

Chapter 36

Traffic

Section 36-1 Obedience to police.

Members of the police department, and special police assigned to traffic duty, are hereby authorized to direct all traffic in accordance with the provisions of this chapter and the laws of the State of South Dakota, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in case of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.

Section 36-2 Scene of fire or emergency.

The fire department officer in command, or any fireman designated by him, may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the fire department has responded to an emergency call for so long as fire department equipment is on the scene in the absence of or in assisting the police.

Section 36-3 Signs and signals.

It shall be illegal and unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the mayor and city council or in accordance with the laws of the State of South Dakota, excepting on direction of the governing body or a police officer.

Section 36-4 Unauthorized signs.

No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any highway any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic or signal bearing thereon any commercial advertising.

Any such unauthorized device is hereby declared to be a nuisance, and may be removed by any police officer.

Section 36-5 Injuring or interference of traffic signs.

It shall be unlawful for any person to drive into, deface, injure, move, or interfere with any official traffic sign or signal, standard, post, chain, rope, or other device installed or placed to indicate safety zones or for the purpose of directing or regulating traffic.

Section 36-6 Animals or bicycles.

Every person riding a bicycle or an animal, or driving any animal drawing a vehicle upon any street, shall be subject to the provisions of this ordinance applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal. Bicycles may be ridden on sidewalks.

Section 36-7 ATV's and golf carts. (Amended November 10, 2010)

- (A) Any all-terrain vehicle (ATV) that is to be driven on the streets of this city will be licensed, insured, and equipped with working headlights and taillights.
- (B) The City of Menno hereby permits the use of golf carts on the municipal streets of the City of Menno, subject to the following:
1. The golf cart shall be insured.
 2. The person operating the golf cart shall hold a valid driver's license.
 3. The person operating the golf car shall obtain a permit from the City of Menno to operate the golf cart on municipal streets; the annual fee for said permit to be set by resolution of the city council. A city issued sticker must be displayed on the front of the approved cart.
 4. Permitted golf carts may operate on the municipal streets of the City of Menno from one-half hour before sun-rise to one-half hour after sun-set. Operation of a golf cart from one-half hour after sun-set until one-half hour before sun-rise is not allowed unless the golf cart is equipped with an operating head light and tail lights.
 5. The operator and all occupants of a golf cart shall be seated at all times.
 6. No person may operate a golf cart on a state or county highway except for crossing from one side of the highway to the other. A golf cart may cross the highway at a right angle, but only after stopping and yielding the right-of-way to all approaching traffic and crossing as closely as possible to an intersection or approach.
 7. The operator of a golf cart is required to obey the same traffic laws of the state and ordinances of the City, including street and road signs, as the operators of all other motorized vehicles are required to obey.
 8. Any permit issued under this section may be revoked for any violation of this ordinance or state law.
 9. The operator of any golf cart shall be subject to a penalty, as provided in Section 1-9 of the Ordinances of the City of Menno, South Dakota for a violation of this Section.
 10. Golf cars will not be allowed to be operated on the sidewalks of the City.

Section 36-8 Speed limits.

No person shall drive a vehicle on a highway or street at speed greater than is reasonable and prudent under the conditions of the road and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering any street, road, or highway in compliance with legal requirements and it is the duty of all persons to use due care.

Where no special hazard exists the following speeds shall be lawful but any speed in excess of said limits shall be prima facie evidence that the speed is not reasonable or prudent and that is unlawful:

- A. Fifteen (15) miles per hour. When passing a school building or the grounds thereof during school recess or while children are going to or leaving school during opening or closing hours, provided, that the city council by resolution may require a complete stop before passing a school building or grounds at any of said periods.
- B. Twenty-five (25) miles per hour in any business or residential district.
- C. Thirty-five (35) miles per hour upon that part or portion of the city known as U.S. Highway 18.

The driver of every vehicle shall, consistent with the requirements of this section, drive at an appropriate reduced speed when approaching and going around a curve, when approaching and crossing an intersection, when traveling upon any narrow roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Section 36-9 Traffic minimum regulations.

No person shall drive a motor vehicle at such a slow speed as to impede reasonable traffic movement, except when reduced speed is necessary for safe operation or in compliance with law.

Section 36-10 Vehicles on the right side of the street.

Every person operating a motor vehicle or any type of vehicle upon the streets or alleys of the city shall at all times keep such vehicle upon the right side of such street or alley.

Section 36-11 Left hand turns.

No person, while driving or operating any vehicle upon the streets of the city shall turn such vehicle in what is commonly known as a U-turn or left hand turn at any point on such street except at an intersection thereof with a cross-street or avenue which does not prohibit such turns.

