

**TITLE 6      TRAFFIC REGULATIONS**

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## CHAPTER 6.01      TRAFFIC REGULATIONS

### 6.0101 DEFINITIONS:

Motor Vehicle: Any automobile, motor truck, motorcycle, and all vehicles propelled by power other than muscular power, whether intended for on-road or off-road use.

Vehicle: Every device in, upon, or by which any person or property is or may be transported.

Manufactured Home: A manufactured home is a structure that meets the following requirements;

- (1) It is transportable in one or more sections;
- (2) Its body is eight or more feet wide or forty or more feet long in the traveling mode or it occupies three hundred twenty or more square feet when erected on a site;
- (3) It is built on a permanent chassis;
- (4) It is designed to be used as a dwelling with or without a permanent foundation when it is connected to the required utilities.

### 6.0102 EXHIBITION DRIVING:

Any person who drives any motor vehicle on a private roadway (or parking lot) intended for or open to public use 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.

### 6.0103 CARELESS DRIVING

Any person who drives any motor vehicle on a private roadway or parking lot intended for or open to public use carelessly and without due caution, at a speed or in a manner so as to endanger any person or property shall be guilty of careless driving.

### 6.0104 SPEED:

No person may operate any motor vehicle on any roadway intended for public or private use within any area designated as a manufactured home park at a speed greater than ten (10) miles per hour.

### 6.0105 PENALTY:

Any person violating any provision of this chapter shall be punished by a fine of not less than seventy five dollars (\$75.00) nor more than two hundred dollars (\$200.00) or by confinement not to exceed thirty days in jail, or both such fine and confinement, for each violation.

## CHAPTER 6.02      PARKING

**6.0201 Parking Violations:** Unless otherwise provided herein, restrictions for parking on County Roads and on County property will follow the guidelines of SDCL 32-30.

1. Stopping or Parking on Rural Highway Prohibited. No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main-traveled portion of any highway, outside of a business or residential district, when it is practical to stop, park, or leave such vehicle standing off of the paved or improved or main-traveled portion of the highway.

2. Standing or Parked Vehicles - Remaining Space Required - Unobstructed View Required. In no event shall any person park or leave standing any vehicle, whether attended or unattended, upon any highway unless a clear or unobstructed width of not less than twenty (20) feet upon the main-traveled portion of such highway opposite such standing vehicle shall 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.

3. No Parking Zones Posted by Department - Violation Prohibited. It will be a violation to park in any position so prohibited by parking signs erected by the Brown County Highway Department with concurrence of the Brown County Sheriff's Department. These signs erected will be enforced by this Department. All signs will be official no parking signs as made under the direction of the Brown County Highway Department. When so erected, they will become official no-parking zones under the County Ordinance.

4. Disability Parking Signs. Disability parking signs will be erected where appropriate around public buildings, parks, the fairgrounds and other county locations. If a vehicle is parked in a location limited to disability parking and does not have a license plate or mirror hanger allowing disability parking, the vehicle will be tagged and removed as provided by this chapter.

5. Places Where Standing and Parking Prohibited. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official control device, no person shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- a. In front of a public or private driveway;
- b. Within fifteen (15) feet of a fire hydrant;
- c. Within twenty (20) feet of a crosswalk at an intersection;
- d. Within thirty (30) feet upon the approach to any flashing signals, stop sign, yield sign or traffic control signal located at the side of a roadway;
- e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted;
- f. At any place where official signs prohibit standing and parking.

6. Places where stopping prohibited. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall stop, stand, or park a vehicle:

- a. On a sidewalk;
- b. Within an intersection;

- c. On a crosswalk;
- d. On any railroad tracks;
- e. At any place where official signs prohibit stopping;
- f. Parking shall be prohibited from within two hundred (200) feet of any bridge or river crossing. Signs will be erected regarding this and vehicles parked in this area will be tagged and removed as provided by this Chapter.

**6.0202 Enforcement - Ticketing Illegally Parked Vehicles:**

- A. A violation of this Chapter is a Class II Misdemeanor. However before a criminal citation is issued, the following procedure will apply:
  - 1. Whenever any vehicle is parked in violation of the provisions of Chapter 6.02 the officer shall attach to the vehicle a notice showing such violation, which such notice shall be in an envelope shape and instructs the owner or operator to enclose the amount of the assessment described thereon in such envelope and deposit such amount in the courtesy box located at the Brown County Sheriff's Office or deliver such envelope to the Sheriff's Office.
  - 2. Anyone who is parked in violation of the provisions of this chapter shall have 72 hours or three days from the date of the violation to make full payment of the assessment designated on the violation notice. Failure to make the full payment of the assessment within 72 hours or three days from the date of the violation will result in the assessment being doubled. Failure to make the full payment of the assessment within ten days from the date of violation is also a Class II Misdemeanor and, in addition to any fine or imprisonment authorized, the court shall tax as costs the original assessment to be paid directly to the County.
- B. Unless otherwise provided, the Brown County Commission by resolution may from time to time establish assessments, fines and penalties for parking in violation of this chapter.
- C. Repeated or Continuous Violations
  - 1. *Original offense.* When a vehicle is illegally parked as provided herein, the deputy or officer shall attach to such vehicle a parking violation ticket indicating the offense and penalty associated with the offense.
  - 2. *Subsequent offenses.* If a vehicle remains illegally parked in the same place for at least an hour after being ticketed, then:
    - a. A second violation ticket shall be attached with the second offense penalty being doubled from the initial ticket.
    - b. Any continued violations where a vehicle remains in the same spot may be enforced on an hourly basis with the fines being increased as follows:
      - i. Third offense is \$20.00;
      - ii. Fourth offense is \$30.00; and
      - iii. Fifth offense is \$35.00;with the total of fines not exceeding \$100.00 in any given day.
  - 3. This procedure may be continued on an hourly basis, except as provided in the limitation in this subsection, until the vehicle is towed. The owner of the vehicle shall be liable for the penalties prescribed for all violations in addition to any costs for towing or storage by third parties, as provided herein.

