

## Chapter 11

### MOTOR VEHICLES AND TRAFFIC\*

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#### ARTICLE 1. IN GENERAL

##### Sec. 11 - 1. Definitions.

As used in this chapter the following terms shall mean as indicated below:

*Alcoholic beverage:* As that term is defined by SDCL 1967, 6 35-1-1(4).

*Arterial highways:* State Highway No. 34, as laid out, marked and designated, over and through Second Street Northwest, Second and Third Streets Northeast. State Highway No. 19, as laid out, marked and designated, over and through Washington Avenue from the South City Limits to Second Street Northeast.

*Authorized Emergency Vehicle:* Vehicles of the Fire Department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Board of Commissioners.

*Business district:* The territory contiguous to a highway when fifty (50) percent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

*Controlled drug or substance:* As that term is defined in SDCL 1967, 39-17-46.

*Crosswalk:* That part of a roadway at an intersection 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 roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

\* **Cross references**-Sound trucks, 10-219 et seq.; streets and sidewalks, Ch. 18; vehicles for hire, Ch. 2 1.

**State law reference**-Motor vehicles, SDCL 1967, Tit. 32.

*Curb:* The extreme edge or lateral boundary of a roadway whether marked by curbing or not so marked.

*Double parking:* The standing of a vehicle upon a street at the rear of another vehicle which is parked diagonally at the curb or the standing of a vehicle upon a street alongside and parallel to another vehicle which is parked parallel to the curb.

*Farm tractor:* Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

*Highway:* The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public as a matter of right for purposes of vehicular travel.

*Intersection:* The area embraced within the prolongation of lateral curb lines or, if none, then of the lateral boundary lines of two (2) or more highways which join one another at an angle, whether or not one such highway crosses the other; but such area, in the case of the point where an alley and a street meet within a City or town, shall not be deemed an intersection.

*Law enforcement officer:* As that term is defined in SDCL 1967, 9 23-3-27.

*Metal tires:* All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.

*Motorcycle:* Every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground, except any such vehicle as may be included within the term tractor.

*Motor vehicle:* Every vehicle, as herein defined, which is self-propelled.

*Official traffic control device:* All signs, signals, markings and devices not inconsistent with the law placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. The term also includes a flagman or a sign, signal marking, or other device temporarily placed or erected by a person working upon, along, above, or under a highway installing or maintaining a public service facility and which is necessary or required to warn, direct, or otherwise control traffic during the time of work or when a hazard exists.

*Operator.* Any person who is in actual physical control of a vehicle.

*Owner.* A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in a conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner.

*Park or parking:* The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

*Pedestrian:* Any person afoot.

*Pneumatic tires:* All tires inflated with compressed air.

*Private road or driveway:* Every road or driveway not open to the use of the public for purposes of vehicular travel.

*Residence district:* The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred (300) feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

*Right of way:* The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

*Road tractor:* Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or a load so drawn.

*Roadway:* That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to such roadways collectively.

*Safety zone:* The area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

*Semi-trailer:* Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that some part of its own load rests upon or is carried by another vehicle.

*Sidewalk:* That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

*Solid rubber tire:* Every tire made of rubber other than a pneumatic tire.

*Traffic:* All pedestrians, ridden animals, herded animals and vehicles using the streets for purposes of travel.

*Trailer:* Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

*Truck tractor.* Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

*Urban district:* The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

*Vehicle:* Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided that a bicycle or a ridden animal shall be deemed a vehicle.

(Code 1953, 14.0101-14.0105; Ord. No. 529, 2-27-61)

**State law reference**-For similar provisions, SDCL 1967, 32-14-1.

**Sec. 11-2. Application of chapter to public employees.**

The provisions of this chapter applicable to the drivers of vehicles upon the highways, shall apply to the drivers of all vehicles owned or operated by this state or any county, City, town, district, or any other political subdivision of the state subject to such specific exceptions as are set forth herein.

(Code 1953, 14.0109; Ord. No. 529, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-14-2.

**Sec. 11-3. Enforcement generally.**

It shall be the duty of the Police Department to enforce the provisions of this chapter. Officers of the Police Department are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this chapter; provided, that in the event of a fire or other emergency, or to expedite traffic or safeguard pedestrians, officers of the police or Fire Departments may direct traffic, as conditions may require, notwithstanding the provisions of this chapter.

