

TITLE 8

TRAFFIC REGULATION

- Chapter 8-1: Operation of Motor Vehicles
- Chapter 8-2: Obstruction of Public Thoroughfares
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Chapter 8-1: Operation of Motor Vehicles

8-1-1: Speed Limits.

Any person operating a motor vehicle within the City shall drive at a reasonable and safe speed at all times, and under no circumstances in excess of 25 miles per hour within the municipality, nor in excess of 15 miles per hour in an alley or driveway unless otherwise posted.

8-1-2: Backing Around Corner or Into Intersection 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.

8-1-3: Stealing Rides and Trailing Bicycles or Sleds.

It shall be unlawful for any person to cause to be attached or permit a bicycle or any sled of any kind occupied by anyone to be trailed behind any vehicle in the City limits of this City and no person shall ride, seize hold of, trespass upon or drag, slide or in any manner trail behind any vehicle.

8-1-4: Parking Cars Off Street for Snow Removal.

It shall be unlawful for any person to leave a motor vehicle parked on any alley or street within the City for any great length of time during the winter months in such a manner as to interfere with the clearing of alleys and streets of snow. It shall be unlawful for any person to park overnight at any time on First Avenue between Laura Street and Herrick Street, and any person so parking a vehicle thereon overnight shall be deemed guilty of a misdemeanor and shall be fined accordingly.

8-1-5: Parking of Motor Vehicles.

- (A) All words which are not defined herein and are not defined in the South Dakota Codified Laws have their ordinary and usual meaning.

- (B) Definitions:
- (a) "diagonal parking" shall mean that a motor vehicle shall be parked or stopped to the curb, gutter, sidewalk or edge of the roadway at an angle of forty-five degrees and parked within six (6") inches of the curb, gutter, or sidewalk on or along said street upon which said vehicles are parked, and such vehicles shall be parked no nearer than one (1') foot to any other vehicle.
 - (b) "parallel parking" shall mean that motor vehicles and motor vehicle trailers parked or stopped parallel to the curb, gutter, sidewalk or edge of the roadway, and such vehicles shall be parked no nearer than three (3') feet of the front or rear of any other vehicle.
- (C) All persons parking vehicles upon the avenues and streets of this City are required to park the same as "parallel parking," except that they shall park such vehicles as "diagonal parking" on First Avenue between Summit Street and Coteau Street, and elsewhere indicated by signs erected at the direction of the City Council.
- (D) No vehicles shall be left, parked or stopped within fifteen (15') feet of a fire hydrant.
- (E) There shall be no parking at any space where the curb is marked with yellow or red paint and/or labeled "No Parking," or between "No Parking" signs. "No Parking" signs shall have the words "No Parking" painted thereon, with an arrow pointing from one sign to the other which shall designate the "No Parking" space between such signs.
- (F) No semi-trailer, semi-truck or trailer shall be parked on the avenue or street in a residential district for a period in excess of two hours. Such restrictions shall not apply to trucks loading or unloading cargo which may be parked on avenues or streets long enough to complete their loading or unloading operations, nor to any equipment or machinery in use on any construction, maintenance or repair project on any alley, avenue, street or public place.
- (G) No motor vehicle or trailer shall be parked on any alley, avenue, public parking lot, street or on municipal property for a period longer than twenty-four (24) hours at one location. Nor shall any unlicensed motor vehicle, junked cars or trailer be parked or stored on any private property other than in a completely enclosed building.
- (H) The provisions of this chapter regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles while the operator of such vehicle is operating the same in an emergency. However, this exemption shall not protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.
- (I) Any vehicle parked in violation of an ordinance may be removed at the direction of a public law enforcement officer and placed in public storage, and the owner thereof shall pay the charges for towing and storage of said vehicle, together with any fine and penalty which may be imposed for such violation.

Chapter 8-2: Obstruction of Public Thoroughfares

8-2-1: Obstruction of Thoroughfares.

No person shall leave or park unattended any motor vehicle upon the improved or paved or main traveled portion of any highway, road or street within the jurisdiction of the City when it is practical to leave or park such vehicle standing off the improved or paved or main traveled portion of the highway, road or street. However, under no circumstances shall any person leave or park unattended any motor vehicle whether attended or unattended upon any highway, road or street within the jurisdiction of the City unless a clear and unobstructed width of not less than twenty (20') feet upon the main traveled portion of such highway, road or street opposite such standing vehicle be left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of two hundred (200') feet in each direction upon such highway, road or street.

8-2-2: Removal of Obstructing Vehicles.

