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TITLE 13. TRAFFIC CODE

Chapter 13.1 Definitions.

Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section.

- a. *“Alley”* - shall mean every highway, roadway, street or alley set apart for public travel except for footpaths.
- b. *“Bicycle”* - shall mean every vehicle propelled solely by human power upon which any person may ride, except scooters and similar devices.
- c. *“Boulevard”* - shall mean the area of right of way between curb and adjacent lateral property line.
- d. *“Business District”* - shall mean that area designated “C1” Central Commercial District on the Official Zoning Map referred to in Chapter 1.03 of the Zoning Ordinance of the City of Flandreau, South Dakota.
- e. *“City”* - shall mean the City of Flandreau.
- f. *“Crosswalk”* - shall mean:
 - 1. That portion of a roadway included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable road; and in the absence of a sidewalk on one side of the roadway, that part of the roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the center line; or
 - 2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway.
- j. *“Department”* - shall mean the police department of the City of Flandreau.
- k. *“Driver”* - shall mean every person who drives, operates or is in actual physical control of a vehicle.
- l. *“Driveway”* - shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

- m. *“Equipment or Devices”* - include but are not limited to: seat belts and attachments; safety harnesses and attachments; child restraint and seating devices and attachments; flares, headlights, auxiliary driving lamps, rear lamps, spotlights, identification lamps, clearance lamps, signal lamps, and all other lighting devices; brake fluid, brake hoses, brake linings, and other brake systems and equipment; eye protective devices and motorcycle helmets for motorcycle operators; safety glass or safety glazing in all partitions, doors, windows, windshields, or wind deflectors; windshield wipers, rear vision mirrors; horns; trailer hitches; driver's license; and license plates.
- n. *“Highway”* - shall mean every highway, roadway, street or alley set apart for public travel except for footpaths.
- o. *“Intersection”* - shall mean 1) the area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadway of two highways which join one another at or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; 2) where a highway includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; 3) the junction of an alley with a street or highway shall not constitute an intersection.
- p. *“Jacobs Brakes”* - Dynamic braking device mean a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
- q. *“Law Enforcement Officer”* - shall mean every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- r. *“Manual on Uniform Traffic Control Devices”* - shall mean that publication by the U.S. Department of Transportation governing traffic control devices.
- s. *“Moped”* - shall mean a motor driven cycle equipped with two or three wheels. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty cubic centimeters regardless of the number of chambers in such power source. The power source shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.
- t. *“Motorcycle”* - shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels that contact with the ground, but excluding a tractor.

- u. *“Motor Vehicle”* - shall mean every vehicle, as herein defined, which is self-propelled.
- v. *“Occupant”* - shall mean person who lives or resides on any property.
- w. *“Operator”* - shall mean and include every individual who is in actual physical control of a vehicle as the owner thereof or as the agent, employee or permittee of the owner.
- x. *“Park or Parking”* - shall mean the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.
- y. *“Pedestrian”* - shall mean any person afoot.
- z. *“Person”* - shall mean every natural person, firm, partnership, association, or corporation.

- aa. *“Police Department”* - shall mean the Police Department for the City of Flandreau.
- bb. *“Private Property”* - shall mean and include any and all real property or land within the City of Flandreau that has not been opened or dedicated for public use or as a public thoroughfare.
- cc. *“Residential District”* - shall mean the territory contiguous to and including a highway not comprising a business district when the frontage of such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings not in use for business.
- dd. *“Right-of-way”* - shall mean the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian.
- ee. *“Roadway”* - shall mean that portion of the street or highway between the regularly established curb lines or that part devoted to vehicular traffic.
- ff. *“Sidewalk”* - shall mean that portion of a street between the curb lines, or the lateral lines of the roadway, and the adjacent property lines, intended for use by pedestrians.
- gg. *“Snowmobile”* - shall mean any engine-driven vehicle of a type which utilizes sled type runners, wheels, or skis with an endless belt tread or similar means of contact with the surface upon which it is operated.
- hh. *“State”* - shall mean the State of South Dakota.