(Code 1953, 14.0106; Ord. No. 529, 2-26-61)

**Sec. 11-4. Emergency regulations.**

The Police Department is hereby authorized and empowered to make and enforce regulations necessary to make effective the provisions of this chapter and to make temporary regulations to cover emergencies or special conditions, provided any such regulations are not inconsistent with the provisions of this chapter.

(Code 1953, 14.0107; Ord. No. 529, 2-27-61)

**Sec. 11-5. Obedience to police.**

It shall be unlawful for any person to refuse or fail to comply with any lawful order, sign, signal or direction of a police officer.

(Code 1953, 14.0108; Ord. No. 529, 2-27-61)

**Sec. 11-6. Traffic control device generally.**

All traffic-control devices, signs, signals and markings placed on or adjacent to a street or highway within the City shall be as required by state law.

(Code 1953, 14.01 1 1; Ord. No. 529, 2-27-61; Ord. No. 579, 10-7-63)

**Sec. 11-7. Installation of control devices.**

The Police Department shall install and maintain all traffic-control signs, signals, devices and markings required by this chapter.

(Code 1953, 14.0112; Ord. No. 529, 2-27-61)

**Sec. 11-8. Obedience to device required.**

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, and subject to the exceptions granted by law to the driver of an authorized emergency vehicle.

(Code 1953, 14.0113; Ord. No. 529, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-28-10.

**Sec. 11-9. Interference with, or unauthorized control devices.**

- (a) It shall be unlawful for any person to willfully deface, injure, move, obstruct or interfere with any official traffic sign or signal.
- (b) It shall be unlawful for any person to place or maintain, or to display upon or in view of any street any unofficial sign, signal or device which purports to be or is an imitation of, or resembles any official traffic sign or signal, or which attempts to direct the movement of traffic.
- (c) 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.

(Code 1953, 14.0114; Ord. No. 529, 2-27-61)

**Sec. 11-10. Coasters, skates, etc.**

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

(Code 1953, 14.0165; Ord. No. 521, 2-27-61)

**Sec. 11-11. Clinging to vehicles.**

It shall be unlawful for any person traveling upon any bicycle, coaster, sled, ski, roller skates or other toy vehicle to cling to or attach himself or his vehicle to any other moving vehicle upon any roadway or street within the City.

(Code 1953, 14.0166; Ord. No. 521, 2-27-61)

**Sec. 11-12. Riding outside vehicle.**

It shall be unlawful for any person to ride upon the running board or fenders, or other outside parts of a motor vehicle while such vehicle is in motion.

(Code 1953, 14.0167; Ord. No. 521, 2-27-61)

**Sec. 11-13. Boarding or leaving moving vehicle.**

It shall be unlawful for any person to board or alight from any vehicle while such vehicle is in motion.

(Code 1953, 14.0119; Ord. No. 529, 2-27-61)

**Secs. 11-14-11-30. Reserved.**

**ARTICLE II. ACCIDENTS AND ACCIDENT REPORTS\***

**Sec. 11-31. Stopping at the scene of accident; rendering aid; report to Police Department.**

The driver of any vehicle involved in any accident resulting in injury or death to any person or damage to property shall immediately stop and give his name and address, and the name and address of the owner and the license number of the vehicle he is driving to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical treatment if it is apparent that such treatment is necessary or is requested by the injured person, and shall forthwith report the accident to the Police Department, stating the place of the accident, kind and extent of the damage caused.

(Code 1953, 14.0148; Ord. No. 529, 2-27-61; Ord. No. 896, 1, 9-17-79)

**Cross reference**-Police Department, Ch. 17.

**State law reference**-Similar provisions, SDCL 1967, 32-34-3.

**Secs. 11-32-11-47. Reserved.**

\* **State law references**-Accidents and accident reports, SDCL 1967, Ch. 32-34.