### **6.0203 Removal of vehicles illegally parked**

- A. Any vehicle parked in violation of this Chapter or state law may be removed by the Sheriff's Department, or by a third party or a towing service at the direction of the Sheriff's Department, and placed in public storage in the manner provided herein. The owner of the vehicle, in addition to the fines and penalties provided in this chapter, shall pay the charges for towing and storage of such vehicle so removed.
- B. The guidelines for enforcing these parking tickets will be as follows:
  - 1. When a vehicle is found in violation of the provisions of this Chapter, the deputy or officer will tag the vehicle for the underlying offense, as provided herein, and will then run a registration check to determine the owner of the vehicle.
  - 2. The deputy or officer will next attempt to contact the owner of the vehicle to determine whether the vehicle can be removed by the owner within a reasonable time.
  - 3. If the attempt to contact the owner is unsuccessful, or if the owner is unable to remove the vehicle within a reasonable time, or if the owner does not remove the vehicle as promised, the deputy or officer may then contact a towing service to remove the vehicle.
  - 4. The owner of a towed vehicle will be responsible for both the fine identified for the underlying offense and the reasonable cost of towing and storing the vehicle.
  - 5. It will be assumed that a towing or storage fee is reasonable if the fee is based the fair market cost of similar towing or storage services in the local area.
- C. Any vehicle found unattended upon a bridge or causeway or in any tunnel or where such vehicle constitutes an obstruction and hazard to traffic or is a wrecked vehicle or is parked in such a way as to constitute a clear and immediate danger to public safety may be removed at any time without prior notification of the owner.

## **CHAPTER 6.03            SPEED ZONES**

- 6.0301 It shall be unlawful for any person to drive a motor vehicle on any street or highway at a speed greater than is reasonable and prudent under the conditions then existing or to speed in excess of those fixed by this chapter or established by the Board of County Commissioners as set forth in this division.
- 6.0302 Commission to set speed limits.
- a. The Brown County Commission is authorized and empowered to determine and establish upon any street or highway within the County of Brown, or any part thereof, limited speed zones which speed limits shall constitute the maximum speed at which any person may drive or operate any vehicle in any zone, and upon any street or highway, or portion thereof so zoned, and on which highway the maximum speed permissible in said zone has been conspicuously posted. The beginning and end of such limited speed zones shall be indicated by signs showing the speed limits.
  - b. The Brown County Commission may change the speed limit or the extent of any such limited speed zone, at any time they may deem necessary and consistent with state law.
- 6.0303 A violation of this chapter is a Class 2 Misdemeanor.

## CHAPTER 6.04      SNOW REMOVAL

- 6.0401 Snow Removal from Private Property. No person or persons shall remove snow from private property, drive-ways, or field entrances, and deposit, push, or dump the same on any Brown County Highway or public right-of-way or on shoulders of the highways. Violation of this provision is a Class II Misdemeanor. Violators of this ordinance shall be responsible for the removal of the snow. If Brown County is required to remove the snow, it will be at a cost of \$500.00 per hour, with a minimum of \$500.00. The cost and expenses of these protective operations will be billed to the individual responsible. If these costs and expenses are not paid to the Brown County Treasurer by October 1<sup>st</sup> of the incurring year, the sum will be extended onto the tax list against the landowner of the described property.
- 6.0402 Snow Removal from County Parking Lots. For the purpose of snow removal from County owned parking lots', all vehicles will be ticketed and towed at the owner's expense. The towing fee is not to exceed \$100.00 and the fine is not to exceed \$20.00. County personnel on duty shall be notified and given the opportunity to move their vehicle. The Brown County Sheriff will make arrangements to move vehicles owned by inmates, who have previously requested parking.

**CHAPTER 6.05 – PROHIBITING THE LAWFUL USE OF ENGINE AND COMPRESSION BRAKES**

- 6.0501 Purpose. The purpose of this ordinance is to prohibit the excess, loud, unusual or explosive use of engine and compressed air braking devices within the designated areas of Brown County.
- 6.0502. Definitions. For the purpose of this ordinance the following words and phrases are defined as follows: Engine retarding brake means a Compression Release Brake, transmission brake or any other engine retarding brake systems that alters the normal compression of the engine and subsequently releases that compression and creates an excessively loud noise.
- 6.0503. Prohibitions. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within designated areas in the County of Brown, State of South Dakota, any engine brake, Compression Brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excess, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid imminent danger. Such prohibition shall be applicable only to those streets, roads, alleys easements, or rights of way established for vehicle operation within Brown County.
- 6.0504. Areas of Prohibition. The prohibition set forth herein shall apply to any public roads or highways in Brown County which are designated by signage as approved by the Brown County Commissioners.
- 6.0505. Exceptions. Emergency vehicles shall be exempt from application of this ordinance.
- 6.0506. Penalties. Any driver and/or firm or corporation for whom the driver is employed who shall violate this Ordinance shall upon conviction thereof, be summoned to pay a fine of Two Hundred Dollars (\$200.00) along with any court costs.