- ii. *“Stop or Stopping”* - when prohibited, shall mean any halting, even momentarily of a vehicle, whether occupied or not, 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.
- jj. *“Street”* - shall mean every highway, roadway, street or alley set apart for public travel except footpaths.
- kk. *“Traffic”* - shall mean pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any street or highway for the purpose of travel.
- ll. *“Traffic Control Devices”* - shall mean all signs, signals, markings, and devices not inconsistent with this chapter, placed or erected by the authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.
- mm. *“Trailer”* - shall mean every vehicle with or without motive power designated for carrying persons or property wholly on its own structure and being drawn by a motor vehicle.
- nn. *“Vehicle”* - shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon any street or highway, excepting devices used exclusively upon stationary rails or tracks.

Chapter 13.2 General.

Section 13.2.1. Traffic Control Devices.

All signs and signals required hereunder for the particular purpose shall be uniform as to the type and location throughout the City, so far as practicable. All traffic control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices.

Section 13.2.2. Powers and duties of the police.

It shall be the duty of law enforcement of this city to enforce all city ordinances. Officers are hereby authorized to direct all traffic personally or by means of visible or audible signals in conformance with the provisions of this chapter. In the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, law enforcement officers or fire department personnel may direct traffic, as conditions may require, notwithstanding the provisions of this chapter.

Section 13.2.3. Applications of this chapter to pushcarts, bicycles, motorcycles, mopeds, and animals - exceptions.

Any person propelling a pushcart, bicycle, moped, motorcycle, animal, animal-drawn vehicle or any conveyance in the city shall be subject to the provisions of this chapter applicable to the operator of the vehicle, except those provisions with reference to equipment of vehicles and which by their nature can have no application.

Section 13.2.4. Duty of police to investigate accidents.

Immediately upon the report of any accident, officers shall have the duty of investigating such accident in accordance with the policy set by law enforcement. Any report filed shall be kept on file and available for inspection by the parties or their duly authorized representatives.

Section 13.2.5. Police authorized to remove vehicles in violation of this chapter - payment of costs of removal.

Any vehicle parked or allowed to remain in violation of any of the provisions of this chapter may be removed or caused to be removed by law enforcement of the city and towed to an area designated by the police department. Any towing and storage charges resulting from removal of a vehicle shall be paid by the owner or person parking such vehicle in addition to the fine and other penalties prescribed.

Section 13.2.6. Traffic control devices - no violation if not in place.

No provisions of this chapter for which signs are required shall be enforceable against an alleged violator, if, at the time and place of the alleged violation, the sign or signal herein required is not in proper position, sufficiently legible, or in proper working order to be seen by an ordinarily observant person.

Section 13.2.7. Failure to comply with lawful order or warning.

It shall be unlawful for any person to refuse or fail to comply with any lawful order or direction of a law enforcement officer.

Section 13.2.8. Unlawful to display or attach anything resembling or imitating official signal or device - removal as nuisance.

Article 13.2.8.1. It shall be unlawful for any person to place or maintain or to display upon or in view of any street any official sign, signal or device which purports to be or is an imitation of or resembles an official traffic sign or signal or which attempts to direct the movement of traffic.

Article 13.2.8.2. It shall be unlawful for any person to place, attach to, or display upon an official sign or signal any sign, signal or device. Every such prohibited sign, signal or device is hereby

declared to be a public nuisance and the Chief of Police is hereby empowered to remove the same or cause it to be removed without notice.

Section 13.2.9. View obstruction at intersection or right of way.

It shall be unlawful for the owner or occupant of any property to allow, maintain or fail to remove any wall, fence, foliage, or objects which obstructs the view at any intersection of streets or alleys or to place or allow any sign or object on the boulevard or right of way adjacent to his property which obstructs the view from any alley, driveway or roadway.

Chapter 13.3 Vehicle Operation

Section 13.3.1. Jurisdiction - Speed Limits. (Ord. 548)

The City of Flandreau shall enact, maintain, and enforce its speed limits upon all alleys, streets, highways, and public places under its jurisdiction as located within and one mile outside of the City's boundaries.

Section 13.3.2. Exhibition driving.

Any person who drives a vehicle in such a manner that creates or causes unnecessary engine noise, 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.