When any law enforcement officer shall find a vehicle standing upon a highway, road or street in violation of this chapter of this code, then the law enforcement officer is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under the provisions of this chapter.

Chapter 8-3: Motor Vehicle Traffic Control Devices

8-3-1: Authority to Install Devices.

The City Council shall maintain and place traffic control devices, signals and signs when and as required under the traffic ordinances to make effective the provisions of these ordinances, and may maintain and place such additional traffic control devices as may be deemed necessary to guide, regulate and warn traffic within the City.

8-3-2: Obedience to Traffic Control Devices.

The driver of any vehicle shall obey all traffic control devices, signals and signs in accordance with the traffic ordinances of this City unless otherwise directed by a law enforcement officer, subject to the exception granted the driver of an authorized emergency vehicle.

8-3-3: Through Highways and Night Visibility.

The state Department of Transportation is hereby authorized to designate main traveled or through highways under its jurisdiction within the City by erecting at the entrances thereto from intersecting highways stop or yield signs. However, all such signs shall be illuminated at night or placed so as to be illuminated by headlights of an approaching vehicle or by street lights.

8-3-4: Stop Required.

The driver of a vehicle emerging from an alley, building, driveway or private road within a business or residential district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, driveway or road, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic.

8-3-5: Yield Right of Way.

The operator of a vehicle approaching an intersection at which there is posted a Yield Right of Way sign shall bring the vehicle under complete control and shall yield the right of way to vehicles approaching or in the intersection from the left or right and proceeding in the opposite direction. The operator so yielding shall not proceed until the intersection is clear of traffic. This yield rule shall have precedence over the usual left and right approach rule.

8-3-6: Pedestrians' Right of Way.

The operator of any vehicle shall yield the right of way to a pedestrian crossing a roadway within any marked crosswalk or within any unmarked crosswalk at the end of a block or entrance to an alley unless the movement of traffic is being regulated by a law enforcement officer. Whenever any vehicle has stopped at a crosswalk or intersection to permit a pedestrian to cross a roadway the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

8-3-7: Temporary Traffic Regulations.

The City Council shall have the right to establish temporary speed and traffic regulations for the convenience and safety of the public, and when such changes are made, then proper signals and signs shall be posted.

Chapter 8-4: Snowmobiles and Other Vehicles (Amended-see below)

8-4-1: Definition.

A "vehicle" as defined herein is any vehicle having two or more wheels operated on the alleys, highways, streets and public places for the purpose of transporting persons or property including bicycles, cars, go carts, motorcycles, motor scooters, snowmobiles, tractors and trucks and all other vehicles used or operated on the public roads.

8-4-2: Operation of Vehicles.

All vehicles being operated upon the alleys, streets and public grounds of the city shall be operated in a careful and prudent manner at all times, and the operator of such vehicle shall obey and be subject to the laws and rules of the road.

8-4-3: Snowmobiles.

It shall be unlawful for any person to operate a snowmobile within the City unless such operation allows a resident to proceed directly outside the municipality from their residence and return in the same manner. It shall be unlawful to operate a snowmobile in a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of residents within the City. It shall be unlawful to operate a snowmobile in a careless, negligent or reckless manner so as to endanger the safety of any person or the property of any other person.

ORDINANCE NO. 2021-370

AN ORDINANCE ALTERING ORDINANCE NO. 2007-339

TITLE 8, CHAPTER 8-4 DATED NOVEMBER 5, 2007

TRAFFIC REGULATIONS

SNOWMOBILES AND OTHER VEHICLES

RESTRICTED USE OF UNLICENSED MOTOR VEHICLES.

Section 1. SHORT TITLE. This section shall be known as the "Unlicensed Motor Vehicles Ordinance."

Section 2. DEFINITIONS. As used in this section:

Designated roadways mean any street or alley within the city limits of Gary, SD.

Unlicensed Motor Vehicle means any motorized vehicle that is not required to obtain a license from the State of South Dakota. This includes but is not limited to golf carts, go-carts and any other motorized vehicle used for recreation or transportation that is not required to obtain a license from the State of South Dakota. Unlicensed Motor Vehicle does not include any farm implement or any military law enforcement vehicle.

Operator means every person who operates or is in actual physical control of the operation of an Unlicensed Motor Vehicle.

Owner means every person holding record of title to an Unlicensed Motor Vehicle and entitled to the use or possession thereof, other than a lien-holder or other person having a security interest only.

Person means an individual, partnership, association, corporation, and any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.

Slow-moving vehicle means any vehicle which is ordinarily moved, operated, or driven at a speed less than 25 miles an hour.

