

ORDINANCE NO. 288

TRAFFIC REGULATION

BE IT ORDAINED by the Town of Hayti, Hamlin County, South Dakota

SECTION I. TRAFFIC REGULATION

1. DEFINITIONS

- A. "Street," unless otherwise qualified, shall mean a street is any public property which is open or is designed to be open to travel by automobile, truck, or other motor vehicle.
- B. "Motor vehicle" shall mean any mode of transportation powered by engine or motor, including motorcycles and ATV's.
- C. "Town" shall mean the Town of Hayti, South Dakota.
- D. "Junked motor vehicle" shall mean any motor vehicle that does not have lawfully affixed thereto both an unexpired license plate or plates and a motor vehicle inspection certificate, if such certificate is required, or any motor vehicle which is wrecked, dismantled, partially dismantled, inoperative, or discarded. An operating vehicle is one that demonstrates self-propelled ability upon request of law enforcement.
- E. "Abandoned motor vehicle" shall mean any inoperable or unlicensed motor vehicle which is left unattended on any public street, alley, public place, or parking lot within the Town for a longer period than twenty-four (24) hours without notifying the local law enforcement and making arrangements for the parking of such motor vehicle.
- F. "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- G. "Private property" shall mean any real property within the Town which is privately owned and which is not public property as defined in this section.
- H. "Public property" shall mean any street, alley, or highway, which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

2. PURPOSE

The purpose of this chapter is to describe the regulations of motor vehicles operating within the Town of Hayti regarding the place of operation, manner of operation, prerequisites to operation, speed regulations, parking regulations, and establishment of snow routes to ensure the safe movement of motor vehicles upon the streets and alleyways of the Town of Hayti.

SECTION II. OPERATION OF MOTOR VEHICLES

1. PLACE OF OPERATION

It is unlawful to drive a motor vehicle in the Town or cause entry of a motor vehicle:

- A. Upon private property, without the consent of the property owner.
- B. Upon public property, except streets, between curbs, alleys, designated driveways, and parking lots.
- C. Upon any property that has been barricaded, fenced, or otherwise closed to traffic by private owner or as authorized by the Town.
- D. Upon any surface which is likely to be damaged by the vehicle due to weight, load distribution, or tire design without permission of the Town or owner of the private property.

2. EXHIBITION DRIVING

It is unlawful to drive a motor vehicle in the Town, or cause a motor vehicle to be operated:

- A. In excess of reasonable and prudent speeds where ice, rain, fog, or snow cause speed limits to be unsafe.
- B. So that any tire thereof slides, skids, spins, leaves the ground, squeals, or planes on water, unless conditions are so icy that these measures are necessary for travel, or it is necessary to avoid imminent collision due to unlawful or negligent acts of other persons or animals.
- C. So that unnecessary noise or smoke is emitted from the vehicle.
- D. So that the vehicle approaches within two (2) feet of pedestrians, skaters, skateboarders, or bicyclists.
- E. With any person clinging to, seated, or standing upon, or otherwise traveling with but outside the vehicle.
- F. In reverse around a corner, for a distance in excess of thirty (30) feet, or at a speed in excess of five (5) miles per hour.
- G. With windshield or windows obstructed, obscured, or fractured to a degree that interferes with vision.
- H. At a speed greater than twenty-five (25) miles per hour, unless in a speed zone designated by signs specifying other limits, in which case those limits may not be exceeded.
- I. With the unnecessary use of "jake brakes" or compression brakes, except in emergency situations.

3. CARELESS DRIVING

Any person who drives any vehicle upon a highway, alley, public park, recreational area, or upon the property of a public school carelessly and without due caution, at a speed or in a manner so as to endanger any person or property, not amounting to reckless driving as defined in SDCL 32-24-1, is guilty of careless driving. Careless driving is a Class 2 misdemeanor.

4. PREREQUISITES TO OPERATION

It is unlawful to drive or operate a motor vehicle upon any public property within the Town unless all of the following conditions are met:

- A. The driver or operator has in his possession a valid license or permit to drive issued by an agency of a state or federal government to that person.
- B. The motor vehicle is in conformity with all state safety requirements, is in a condition which permits safe operation and, except for farm machinery, mopeds, and road maintenance equipment, is licensed by the state.

5. EMERGING FROM ALLEY, DRIVEWAY

It is unlawful to drive a motor vehicle from an alley, driveway, sidewalk, or any entrance onto a public street, without first bringing the vehicle to a complete stop at the crosswalk or sidewalk crossing.