**ARTICLE III. OPERATION**

**DIVISION 1. GENERALLY**

**Sec. 11-48. Traffic lights.**

(a) The following intersections are hereby designated as main intersections and mechanical traffic-control devices shall be erected at the following locations:

Egan Avenue North and First Street;

Egan Avenue North and Second Street;

Egan Avenue and Center Street;

Egan Avenue South and First Street.

(b) Reserved.

(Ord. No. 811, 8-2-76; Ord. No. 875, 5-21-79)

**Sec. 11-49. Spilling loads.**

No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping there from. (Code 1953, 14.0170; Ord. No. 521, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-15-18.

**Sec. 11-50. Careless driving.**

It shall be unlawful for any person who drives any vehicle upon a highway, street, alley, property of a public or private school, or Dakota State University, to do so carelessly in disregard of the width, grade, curve, corner, condition, or customary usage of the highway, street, alley, or thoroughfare, at a speed or in a manner so as to endanger any person or property, or such that temporary inadvertence to the operation of such vehicle causes or is likely to cause damage to any person or property.

(Code 1953, 14.0163, Ord. No. 684, 8-26-68; Ord. No. 984, 1, 2, 8-20-84)

**Sec. 11-51. Exhibition driving.**

It shall be unlawful for any person who drives any vehicle upon a highway, street, alley, property of a public or private school, or Dakota State University, to do so in such 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.

(Code 1953, 14.0163; Ord. No. 684, 8-26-68; Ord. No. 984, 1, 2, 8-20-84)

**Sec. 11-52. Backing.**

The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(Code 1953, 14.0139; Ord. No. 529, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-30-20.

**Sec. 11-53. Driving through processions.**

No driver of any vehicle shall drive through or otherwise interfere with any funeral or other authorized procession in any of the streets, and it shall be the duty of any person driving any vehicle to stop when reaching a street on which such a procession is passing to wait until the procession has entirely passed by.

(Code 1953, 14.0146; Ord. No. 529, 2-27-61)

**Sec. 11-54. Avoiding signs, signals, etc.**

It shall be unlawful for the operator of any vehicle to undertake to avoid the effect of a traffic signal light or other traffic-control device by leaving the street and passing through any service station or other vacant space or corner.

(Code 1953, 14.0171; Ord. No. 521, 2-27-61)

**Sec. 11-55. Driving over new pavement.**

No person shall operate a vehicle over or across any new concrete or asphalt pavement or construction project at which there is a barrier, a person or sign giving warning to such effect. (Ord. No. 521, 14.0172, 2-27-61)

**Sec. 11-56. Stops required at certain places.**

The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, 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 thereon. (Code 1953, 9 14.0142)

**State law reference**-Similar provisions, SDCL 1967, 32-29-2.2.

**Sec. 11-57. Yield streets.**

Yield signs shall be erected at the following intersections. Such signs shall require the driver of any vehicle to yield the right-of-way to oncoming traffic which may affect safe passage onto or across such intersection before entering such intersection:

<b>Yield on</b>	<b>Direction of traffic</b>	<b>When Entering</b>
Center Street East	Both	Division Avenue
Center Street West	Both	Union Avenue South
Division Avenue South	South	Fourth Street Southeast
Harth Avenue North	Both	First Street Northeast
Lee Avenue South	Both	Second Street Southeast
Lee Avenue South	Both	Third Street Southeast
Lee Avenue North	Both	First Street NE
Lee Avenue North	Both	Center Street
Union Avenue North	Both	Fifth Street Northwest
Union Avenue South	West	Eighth Street Southwest
First Street Southeast	Both	Harth Avenue South
First Street Northwest	East	Blanche Avenue North
First Street Northwest	Both	Union Avenue North
Second Street Southwest	Both	Union Avenue South
Third Street Northeast	West	Egan Avenue North
Third Street Northwest	East	Egan Avenue North
Third Street Northeast	Both	Lincoln Avenue North

