endanger any person or property.

22.02.19: CARELESS DRIVING

No person shall 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 likely endanger, any person or property, but not amounting to reckless driving in this Chapter.

22.02.20: U-TURNS AT INTERSECTIONS

At any intersection where traffic is controlled by traffic control signals or by law enforcement officer, or where warned by an official traffic control sign displaying the words “No” U-Turn” or “No Left Turn”, no person shall operate turn any vehicle at the intersection so as to proceed in the opposite direction.

Vehicles making a lawful U-Turn at any intersection shall grant the right of way to all vehicles and motor vehicles approaching and entering such intersection for any purpose other making a U-Turn.

22.02.21: U-TURN PROHIBITED

No person shall make a U-Turn by operating a motor vehicle in the middle of a block, to change direction of travel, or to obtain parking on the opposite side of the roadway, or at any other place other than at an intersection where said U-Turn are not prohibited.

22.02.22: TRUCK ROUTES AND USE OF STREETS OR HIGHWAY BY TRUCKS

It shall be unlawful for any truck, other than pickups pulling tandem or fifth wheel stock trailers, equipped with more than three (3) axles to travel or park upon any street in the City unless such street is a designated truck route, or unless it is necessary to travel or park upon such streets to pick up or make delivery of merchandise or material for a legitimate business purpose. In determining whether a truck is equipped with more than three (3) axles, the number of axles on the truck and the number of axles on any trailer which the truck is pulling shall be added together. If a detour should be

posted around the streets included in the truck route, the detour shall constitute a part of the truck route.

22.02.23: SLOW DRIVING

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

22.02.24: STEALING RIDES AND TRAILING SLEDS

No person shall cause to be attached or to permit any sled of any kind occupied by children to be trailed behind any vehicle, and no person shall ride, trespass upon, seize hold of, or drag, slide, or in any manner trail behind any vehicle.

22.02.25: EXHIBITION DRIVING

No person shall drive a vehicle within the limits of the City in such a 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.

22.02.26: COMMERCIAL ADVERTISING VEHICLES

No person shall operate, stand, or park a vehicle on any street for the purpose of commercial advertising. Advertisements relating to the business for which a vehicle is used may be put upon a motor vehicle when such vehicle is in use for normal delivery or business purpose, and not merely or mainly for the purpose of commercial advertising.

Notwithstanding the forgoing provision of this Section, buses and taxi cabs operated for whether for hire or at no charge and law enforcement and emergency vehicles may display commercial advertisements on the exterior surface area of said vehicles.

CHAPTER 22.03
REGULATIONS AS TO CONDITION OF VEHICLES

SECTIONS:

- 22.03.01: Restrictions on tire equipment
- 22.03.02: Brakes
- 22.03.03: Horns and warning devices
- 22.03.04: Mirrors required
- 22.03.05: Windshields shall be unobstructed
- 22.03.06: Prevention of noise, smoke and regulation of muffler cut-outs
- 22.03.07: Required lighting equipment of vehicles\
- 22.03.08: Obstruction of operator's view of driving mechanism

22.03.01 RESTRICTION ON TIRE EQUIPMENT

No tire on a vehicle moved on a highway or street shall have on its periphery any block, stud, flange, clear 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 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; 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 material.

The City Commission may in their 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.

22.03.02 BRAKES

Any 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, 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, semitrailers, or other vehicle 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 this Chapter.

Any 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.

22.03.03: HORNS AND WARNING DEVICES

Any 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 two hundred (200) feet, and it shall be unlawful, except as otherwise provided in this Chapter, for any vehicle 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 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.

Any police and fire department and fire patrol vehicle and any ambulance used for emergency calls shall be equipped with a bell, siren, or exhaust whistle.

22.03.04: MIRRORS REQUIRED

No person shall drive a vehicle on a highway which 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 two hundred (200) feet to the rear of such vehicle.

22.03.05: WINDSHIELDS MUST BE UNOBSTRUCTED

No person shall drive any vehicle upon a highway with any sign, poster, or other nontransparent 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 instruction placed thereon by the manufacturer.

One person shall drive any vehicle upon a highway or street with any object dangling between the view of the driver and the windshield of said vehicle.

22.03.06: PREVENTION OF NOISE, SMOKE, AND REGULATION OF MUFFLER CUT-OUTS

No person shall drive any vehicle on a highway or street 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.

No person shall use a “muffler cut-out” on any vehicle upon a highway or street.