Section 13.3.3. Speed limits and operator's duties. (Ord. 574)

On any street, the speed limit shall be twenty-five miles an hour, unless otherwise posted. It shall be unlawful to exceed the twenty-five mile per hour limit or any posted limit, or to exceed any of the following limitations:

- a. Ten miles per hour in any alleys unless otherwise posted.
- b. Fifteen miles per hour within the Flandreau City Park.
- c. Fifteen miles per hour on 2nd Avenue from Prairie Street to Center Street.
- d. Fifteen miles per hour on 2nd Avenue from George Billam Drive to 12th Street, when children are present.
- e. Fifteen miles per hour on Community Drive from Veterans Street to George Billam Drive.
- f. Fifteen miles per hour on 12th Street from 2nd Avenue to 1st Avenue, when children are present.

- g. Fifteen miles per hour on George Billam Drive from 2nd Avenue to 1st Avenue, when children are present.
- h. Fifteen miles per hour on 1st Avenue from 13th Street to Wilson Street, when children are present.
- i. Fifteen miles per hour on Wilson Street from 1st Avenue to Bridge Avenue.
- j. Fifteen miles per hour on Bridge Avenue from West Street to Wilson Street.
- k. Ten miles per hour within the Flandreau City Cemetery.

Section 13.3.4. Speed over reasonable and prudent. (Ord. 548)

It shall be unlawful for any person to operate a vehicle on any alley, street, highway, or in any public place at a speed that is greater than reasonable and prudent under the conditions then existing, or at speeds in excess of those ordained by the City of Flandreau; and any speed in excess of such limit shall be prima facie evidence that the speed is not reasonable or prudent.

Section 13.3.5. Unlawful to enter street without stopping.

The operator of any vehicle emerging from an alley, driveway, private drive or any entrance to the roadway shall stop such vehicle prior to driving onto a sidewalk area or the roadway.

Section 13.3.6. Stop sign violation.

The operator of any vehicle traversing a street upon which a stop sign has been erected, in accordance with the provisions of this chapter, shall bring such vehicle to a full stop at a place within fifteen feet of the nearest line of the intersection of said streets or street alley. After having stopped, the operator of any vehicle shall yield right of way to any vehicle which has entered or is approaching the intersection from another street and shall not proceed into the intersection until certain that such intersecting street is free from oncoming traffic which may affect safe passage.

Section 13.3.7. Illegal U-turn.

A driver of any vehicle shall not make a U-turn as follow:

- a. At an intersection where warned by an official traffic control sign displaying the words "No U-turn."
- b. In the area mid-block between two intersections.
- c. To park on the opposite side of the street.

Section 13.3.8. Opening and closing vehicle doors in traffic.

No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of traffic. Further, no person shall leave a door open on a side of a vehicle available to moving traffic for a period of time longer than is necessary to load and unload passengers.

Section 13.3.9. Unlawful avoidance of intersection.

It shall be unlawful for any person to operate any vehicle upon any sidewalk, driveway, filling station or any other commercial driveway or other similar surface located at the corner of any intersection protected by a traffic sign, for the purpose of evading the regulations governing the movement of any vehicle at an intersection.

Section 13.3.10. Unlawful to operate vehicle on sidewalk.

The driver of a vehicle shall not drive on any sidewalk area, except at a permanent or temporary driveway.

Section 13.3.11. Unlawful to operate vehicle in Public Park, recreation area or school ground.

It shall be unlawful to operate any vehicle in any park, recreation area or school ground except on the normally traveled roadways or in specifically designated areas.

Section 13.3.12. Operation of motor vehicle on bicycle path.

No person shall operate a motor vehicle or moped within an established and officially designated bicycle lane or path except when necessary to park where parking is permitted, for the purpose of ingress or egress to and from driveways or for the purpose of intersectional travel.

Section 13.3.13. Unlawful to roller skate or operate any toy or similar vehicle upon any street - exceptions.

It shall be unlawful for any person on roller skates or riding in any toy vehicle or similar device, to go upon any roadway except while crossing a street or crosswalk.

Section 13.3.14. Unlawful to allow unreasonable noise from vehicle.

It shall be unlawful for any person to cause or allow any loud, unreasonable noise to emit from a vehicle under his control that annoys, disturbs or endangers the peace or safety of others. Unreasonable noises include but shall not be limited to the following:

- a. The sounding of any horn or signaling device of any automobile, motorcycle, truck or other vehicle on any street or public place except as a danger warning; the creation by means of any such signaling devices of any unreasonable, loud, or harsh sound; the sounding of such devices for any unnecessary and unreasonable period of time other than by

accident or mechanical, electrical or other difficulty or failure; and the use of any such signaling device where traffic is held up.