Section 36-12 Parking

- A. No person shall parallel park any motor vehicle in the business district of Fifth Street. Nor shall any person park in any area designated as a no parking zone or where the curb line is painted yellow.
- B. The city may establish and designate no-parking areas along street curbs. No vehicle shall be parked at any time, except to load or unload passengers or merchandise in such spaces so designated and marked;
- C. The city council may establish and designate areas and streets where vehicles may be parked for limited periods only;
- D. No vehicle shall be double parked unless said vehicle is within the immediate control of some person able to drive the same. Upon the request of a law enforcement official or other person whose vehicle is blocked, it shall be the duty of the driver to move such vehicle;
- E. No vehicle shall be permitted to be parked in any area that is posted as being a no-parking zone, whether a permanent no-parking zone, or during the hours posted.

Section 36-13 Towing and storing of vehicles.

The city street department or any law enforcement official within the city is authorized to remove and tow away, or have removed and towed away, any car or other vehicle for the reasons listed below.

- A. The vehicle is illegally parked and in violation of the provisions of this Chapter, resolutions of the city council, or South Dakota law;
- B. The vehicle appears to be abandoned;
- C. The vehicle blocks the use of a fire hydrant;
- D. The vehicle obstructs snow removal operations;
- E. The vehicle obstructs movement of traffic or creates or constitutes a traffic hazard; or
- F. Is an unlicensed car or vehicle parked on a city street or alley.

The car or vehicle shall be stored in a safe place until such time as the owner makes payment for towing and storage charges as set by the city council, and any fine that may be imposed upon conviction for a violation of this Ordinance.

Section 36-14 Exhibition driving.

Any person who drives any vehicle upon the streets of this city carelessly, recklessly, negligently and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at such speed or in such a manner as to endanger any person or property, shall be deemed guilty of exhibition driving.

Section 36-15 Stop signs at through highways and dangerous intersections.

The city council may designate main-traveled highways or arterial highways and streets and hazardous intersections by erecting at the entrance thereto from intersecting highways and streets, signs notifying drivers of vehicles to come to a full stop before entering or crossing such designated highways and streets, and whenever such signs shall have been so erected it shall be unlawful for the driver of any vehicle to fail to come to a full stop in obedience thereto and to proceed before such main traveled or designated highway is free from oncoming traffic which may affect safe passage. All such signs shall be illuminated at night or so placed as to be illuminated by headlights of an approaching vehicle or streetlights.

Section 36-16 Turning or stopping signals.

No person shall turn a vehicle from a direct course upon a street or highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrians may be affected by such movement or after giving an appropriate signal in a manner provided to alert any other vehicle that may be affected by such movement.

Section 36-17 Incapable drivers.

No driver shall operate a vehicle while his ability or alertness is so impaired through fatigue, illness, or any other cause as to make it unsafe for him to drive such vehicle. No owner or person in control of a vehicle shall knowingly permit said vehicle to be operated by any person who is physically or mentally disabled to such an extent that such person's judgment or driving ability is impaired.

Section 36-18 Backing.

No driver shall back a vehicle unless such movement can be made with safety and in no case shall a vehicle be backed a distance of more than sixty (60) feet.

Section 36-19 Proper lookout.

No person shall drive a vehicle on the streets of this city without keeping a reasonable and proper lookout for other traffic.

Section 36-20 Mufflers and muffler cut-outs, smoke, standing with motor running.

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent noise and annoying smoke, and no person shall use a muffler cut-out, by pass, or similar device upon a motor vehicle on any street or highway in the city. Said muffler shall be at least as effective in the reduction of the exhaust noises of the vehicle as the type of muffler furnished by the manufacturer of said vehicle as standard equipment for purposes of the first sale at retail of vehicles of said class.

No motor vehicle shall be operated in such a way as to emit unnecessary smoke or offensive vapors.

No motor vehicle shall be permitted to stand alone upon any street with any part of its machinery running, such as semis and refrigerated trailers.

Section 36-21 Following vehicles too closely.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway.

Section 36-22 Driving from alleys, driveways, and garages.

The driver of a vehicle emerging from an alley, driveway, or garage, shall stop such vehicle immediately prior to driving onto a sidewalk, or across a sidewalk line projected across such alley, and shall exercise extreme care in driving upon said sidewalk or across said line.

Section 36-23 Vehicles not to be driven on sidewalks.

No driver of a vehicle shall drive within any sidewalk area, except at a permanent or temporary driveway, or at any time into or upon any portion of a roadway marked as a safety zone.

Section 36-24 Right-of-way.