No vehicle shall be driven or moved on any highway or street unless such vehicle is so constructed or loaded as to prevent its contents from dripping, sifting, leaking, or otherwise escaping there from.

22.03.07: REQUIRED LIGHTING EQUIPMENT OF VEHICLES

Any motor vehicle operated or driven in the City shall during the period of one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, and at any other time when there is not sufficient light to render clearly discernable any person on the street at a distance of two hundred (200) feet ahead display lighted lamps as required by Section 44.0351 and 44.0355 of South Dakota code, 1939, and all amendments thereto, and Sections 44.0352 of South Dakota code, 1960 Supplement, and all amendments thereto.

22.03.08: OBSTRUCTION OF OPERATORS VIEW OF DRIVING MECHANISM

No person shall drive any vehicle when there are in front seat of such vehicle more than three (3) 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.

CHAPTER 22.04 SPEED REGULATIONS

SECTIONS:

22.04.01: General Provisions

22.04.02: Speed Limits

22.04.01: GENERAL PROVISIONS

No person shall drive any vehicle on a highway, street, or alley located in this City at a speed greater than is reasonable and prudent under the conditions then existing or at speeds in excess of those fixed by this Chapter or established by the City Commission as hereinafter set forth.

22.04.02: SPEED LIMITS

Where no special hazard exists on any section of a highway, street, or alley which section is not zoned and posted by action of the City Commission, the following speeds shall be lawful, but any speed in excess of said limits shall be unlawful, and shall be prima facie evidence that the speed is not reasonable or prudent;

- A. 15 miles per hour when passing a school zone when children are present, when at school during school recess or while going to or leaving school during opening or closing hours, or during the hours of an organized event or when children are going to or leaving an organized event.
- B. 20 miles per hour speed limit in South Summerset residential areas.
- C. 25 miles per hour on Glenwood Street in North Summerset.
- D. 15 miles per hour on Whistler Court and North Telluride Street as posted.

- E. The speed limit set out in this Section shall not apply to authorized emergency vehicles when responding to emergency calls provided that drivers thereof sound audible signals by siren or horn and red lights are displayed. This provision shall not relieve the driver of an authorized emergency vehicle from the duty of 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 consequence of a reckless disregard of safety of others.

CHAPTER 22.05
PARKING AND STORAGE ON PUBLIC PROPERTY

SECTIONS:

- 22.05.01 Vehicles shall stop at certain through highways or streets
- 22.05.02 Vehicles shall yield at certain through highways or streets
- 22.05.03 Parking or stopping on streets or highways
- 22.05.04 Diagonal parking requirement
- 22.05.05 Parallel parking requirements
- 22.05.06 Stop: Alley or private driveway
- 22.05.07 Parking and stopping prohibited in certain places
- 22.05.08 Parking: snow removal
- 22.05.09 Accumulation of personal property or junk on public property prohibited
- 22.05.10 Fires on public property prohibited
- 22.05.11 Storage on public property prohibited
- 22.05.12 Police Department granted certain authority
- 22.05.13 Removal of prohibited cars and other personal property
- 22.05.14 Violation fees
- 22.05.15 Review by City Commission
- 22.05.16 Failure to pay enforced by court appearance
- 22.05.17 Handicapped parking spaces provided

22.05.01: VEHICLES SHALL STOP AT CERTAIN THROUGH
HIGHWAYS OR STREETS

The City Commission shall be authorizing the placement of octagonal shaped “Stop” signs, determine at what intersections vehicles shall come to a

complete stop. No person shall fail obey said signs by failing to bring the vehicle to a complete stop.

22.05.02: VEHICLES SHALL YIELD AT CERTAIN THROUGH HIGHWAYS OR STREETS

The City Commission shall by authorizing the placement of triangular shaped “Yield Right of Way” signs determined at what intersections certain vehicle shall have a preferential right of way. 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 is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding.

22.05.03: PARKING OR STOPPING ON STREETS OR HIGHWAYS

The Police Department may designate under the authority and directions of the City Commission by proper signs as “No Parking” and wherever said Police Department has so designated “no Parking” it shall be unlawful for any person to fail to comply therewith.

On all other highways or streets in the City not otherwise designated by foregoing subsections or succeeding Sections, or by the Police Department as directed by this City Commission, all vehicles shall be parked parallel with the curb.

22.05.04: DIAGONAL PARKING REQUIREMENTS

Any vehicle parked diagonally 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 (6) inches of the curb, gutter, or sidewalk on and along said street upon which such vehicle is parked, and no vehicle shall nearer than one foot to any other vehicle.