- b. The use or operation of any radio, phonograph or other sound producing machine, in such a manner as to disturb the peace of any other person on or adjacent to the roadway upon which the vehicle is being operated, or in such a manner as to dangerously distract the operator of said vehicle or any other vehicle.
- c. The operation of any vehicle or vehicle engine in a manner that produces unnecessary engine or exhaust noise.
- d. Operating any motor vehicle with a dynamic braking device (Jacobs Brakes) engaged except for the aversion of imminent danger shall be prohibited
- e. Any public emergency response vehicle equipped with a dynamic braking device will be allowed to use such device during a response to an emergency situation.

Section 13.3.15. Failure to obey school crossing guard.

It shall be unlawful for the operator of any vehicle or pedestrian to fail to obey the "stop" or "caution" signals of any school crossing guard.

Section 13.3.16. Uncovered or unsecured load violation.

It shall be unlawful to operate a vehicle in such a manner as to cause spillage of refuse or solid wastes on the streets or road.

Section 13.3.17. Parades and Processions.

Article 13.3.17.1 All funeral processions, parades, and similar events shall be conducted under the supervision of the City law enforcement. At least 24 hours' notice shall be given City law enforcement prior to any parade or procession.

Article 13.3.17.2 No driver of any vehicle shall drive through or otherwise interfere with any funeral or other authorized procession or parade on any of the streets. It shall be the duty of the driver of any vehicle to stop when reaching a street on which such a procession is passing and wait until the procession has entirely passed or otherwise been given a signal to proceed by a law enforcement officer.

Article 13.3.17.3 It shall be unlawful for any person on a parade entry to throw or otherwise distribute any object such as candy to spectators. This does not prohibit distribution of candy or other

tokens by someone walking along the curb or sidewalk on the parade route provided that such objects are handed to individuals and not tossed.

Chapter 13.4 Pedestrian Rights and Duties

Section 13.4.1. Pedestrian street crossing only at marked or unmarked crosswalks.

Article 13.4.1.1 No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb at an intersection with a marked or unmarked crosswalk.

Article 13.4.1.2 A pedestrian may cross the roadway at a place other than an intersection provided that there is a marked crosswalk.

Section 13.4.2. Unlawful soliciting of rides.

It shall be unlawful for any person to stand or walk in the roadway for the purpose of soliciting a ride from the operator of any vehicle.

Section 13.4.3. Pedestrians yield to authorized emergency vehicle.

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals as required by state law, every pedestrian shall yield right of way to the authorized emergency vehicle.

Section 13.4.4. Pedestrian right-of-way.

Article 13.4.4.1 The driver of any vehicle operating on or crossing a sidewalk shall yield the right of way to any pedestrian.

Article 13.4.4.2 A pedestrian traveling on the sidewalk shall have right of way over any other traffic on the sidewalk.

Chapter 13.5 Bicycles

Section 13.5.1. Applicability of traffic laws.

Every person riding or operating a bicycle upon a roadway shall be granted all the rights and shall be subject:

- a. To all the duties applicable to the driver of a motor vehicle by the laws of the State of South Dakota, and

- b. To the provisions of this chapter declaring rules of the road applicable to the driver of a vehicle except as to those provisions of laws and ordinances which by their nature have no application.

Section 13.5.2. Regulations for operation of bicycles generally.

It shall be unlawful for any person to operate a bicycle in any of the following described manners:

- a. At a speed greater than is reasonable and prudent under conditions then existing.
- b. Whenever a usable path for bicycles has been provided adjacent to the roadway or as part of the roadway, bicycle riders shall use such paths and shall not use the remaining portion of the roadway. Wherever the City has provided sidewalks and bituminous ramps adjacent to streets for the accommodation of bicycle riders, such sidewalks and ramps shall be regarded as usable paths for bicycles.
- c. The operators of a bicycle shall stop prior to emerging from any alley, public or private driveway or building upon any street or sidewalk or sidewalk area and shall yield right of way to all vehicles and pedestrians approaching upon any street, highway, sidewalk or sidewalk area.
- d. Attaching the bicycle or the rider in any manner to any other vehicle.
- e. Towing or drawing any coaster, sled, or person on roller skates, toy vehicle or other similar vehicle upon any roadway.
- f. Riding more than two (2) abreast.
- g. Carrying any package, bundle or article which prevents or interferes with the rider keeping both hands upon the handlebars.
- h. Riding with both hands removed from the handlebars or both feet from the pedals or practicing any acrobatic riding upon any bicycle on any roadway, sidewalk or bicycle path. As defined in this section.
- i. Before turning or changing the direction of any bicycle upon any street highway, parkway or public place, it shall be the duty of the bicycle rider to give a proper hand signal by the extension of the left hand to indicate the direction of the intended turn.