The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection. When two vehicles enter an intersection at the same time, the driver of the vehicle on the left shall yield to the driver on the right.

The driver of any vehicle who has stopped as required by law at the entrance to a through highway shall yield to other vehicles within the intersection or approaching so closely on the through highway as to constitute an immediate hazard, but such driver having so yielded may proceed, and other vehicles approaching the intersection on the through highway shall yield to the vehicle so proceeding into or across the through highway.

The driver of a vehicle within an intersection intending to turn to the left shall yield to any vehicle approaching from the opposite direction which is within an intersection or so close thereto as to constitute an immediate hazard, but such driver having so yielded and having given a signal when and as required by law may make such left turn, and other vehicles approaching the intersection from the opposite direction shall yield to the driver making the left turn.

Section 36-25 Driving while intoxicated or using drugs.

It shall be unlawful for any person who is a habitual user of narcotic drugs, or any person who is under the influence of intoxicating liquor or narcotic drugs, to drive or be in actual physical control of any vehicle at any place within this city.

Section 36-26 Pedestrian right-of-way.

The operator 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 or entrance to an alley. 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.

Section 36-27 Prohibition against use of engine compression brakes.

It shall be unlawful for any person within the city limits to operate the engine compression brakes of any motor vehicle. Such prohibition shall not apply if an emergency situation exists and the use of engine compression brakes is necessary for the protection of persons or property. Engine compression brakes means 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. Such devices are commonly referred to as “dynamic braking devices” or as “jake-brakes”.

Section 36-28 Exemptions.

- A. The provisions of this chapter regulating the movement or parking of vehicles shall not apply to the driver of any authorized emergency vehicle when responding to any emergency call, but such driver upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past such red or stop sign or signal. At other times drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.
- B. No driver of any authorized emergency vehicle shall assume any special privileges under the act except when such vehicle is operated in response to any emergency call or in the immediate pursuit of an actual or suspected violator of the law.
- C. The provisions of this chapter regulating the movement and parking of vehicles shall not apply to equipment or vehicles while actively engaged in installing, preparing for the improvement, repairing, or other wise improving streets or street pavement.

Section 36-29 Truck Route. (Added September 4, 2007)

- A. All trucks within the city shall be operated only over and along truck routes established by resolution of the City Council; and, except as otherwise expressly provided herein, no truck shall be parked on any street which is not designated as a truck route.
- B. The city finance officer shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted; the maps shall be kept on file in the office of the city finance officer and shall be available to the public.
- C. Truck movement within the city shall be restricted as follows:
 - 1) All trucks entering the city for destination points outside the city shall operate only on streets designated on the truck route map.
 - 2) All trucks entering the city for a destination point in the city shall proceed only over an established truck route and shall deviate only at the intersection with the street nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the shortest route.
 - 3) All trucks entering the city for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection with the street, upon which such traffic is permitted, nearest to the first destination point. Upon leaving the first destination point a deviating truck shall proceed to the other destination points by the shortest direction. Upon leaving the last destination point, a deviating truck shall return to the truck route by the shortest route.
 - 4) All trucks on a trip originating in the city and traveling in the city for a destination point outside the city shall proceed by the shortest direction over streets on which such traffic is permitted.
 - 5) All trucks on a trip originating in the city, and traveling in the city for destination points in the city shall proceed only over an established truck route and shall deviate only at the intersection with the street nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the shortest route.
- D. Exceptions: This section shall not prohibit:
 - 1) The operation of trucks upon any street where necessary to the conduct of a business at a destination point, provided streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point.
 - 2) The operation of trucks owned by operated by the city, public utilities, any contractor or material man, while engaged in the repair, maintenance or construction of streets, street improvements or street utilities within the city.
 - 3) The operation of trucks by persons authorized by the city to collect, remove, or dispose of garbage.
 - 4) The operation of trucks upon the officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.
 - 5) The operation of trucks and trailers whose primary purpose is the transportation of people (for example buses, campers, and travel trailers).
- E. The city shall cause all truck routes to be clearly signposted to give notice that this section is in effect.
- F. The chief of police shall have the authority to require any person driving or in control of any commercial vehicle not proceeding over a truck route to proceed, to any public or private scale

available for the purpose of weighing and determining whether this article has been complied with.

Persons violating the City of Menno truck ordinance shall be fined in the following amounts:

First Offense: \$50

Second Offense: (occurring within one year from a previous offense) \$100.00

Third Offense: (occurring within one year from two previous offenses) \$150.00

Fourth & Subsequent Offense: (occurring within one year from three previous offenses) \$200.00