<b>Yield on</b>	<b>Direction of traffic</b>	<b>When entering</b>
Third Street Northeast	West	Washington Avenue North
Fourth Street Northeast	West	Egan Avenue North
Fourth Street Northeast	Both	Lincoln Avenue North
Fourth Street Northeast	East	Prairie Avenue North
Fourth Street Northeast	Both	Washington Avenue North
Fourth Street Northeast	East	Airport Road
Fourth Street Northwest	East	Egan Avenue North
Fifth Street Northeast	East	Division Avenue North
Fifth Street Northeast	West	Egan Avenue North
Fifth Street Northeast	Both	Prairie Avenue North
Fifth Street Northeast	Both	Washington Avenue North
Fifth Street Northwest	East	Egan Avenue North
Fifth Street Northwest	Both	Liberty Avenue
Sixth Street Northeast	West	Egan Avenue North
Sixth Street Northeast	Both	Prairie Avenue North
Sixth Street Northeast	Both	Washington Avenue North
Seventh Street Northeast	Both	Prairie Avenue North
Seventh Street Northeast	West	Washington Avenue North
Seventh Street Northwest	East	Egan Avenue North.
Eighth Street Northeast	West	Egan Avenue North
Eighth Street Northeast	Both	Prairie Avenue North
Eighth Street Northeast	Both	Washington Avenue North

(Code 1953, 14.01A01, 14.01A02; Ord. No. 586, 5-4-64; Ord. No. 614, 9-27-65; Ord. No. 626, 2-4-66; Ord. No. 647, 9-26-66; Ord. No. 729, 10-9-71; Ord. No. 750, 6-4-73; Ord. No. 775, 11-4-4; Ord. No. 786, 6-2-75, Ord. No. 788, 7-30-75; Ord. No. 833, 7-25-77; Ord. No. 848, 4-17-78; Ord. No. 867, 2-20-79; Ord. No. 1233, 10-24-96, Ord. No. 1304, 10-09-00, Ord. No. 1312, 09-04-01)  
**State law reference**-Power of City to erect yield signs. SDCL 1967, 32-29-2.

### **Sec. 11-58. Stop Signs.**

(a) Stop signs shall be erected at the following intersections. Such signs shall require the driver of any vehicle to stop before entering said intersection.

Art. III. 11-58.

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<b>Stop on</b>	<b>Direction</b>	<b>Before Entering</b>
Blanche Avenue North	South	Center Street West
Blanche Avenue North	North	Ninth Street Northwest
Blanche Avenue North	Both	Second Street Northwest
Blanche Avenue South	North	Center Street West
Blanche Avenue South	Both	First Street Southwest
Catherine Avenue North	South	Second Street Northwest
Catherine Avenue North	North	Ninth Street Northwest
Catherine Avenue South	South	First Street Southwest
Center Street East	Both	Washington Avenue North
Center Street West	West	Highland Avenue
Center Street West	Both	Van Eps Avenue
Chicago Avenue North	Both	Second Street Northwest
Chicago Avenue North	North	Ninth Street Northwest
Chicago Avenue South	Both	First Street Southwest
Division Avenue North	Both	Third Street Northeast
Division Avenue Northeast	Both	Ninth Street Northeast
Division Avenue South	South	Fourth Street Southeast
Egan Avenue North	North	Ninth Street Northeast
Egan Avenue South	South	Tenth Street South
Fourth Street Southwest	Both	Union Avenue South
Garfield Avenue North	North	Third Street Northeast
Grant Avenue North	North	Third Street Northeast
Harth Avenue North	Both	Second Street Northeast
Harth Avenue North	Both	Ninth Street Northeast
Harth Avenue South	North	First Street Southeast
Highland Avenue South	North	Second Street Northwest
Highland Avenue South	North	Tenth Street Southwest
Jefferson Avenue North	North	Third Street Northeast
Josephine Avenue North	Both	Second Street Northwest
Josephine Avenue North	Both	Ninth Street Northwest