Section 13.5.3. Obedience to traffic devices and signs.

Article 13.5.3.1 Any person operating a bicycle shall obey the instructions of traffic control devices unless otherwise directed by a police officer.

Article 13.5.3.2 On any street or intersection where U-turns or other turns are prohibited and signs are erected and in place so indicating, no person operating a bicycle shall disobey the direction of any such sign. Except that where such person dismounts from the bicycle to make such turn, the person shall then obey the regulations applicable to pedestrians.

Section 13.5.4. Manner of riding.

Article 13.5.4.1 Any person operating a bicycle shall not ride other than upon or astride the permanent and regular seats attached thereto, nor carry any other person upon such bicycle other than on a firmly attached and regular seat.

Article 13.5.4.2 No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except on a baby seat attached to the bicycle. In that case, the seat must be equipped with a harness to hold the child securely to the seat and protection must be provided to prevent the child's feet hitting the spokes of the wheels.

Section 13.5.5. Equipment required. Every bicycle shall be equipped with a brake adequate to control the movement and to stop the bicycle whenever necessary.

Article 13.5.5.1 Every bicycle when used between thirty (30) minutes after sunset and thirty (30) minutes before sunrise shall be equipped with a light and reflectors of a type approved by the Flandreau Police Department. A white light must be visible from a distance of at least three hundred - (300) feet to the front. An amber reflector shall be located on the frame or the front wheel so that it is visible from fifty - (50) to three - (300) feet on each side of the bicycle when directly in front of the lawful upper beams of headlamps on a motor vehicle. A red reflector facing the rear must be visible at fifty - (50) to two hundred - (200) feet when directly in front of the lawful upper beams of the headlamps on a motor vehicle.

Article 13.5.5.2 A bicycle shall not be equipped with, nor shall any person upon a bicycle use, except a police officer or reserve police officer, any siren.

Section 13.5.6. Riding on sidewalks.

Article 13.5.6.1 No person shall ride a bicycle upon a sidewalk in the business district as herein defined. However, persons may dismount and walk their bicycles on the sidewalk in the business district. The business district for the purposes of this ordinance shall be that area zoned Central Commercial District (C1.)

Article 13.5.6.2 Whenever any person is riding upon a sidewalk in a location other than the business district, such person shall yield the right-of-way to any pedestrian and shall give audible signal or call before overtaking and passing such pedestrian.

Article 13.5.6.3 Wherever the City has provided sidewalks and bituminous ramps adjacent to the streets for the accommodation of bicycle riders, such sidewalks and ramps shall be regarded as usable paths, except within the business districts as stated in this Section.

Section 13.5.7. Parking and parking spaces.

Article 13.5.7.1 No person shall park a bicycle against any window or parking meter or on the main traveled portion of the sidewalk or in such manner as to constitute a hazard to pedestrians, traffic and/or property.

Article 13.5.7.2 Notwithstanding **Article 13.6.7.1**, when bicycle-parking spaces have been established and designated, no person shall park a bicycle in the vicinity thereof except in such bicycle parking spaces.

Chapter 13.6 Parking (Ordinance 531)

Section 13.6.1. Method of parking.

Article 13.6.1.1 All vehicles in the city shall be parked parallel to the curb, headed in the direction of traffic with the curb-side wheels of the vehicle within twelve inches of the curb and no closer than four feet to any other vehicle, front or rear. Provided, however, that certain streets or portions of streets may be designated for diagonal parking by placing appropriate signs or marks on the street or curb indicating diagonal parking. Where diagonal parking is required as herein before provided, vehicles shall be parked at a forty-five degree angle with the front wheels touching the curb.