6. TRAFFIC DIRECTION

It is unlawful for anyone driving or operating a motor vehicle within the Town or its jurisdiction to fail to obey any Town or State traffic sign, signal, or pavement marking, to cross any barricade lawfully placed in or across a street, or to fail or refuse to obey the direction of a law enforcement or Town employee engaged in directing traffic.

7. HORNS AND SIRENS

It is unlawful to sound the horn of a motor vehicle unless necessary to avert an imminent collision or traffic accident. No motor vehicle other than law enforcement vehicles, fire trucks, and ambulances may be equipped with or sound sirens or audible emergency signals other than horns.

8. REPORT OF ACCIDENT

Any person causing or involved in a collision or other damage by or to a motor vehicle shall immediately note the physical description of the vehicle or vehicles involved, and communicate the circumstances and description of the incident to local law enforcement.

9. LEAVING SCENE OF ACCIDENT

No person shall leave the scene of an accident, collision, or other damage by or to a motor vehicle, if that person owns or was operating a motor vehicle involved in the accident, prior to authorization by the investigating officer.

10. BEER OR ALCOHOLIC BEVERAGE CONTAINER IN MOTOR VEHICLE

It is unlawful for any person to have a package or any receptacle containing an alcoholic beverage in his possession in a motor vehicle unless the seal of the original package remains

unbroken or the alcoholic beverage is so removed that no occupant of the motor vehicle shall have access to it while the vehicle is in motion.

SECTION III. TRAFFIC CONTROL

1. SPEED

It is unlawful to drive or cause operation of a motor vehicle in excess of twenty-five (25) miles per hour, except as otherwise provided by signs, signals, or traffic control devices in the area.

Where signs, signals, or traffic control devices specify a speed less than twenty-five (25) miles per hour, the lesser speed shall be the maximum permissible speed.

2. SPEED ZONES

The beginning of any speed zone is the location of the sign, signals, or traffic control device that requires or permits decrease of increase of motor vehicle speed. Such speed zone shall continue until the beginning of the next speed zone.

SECTION IV. VEHICLE ABANDONMENT AND REMOVAL

1. PARKING ON PUBLIC PROPERTY

It is unlawful to park or place upon streets or public property of any nature, any motor vehicle, trailer, equipment, or implement which is not currently licensed and in operating condition for periods in excess of twenty-four (24) hours at the same location.

2. NOTIFICATION

If the presence of the property does not constitute a substantial hazard or obstacle to the public which utilizes the public property upon which it is situated, the investigating officer shall attach an official sticker, notice, or citation to the vehicle or property in a conspicuous place, stating that the vehicle must be removed from public property within twenty-four (24) hours or it will be seized.

3. SEIZURE

Upon expiration of the twenty-four (24) hour period, or upon determination that the vehicle or property has been reported stolen or has otherwise been misappropriated or used in the commission of a crime, or upon determination that such vehicle or property poses a hazard or obstacle to users of the public property, the vehicle or property shall be taken into custody and impounded.

4. VIOLATION

Any person in violation of any section within this chapter shall be guilty of a misdemeanor and upon conviction shall be penalized as provided in Ordinance #277. Each day's violation, failure, refusal, or neglect to comply with any provision of this code or regulation promulgated thereunder shall constitute a separate and distinct offense.

5. SEVERABILITY

If any provision of this chapter is declared unconstitutional or the application of this chapter to any person or circumstance is held invalid or unconstitutional, the remainder of this chapter and applicability thereof to other persons or circumstance shall not be affected thereby.

SECTION V. EMERGENCY PROVISIONS

1. EMERGENCY VEHICLES

The provisions of this title shall not apply to the following, provided such vehicles are responding to an emergency or are in the course of official functions such as apprehending violators:

- A. Local law enforcement, police, sheriff, or highway patrol vehicles.
- B. Ambulance vehicles.
- C. Rescue squad vehicles.
- D. Fire fighting equipment.

2. PARKING OF VOLUNTEER VEHICLES

The provisions of the chapter on parking shall not apply to volunteer fire fighters, or rescue squad members as to their private vehicles, so long as said individuals are engaged in official duties.

Dated this _____ day of _____, 2013

TOWN OF HAYTI

By: _____
It's Mayor

ATTEST:

Town Finance Officer

(Seal)

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