22.05.05: PARALLEL PARKING REQUIREMENTS

Any vehicle parked parallel 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.

22.05.06: STOP: ALLEY OR PRIVATE DRIVEWAY

Any driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto the sidewalk area extending across any alleyway.

22.05.07: PARKING AND STOPPING PROHIBITED IN CERTAIN PLACES

No person operating a vehicle shall 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 such 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 "loading or passenger zone"
- j. At a designated taxicab stand or bus stand
- k. Any No Parking zone which may be designated by signs or by curb which is painted with a solid yellow stripe, or
- l. In 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.
- 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

- n. On the highways, streets and alleys of the City in such a manner as to obstruct vehicular or pedestrian traffic
- o. It shall be unlawful for any person to park or leave standing any vehicle in a stall or a space designated for physically handicapped persons, if such stall or space is posted or marked in a prescribed way, unless the vehicle displays distinguishing license plates or
- p. place cards issued for handicapped persons, including disable veterans. A person convicted of violating this sub-section shall ne punished by a mandatory fine of not less than \$100.00. The Police Department of the City is hereby authorized to remove any vehicle at the expense of the owner of the vehicle from stall or a space designated for physically handicapped persons, if the vehicle is parked in violation of the above provisions.

22.05.08: PARKING: SNOW REMOVAL

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 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 clean.

Any vehicle 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 ne required to pay the cost of towing and removal of said vehicle.

22.05.09: ACCUMULATION OF PERSONAL PROPERTY OR JUNK ON PUBLIC PROPERTY PROHIBITED

No person shall store, deposit, maintain or permit to be maintained or to accumulate upon any public right away any personal property including but not limited to the following:

- a. Garbage, refuse waste, rubbish

- b. Any vehicle that is abandoned, wrecked, dismantled or inoperative including any vehicle with flat tires, missing wheels, et cetera
- c. Any vehicle which is non-licensed or because of body damage, or operating apparatus, including tires and wheels, is in such a condition to render the start, legal operation, or use of said vehicle impossible
- d. Any dead animal remaining on any public property for a period of more than twenty-four (24) hours

22.05.10: FIRES ON PUBLIC PROPERTY PROHIBITED

No person shall ignite any bonfire or campfire on public property

22.05.11: STORAGE ON PUBLIC PROPERTY PROHIBITED

No person shall, unless specifically authorized by the Summerset Police Department, store or permit to be stored any trailer, recreational vehicle, implement, vehicle or other personal property on any public right-of-way.

For the purpose of this Chapter, the term “store” shall include the following:

- a. Leaving any car, pick up, motorcycle, camper, or recreational vehicle in any public right of way for more that five (5) consecutive days
- b. Leaving any farm tractor, implement, trailer, truck or truck tractor in any public right of way for more than twenty-four (24) hours or

Any trailer, recreational vehicle, implement, vehicle or other personal property being stored in violation of this Section shall be immediately removed from the right of way and may not be continued to be stored by moving said property to another location in any public right of way.

22.05.12: POLICE DEPARTMENT GRANTED CERTAIN AUTHORITY

The Summerset Police Department shall have the power to authorize the storage of any vehicle or trailer in the public right a way upon request of an owner in the event said owner proves the Police Department that the storage is necessary for a specific, temporary period of time at a certain location and that the vehicle or trailer is being used in connection with a construction repair, or clean up project, or another event deemed appropriate by the

Police Department and that said project is associated with real property adjacent to or closely located to the area of the public right away where the vehicle or trailer will be temporarily stored.

2.05.13: REMOVAL OF PROHIBITED CARS AND OTHER PERSONAL PROPERTY

Any vehicle or trailer located upon public property in violation of this Chapter or any traffic ordinance of the City may be summarily removed by the Police Department. The owner of the removed vehicle, in addition to any fines and penalties which may be imposed for such violation, shall pay the charges for towing and storage of the removed vehicle.

Any personal property located on any public property in violation of this Chapter may be summarily removed by the Police Department. The owner or person responsible for the violation, in addition to any fines and penalties which may be imposed for such violation, shall pay any costs incurred for the removal of the personal property.

22.05.14: VIOLATION FEES

In addition to the cost of removal and/or storage and assessment of any charges related thereto, any person who violates this chapter, except in the event where the violation involves parking a vehicle in a stall or space designated for physically handicapped persons, shall within 72 hours from the time when the notice of violation was attached to the vehicle, pay to the City the sum of \$10.00. If any person fails to pay sum within 72 hours, he or she shall pay to the City the sum of \$20.00.