Article 13.6.1.2 Provided, however, motorcycles may be parked diagonally with either the front or rear wheel touching the curb at any location. No parking space shall be occupied by more than one automobile or by more than 4 motorcycles, provided that said motorcycles do not exceed the space normally occupied by one automobile. All motorcycles will be cited if violation occurs.

Section 13.6.2. Overtime parking.

It shall be unlawful for any person to park any vehicle on a street, alley or public place for a longer period than twenty-four (24) hours, except that currently licensed motor vehicles may be parked for not more than seventy-two (72) hours. After seventy-two (72) hours, notice shall be given to remove the vehicle within twenty-four (24) hours. If the vehicle is not removed, the city may cause the vehicle to be removed at the owner's expense.

Section 13.6.3. Parking – Street Cleaning and Snow Removal.

Article 13.6.3.1 There shall be no parking on the streets named below from two o'clock to six o'clock on Friday mornings to facilitate street cleaning operations.

Article 13.6.3.2 There shall be no parking on the streets named below from two o'clock to six o'clock on any other day of the week where there has been an accumulation of two (2) inches or more of snow within a twenty-four hour period, to facilitate snow removal operations. Said streets shall be posted accordingly.

Article 13.6.3.3 (Ordinance 531)

Designated snow routes are:

Center Street	From First Avenue to Pipestone Avenue
Prairie Street	From First Avenue to Pipestone Avenue
Crescent Street	From First Avenue to Third Avenue
Wind Street	From First Avenue to Third Avenue
Third Avenue	From Wind Street to Crescent Street
Pipestone Avenue	From Industrial Road to Summit Street (Hwy 13)
Second Avenue	From Center Street to Prairie Street
Wilson Street	From Third Avenue to First Avenue

Section 13.6.4. Truck Parking.

Parking of commercial vehicles and semi-trailers and tractors is permitted on Third Avenue between Veterans Street and Industrial Road.

Article 13.6.4.1 It is unlawful to park a semi-trailer, whether or not attached to a truck-tractor, upon any street, City-owned parking lot or other public property. It shall also be unlawful to park such trailer on any private property within any area zoned as a residential district, except for the purpose of loading or unloading the same.

Article 13.6.4.2 It is unlawful to park a commercial vehicle of more than three-fourths (3/4) ton capacity upon any street in the business district which has been duly sign-posted prohibiting the same. However, parking of such vehicle for a period of not more than twenty (20) minutes shall be permitted in such space for the purpose of necessary access to abutting property for loading or unloading when such access cannot reasonable be secured from an alley or from an adjacent street where truck parking is not so restricted.

Section 13.6.5. Designation of time zones for parking - overtime parking.

The Council may limit the time which a vehicle may be parked on certain streets or sections of streets by erecting appropriate signs marking the area or parking spaces affected which clearly state the time limit for parking and the hours of the day which the limit is in effect. It shall be unlawful for any person to park any vehicle in any zone so designated for a longer period than stated on said signs.

Section 13.6.6. Unlawful to park in alleys.

It shall be unlawful for any person to park any vehicle in any public alley except that trucks and other vehicles may stop in such alleys for the purpose of loading or unloading merchandise or materials.

Section 13.6.7. Unlawful to park in areas designated for theaters.

It shall be unlawful for any person to park any vehicle in that portion of the street immediately adjacent to and in front of any theater and the extent of such restricted parking area shall be marked "no parking" signs erected at the ends of such restricted areas.

Section 13.6.8. Unlawful to double park.

It shall be unlawful for the operator of any vehicle to stop, stand or park such vehicle on the roadway side of any other vehicle stopped or parked at the edge or curb of a street except when temporarily engaged in the loading or unloading of passengers or materials.

Section 13.6.9. Unlawful for certain trucks to park diagonally.

It shall be unlawful for the operator of any truck exceeding twenty feet in overall length to park such vehicle diagonally on any street within the city limits.

Section 13.6.10. Places designated as unlawful for parking, standing or stopping - exceptions.

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. On a crosswalk;
- b. Outside the first line of cars parked next to the curb;
- c. Within 25 feet of the intersection or curb lines;
- d. Within 15 feet of the driveway entrance to the fire station;

- e. Within 15 feet of a fire hydrant;
- f. In front of a private driveway;
- g. On a sidewalk;
- h. Alongside or opposite any street elevation or obstruction when such stopping, standing or parking would obstruct traffic.