Trailer means a vehicle without motive power being drawn by an Unlicensed Motor Vehicle, and so constructed that no significant part of its weight rests upon the Unlicensed Motor Vehicle.

Section 3. UNLAWFUL OPERATIONS. It is a violation of this section for any person to do any act forbidden or fail to perform any act required in this section.

Section 4. GENERAL PROVISIONS, EQUIPMENT AND OPERATION.

- A. Unlicensed Motor Vehicles will be permitted upon the designated roadways of the city of Gary, SD, during daylight hours only after issuance of a permit for said operation from the City of Gary Finance Office. The permit fee shall be \$10.00 and shall be renewed annually.
- B. Unlicensed Motor Vehicle operation after daylight hours is permitted if the Unlicensed Motor Vehicle is equipped with a functioning headlamp of at least a single beam type and function rear lamps. The headlamp of the Unlicensed Motor Vehicle shall be of sufficient intensity to render clearly discernible a person or vehicle at a distance of not less than one hundred feet. The rear lamps shall consist of at least two tail lamps mounted on the rear, which when lighted shall emit a red light plainly visible from a distance of five hundred feet to the rear.
- C. The operator of an Unlicensed Motor Vehicle, when operating on the designated roadways, shall do so in conformance with all traffic and safety laws of the state of *South Dakota* and the city of *Gary, SD*.
- D. At no time shall Unlicensed Motor Vehicles be operated upon sidewalks or in lawfully posted areas.
- E. The operator of an Unlicensed Motor Vehicle emerging from an alley, driveway, or building, or upon approaching a sidewalk or sidewalk area, shall before entering a roadway yield the right-of-way to all vehicles and pedestrians approaching said roadway.
- F. Any person operating an Unlicensed Motor Vehicle upon a designated roadway must possess a valid driver's license.
- G. Every Unlicensed Motor Vehicle moved, operated, or driven upon a designated roadway shall display a "slow moving vehicle" emblem or a flashing amber light in accordance with SDCL 32-15-20 and SDCL 32-15-21.

H. The Unlicensed Motor Vehicle may tow a trailer. The operator of an Unlicensed Motor Vehicle towing a trailer on the designated roadways shall do so in conformance with all traffic and safety laws of the state of *South Dakota* and the city of *Gary, SD*. The operator of the Unlicensed Motor Vehicle shall ensure that the trailer is equipped with:

(1) A “slow moving vehicle” emblem or flashing amber light which shall be mounted on the rear of the trailer in accordance with SDCL 32-15-20 and SDCL 32-15-21.

(2) At least one tail lamp mounted on the rear, which, when lighted shall emit a red light plainly visible from a distance of five hundred feet to the rear, and two red reflectors, one at each side.

Section 5. LIABILITY INSURANCE. The owner of an Unlicensed Motor Vehicle that is operated upon the designated roadways for any duration or distance is required to have liability insurance. Certificate of insurance shall be carried in the Unlicensed Motor Vehicle at all times and shall be presented by the operator of the Unlicensed Motor Vehicle to any law enforcement officer requesting proof of such insurance in the course of his duties. The operator of an Unlicensed Motor Vehicle shall ensure that such insurance coverage exists before operating an Unlicensed Motor Vehicle upon any roadway.

Section 6. ACCIDENTS AND ACCIDENT REPORTS. Any operator of an Unlicensed Motor Vehicle involved in an accident on the city of *Gary, SD* roadways resulting in injuries to any person, the death of any person, or resulting in damage to public or private property to the extent of \$250.00 or more, shall immediately notify a city law enforcement officer or the city police department of the accident and the facts in relation to the accident.

Section 7. ENFORCEMENT. Law enforcement officers of the city of *Gary, SD*; *Deuel County, SD*; or the *South Dakota* state police, displaying his badge of office, have the authority to enforce the provisions of this Unlicensed Motor Vehicle Ordinance within the city of *Gary, SD* and may issue citations for any violations of the provisions of the Unlicensed Motor Vehicle Ordinance.

Section 8. PENALTIES. A violation of any section of this section shall be a Class 2 Misdemeanor and shall be punishable by fine, imprisonment, or both as follows:

A. For any violations occurring upon the public highways or roadways, as provided by law for such violations applying to persons owning or operating motor vehicles according to South Dakota Codified Law.

B. In addition to the foregoing, for any violation of this Ordinance, the violator shall be subject to thirty days imprisonment in the county jail, a fine of not more than \$500.00 or both for each violation.

Effective Date: August 2, 2021