Any person who parks a vehicle in a stall or space designated for physically handicapped persons as prohibited by the Chapter, shall within 72 hours from the time when the notice of violation was attached to the vehicle, pay to the City the sum \$100.00. If any person fails to pay the sum within 72 hours, he or she shall pay to City the sum of \$110.00.

22.05.15: REVIEW BY CITY COMMISSION

Any person having received a notice of violation from the Police Department made under this Chapter shall ne entitled to have said

decision/action reviewed by the City Commission. The process shall be as follows:

An aggrieved person shall request a review with the Police Department by filing out a written request form to be provided by the Police Department.

- A. Upon completion of said form, the Police Department shall place the review upon the agenda for the City Commission meeting
- B. The Police Department shall provide written notice to the person requesting the review specifying the time, date and location of the meeting.
- C. The City Commission may notify the aggrieved person of its decision following the meeting; however, the Commission shall issue a written decision to the person within twenty (20) days of the meeting.

Nothing in this section shall be constructed to deprive any person of his or constitutional right a hearing or trial as to any violation charged.

22.05.16: FAILURE TO PAY ENFORCEMENT BY COURT APPEARANCE

Upon failure of any person to any violation fee or fine within the time periods indicated the City may request a summons from the magistrate court requiring said person to appear in court to answer for the violation.

22.05.17: HANDICAPPED PARKING SPACES PROVIDED

The City Commission may, by resolution, designate certain parking spaces within the regulated parking district established herein, as parking for the handicapped only. These spaces shall be clearly designated by posting of signs designating them as handicapped parking spaces only. Only a vehicle which is operated by a disabled person, or a vehicle in which a disabled person is riding, and which vehicle bears a sticker issued by the State of South Dakota, certifying that the owner/operator of this vehicle is a disabled person, shall be allowed to park in these handicapped designated parking spaces. The fact that the vehicle bears a sticker issued by the State of South Dakota certifying that the owner/operator of the vehicle is a disabled person, shall not exempt the person/operating the vehicle from complying with the parking time limit restrictions provided for in this Chapter.

CHAPTER 22.06
SIGNS, SIGNALS, AND TRAFFIC CONTROL DEVICES

SECTIONS:

- 22.06.01 Signals on starting, stopping or turning
- 22.06.02 Flag or light at end of load
- 22.06.03 Unauthorized signs prohibited
- 22.06.04 Interference with signs and signals prohibited
- 22.06.05 Traffic control signal legend
- 22.06.06 Following direction of law enforcement officer

22.06.01: SIGNALS ON STARTING, STOPPING OR TURNING

The driver of any vehicle upon a highway or street before starting, stopping or turning from a direct line shall first see that 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.

The signal herein required shall ne given by means of the hand and arm in the manner herein specified, or by 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.

Whenever the signal is given by means of the hand and arm, the driver shall indicate his 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:

- a. Left turn: Hand arm extended horizontally
- b. Right turn: Hand and arm extended upward
- c. Stop or decrease speed: Hand and arm extended downward

22.06.02: FLAG OR LIGHT AT END OF LOAD

Whenever the load on any vehicle shall extend 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 twelve inches both in length and width except that between one-half hour after sunset and one-half before sunrise there shall be displayed at the end of any such load a red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle.

22.06.03: UNAUTHORIZED SIGNS PROHIBITED

No unauthorized person shall erect or maintain upon any highway, any warning or direction sign, marker, signal or light in imitation of any official sign, marker, signal or light erected under the provisions of this Ordinance, 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 an organization authorized to erect the same by the City Commission.

22.06.04: INTERFERENCE WITH SIGNS AND SIGNALS PROHIBITED

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

22.06.05: TRAFFIC CONTROL SIGNAL LEGEND

Whenever traffic is controlled by traffic-control signals exhibiting the words “Go” or “Stop”, or exhibiting different colored lights successively one at a time, or with arrows, 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 “GO”

1. Vehicular traffic facing the signal may precede 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 vehicles and to pedestrians lawfully within the

intersection or an adjacent cross walk at the time such signal is exhibited.

2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked cross walk.