Section 13.6.11. Off-street parking.

No off-street parking of motor vehicles, recreational vehicles, watercraft or trailers should be permitted in the front yard of any residence except as follows:

- a. Upon a driveway providing direct access to the garage or rear yard.
- b. Upon any other driveway provided that it is no wider than twenty-two (22) feet.
- c. Upon the yard area between the driveway and the nearest side lot line.

Chapter 13.7 Snowmobiles

Section 13.7.1. Registration.

No snowmobile shall be operated within the City of Flandreau unless registered in accordance with the provisions of **Chapter 182 of the 1971 Laws of the State of South Dakota** and identification numbers must be displayed as required thereby.

Section 13.7.2. Authorized Operation.

Article 13.7.2.1. No person may operate a snowmobile on a city street:

- a. At a rate of speed greater than is reasonable and proper having due regard for conditions then existing and in no event in excess of twenty (20) miles per hour.
- b. While under the influence of intoxicating liquor or narcotic drugs, barbital or any derivative of barbital.
- c. Except while proceeding to and returning from the city limits by the most direct route from his home or place where said snowmobile is garaged.

- d. In any cemetery.
- e. On private property without consent of the property owner or his agent.
- f. With more than one (1) passenger on a snowmobile.

Article 13.7.2.2. Any person operating a snowmobile on a City Street must:

- a. Come to a complete stop at all traffic controlled intersections.
- b. Travel as close to the right edge of the plowed area of the street as practical.
- c. Obey all traffic signals, signs and devices.
- d. Yield the right-of-way to all other traffic and pedestrians.

Section 13.7.3. Crossing Streets.

No snowmobile shall be operated to cross any street except at a street intersection of a street.

Section 13.7.4. Careless Operation.

No person shall operate a snowmobile in the City of Flandreau in a careless or negligent manner likely to endanger any person or property.

Section 13.7.5. Sidewalk operation prohibited.

No person shall operate a snowmobile upon any public sidewalk in the City of Flandreau.

Section 13.7.6. Towing.

No person operating a snowmobile shall tow any person or object behind such snowmobile except when such person or object is situated upon a conveyance that is attached to such snowmobile by means of rigid hitch or tow bar.

Section 13.7.7. Equipment.

No snowmobile shall be operated in the City of Flandreau:

- a. Unless it has at least one (1) headlight and one (1) taillight turned on at all times during operation.

- b. Unless it has adequate brakes capable of producing deceleration of fourteen (14) feet a second on level ground at twenty (20) miles an hour.
- c. Unless it is equipped with a muffler in good working order in constant operation to prevent excessive or unusual noise.

Section 13.7.8. Notice of Accident.

The operator of a snowmobile involved in an accident resulting in injuries to or death of any person or property damage in an estimated amount of One Hundred Dollars (\$100.00) or more, or some person acting for him, or the owner of the snowmobile having knowledge of the accident shall immediately by the quickest means of communication notify the law enforcement of the City of Flandreau, a State Police Officer or Officers, or the Sheriff's Office of Moody County.

Section 13.7.9. Damage to Property – Owner's Liability.

Article 13.7.9.1. It is presumed that any snowmobile operated within the City of Flandreau is operated with the consent of the owner.

Article 13.7.9.2. The owner of the snowmobile will be held jointly and severally liable with the driver thereof for damages arising out of the negligent or improper operation of his snowmobile.

Article 13.7.9.3. The owner of a snowmobile may be held jointly and severally liable to a property owner for three (3) times the amount of damages to trees, shrubs, landscaping, or personal property, occurring on private property and caused by said snowmobile where the snowmobile is operated without the consent of the property owner or agent.

Section 13.7.10. Confiscation of Snowmobiles.

Any machine operated contrary to or in violation of any provisions of this ordinance by one other than the owner of the snowmobile who can prove such ownership, or being operated with defective equipment may be confiscated at the direction of the Police Department of the City of Flandreau. In the event a snowmobile is confiscated, the owner of the snowmobile must pay the cost of transportation, towing and storing of the snowmobile before it will be released to him.

Section 13.7.11. Violation Misdemeanor.

Any person who violates the provisions of this ordinance act is guilty of a misdemeanor and is punishable according to the general provision of this ordinance.