B. STEADY YELLOW ALONE:

1. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" 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 "STOP"

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 until green or "go" is shown alone, except as hereinafter provided.
2. When the City Commission may permit, the driver of a vehicle which is stopped as close as practicable at entrance to the cross walk and to the far right side of the roadway, then at the entrance to the intersection in obedience to red or "stop" 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 Commission 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 intersecting 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 cross walk and to other traffic lawfully using the intersection.
2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
3. In the event of official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those 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 required obedience by vehicular traffic as follows.

E. FLASHING RED

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

F. FLASHING YELLOW

1. When a yellow lens is illuminated with rapid intermitted 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 Ordinance.

22.06.06: FOLLOWING DIRECTIONS OF LAW ENFORCEMENT OFFICER

Regardless of all traffic signs, any driver of a motor vehicle shall obey traffic directions personally given by a law enforcement officer who is clearly identified as a law enforcement officer. Any willful failure to obey said directions shall constitute a violation of this Ordinance.

CHAPTER 22.07
DUTIES AND OBLIGATIONS IN EVENT OF ACCIDENT

SECTIONS:

- 22.07.01 Duty to stop
- 22.07.02 Striking unattended vehicle
- 22.07.03 Duty upon striking fixtures

22.07.01: DUTY TO STOP

The driver of any vehicle involved in any accident resulting in injury or death to an person or damage to property shall immediately stop and give his name, address and the registration number of his vehicle and exhibit his 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 assistances, 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.

22.07.02: 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 operate or owner of such vehicle of the name and address of the driver and 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 the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

22.07.03: 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 name and address and of the registration number of the vehicle he is driving.

CHAPTER 22.08 PEDESTRIANS

SECTIONS:

- 22.08.01 Pedestrians right of way
- 22.08.02 Crossing streets
- 22.08.03 Pedestrians right and duties at Controlled intersections
- 22.08.04 Pedestrians shall obey traffic signals
- 22.08.05 Boarding or alighting from vehicles
- 22.08.06 Crossing at right angles
- 22.08.07 Skating on sidewalks

22.08.01 PEDESTRIAN'S RIGHT OF WAY

The driver 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 the movement of traffic is being regulated by law enforcement officer 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.

22.08.02: CROSSING STREETS

No pedestrian shall cross a roadway at any point other than within a marked or unmarked crosswalk in the business district as defined in this Ordinance or on any federal highway.

22.08.03: PEDESTRIANS' RIGHT AND DUTIES AT CONTROLLED INTERSECTION

Whenever stop signals or flashing red signals are in place at an intersection or a marked crosswalk between intersections any pedestrian shall have the right of way over drivers of vehicles 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 any vehicle shall stop before entering any crosswalk when any vehicle proceeding in the same direction is stopped as such crosswalk for a purpose of permitting a pedestrian to cross.

22.08.04: PEDESTRIANS SHALL OBEY TRAFFIC SIGNALS

At intersection where traffic is directed by a law enforcement officer 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.

22.08.05: BOARDING OR ALIGHTING FROM VEHICLES

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

22.08.06: 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 cross-walk.

22.08.07: SKATING ON SIDEWALKS

No people shall roller skate, roller blade or operate any skateboard, wagon scooter or similar device upon any sidewalks in the City Parks or public property where signs are posted prohibiting such activities.

CHAPTER 22.09 BICYCLES

SECTIONS:

- 22.09.01: No interference with pedestrians: No riding in certain areas
- 22.09.02: Traffic laws shall be obeyed
- 22.09.03: Lighting required
- 22.09.03: No hitching rides

22.09.01: NO INTERFERENCE WITH PEDESTRIANS: NO RIDING IN CERTAIN AREAS

No person shall ride or propel any bicycle upon any public street, highway, or ally in such a manner as to interfere with any pedestrian thereon.

22.09.02: TRAFFIC LAWS SHALL BE OBEYED

Any person riding or propelling any bicycle shall observe all traffic laws, regulations and traffic signs.

22.09.03: LIGHTING REQUIRED

No bicycle shall be permitted on any public street, highway, alley, sidewalk, or boulevard of the 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 atmosphere 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 200 feet to the rear of said bicycle.

22.09.04: NO HITCHING RIDES

No person riding upon any bicycle, motorcycle, coaster wagon, sled, roller skates or any other similar vehicle shall 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.

Dated this 8th day of July, 2010.

ATTEST:

Rebecca J. Phillips
Finance Officer

Duane K. Fink
Mayor

Vote: Butler: Aye
Fink: Aye
Wagner: Aye

First Reading: July 1, 2010
Second Reading: July 8, 2010
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