<b>Stop on</b>	<b>Direction</b>	<b>Before Entering</b>
Josephine Avenue South	Both	First Street Southwest
Kansas Avenue North	South	Second Street Northwest
Lee Avenue North	Both	Second Street Northeast
Lee Avenue North	North	Ninth Street Northeast
Lee Avenue South	Both	First Street Southeast
Liberty Avenue North	Both	Second Street Northwest
Liberty Avenue North	North	Ninth Street Northwest
Liberty Avenue South	Both	First Street Southwest
Lincoln Avenue North	North	Eleventh Street East
Lincoln Avenue North	Both	Second Street Northeast
Lincoln Avenue North	Both	Ninth Street Northeast
Olive Avenue North	Both	Second Street Northwest
Olive Avenue North	North	Ninth Street Northwest
Olive Avenue South	South	First Street Southwest
Prairie Avenue North	South	Third Street Northeast
Prairie Avenue North	Both	Ninth Street Northeast Summit
Avenue North	South	Third Street Northeast
Summit Avenue North	North	Eleventh Street East
Summit Avenue North	North	Ninth Street Northeast
Summit Avenue North	South	Ninth Street Northwest
Union Avenue North	Both	Second Street Northwest
Union Avenue North	North	Fifth Street Northwest
Union Avenue North	Both	Ninth Street Northwest
Union Avenue South	Both	First Street Southwest
Union Avenue South	South	Tenth Street Southwest
Van Eps Avenue North	South	Center Street West
Van Eps Avenue North	Both	Second Street Northwest
Van Eps Avenue South	North	Center Street West
Van Eps Avenue South	Both	First Street Southwest
Washington Avenue North	Both	Second Street Northeast

Art. III. 11-58.

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<b>Stop on</b>	<b>Direction</b>	<b>Before Entering</b>
Washington Avenue North	Both	Ninth Street Northeast
West Avenue North	Both	Second Street Northwest
West Avenue North	North	Ninth Street Northwest
West Avenue South	Both	First Street Southwest
First Street Northeast	Both	Washington Avenue North
First Street Northwest	West	Highland Avenue North
First Street Northwest	Both	Van Eps Avenue North
First Street Southeast	East	Egan Avenue South
First Street Southeast	West	Washington Avenue South
First Street Southwest	West	Egan Avenue South
First Street Southwest	Both	Highland Avenue South
Second Street Southeast	West	Egan Avenue South
Second Street Southeast	Both	Washington Avenue South
Second Street Southwest	East	Egan Avenue South
Third Street Northeast	East	Third Street Northwest
Third Street Northwest	West	Highland Avenue Northwest
Third Street Southeast	Both	Egan Avenue South
Third Street Southeast	East	Washington Avenue South
Third Street Southwest	West	Egan Avenue South
Third Street Southwest	West	Highland Avenue South
Third Street Southwest	Both	Union Avenue South
Third Street East	Both	Lincoln Avenue North
Fourth Street Northeast	Both	Division Avenue
Fourth Street Northwest	West	Highland Avenue Northwest
Fourth Street Southeast	Both	Washington Avenue South
Fourth Street Southeast	Both	Division Avenue South
Fourth Street Southwest	Both	Egan Avenue South
Fourth Street Southwest	West	Highland Avenue South
Fifth Street Northeast	Both	Division Avenue
Fifth Street Northwest	West	Highland Avenue Northwest

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<b>Stop on</b>	<b>Direction</b>	<b>Before Entering</b>
Fifth Street Southeast	West	Egan Avenue South
Fifth Street Southeast	East	Washington Avenue South
Sixth Street Northeast	Both	Division Avenue
Sixth Street Northwest	West	Highland Avenue Northwest
Seventh Street Southwest	West	Highland Avenue South
Seventh Street Southwest	East	Union Avenue South
Eight Street Northeast	Both	Division Avenue
Eighth Street Southeast	West	Washington Avenue South
Ninth Street Northeast	Both	Washington Avenue North
Ninth Street Northeast	Both	Division Avenue Northeast
Ninth Street Northwest	West	Highland Avenue Northwest
Ninth Street Southeast	West	Washington Avenue South
Tenth Street Southeast	East	Washington Avenue South
Tenth Street Southwest	West	Highland Avenue South
Tenth Street Southwest	East	Tenth Street Southwest
Eleventh Street East	West	Washington Avenue North
Maplewood Drive	East	Division Avenue
Jennifer Street	East	Division Avenue
Union Avenue South	Both	Fourth Street Southwest
Van Eps	South	Second Street South

(b) Stop signs requiring the driver of any vehicle to stop shall also be erected at the following places:

- (1) At west entrance to Prairie Avenue North from High School Grounds.
- (2) At east entrance to Highland Avenue South from Gehl Company, located one hundred thirty-three (133) feet south of the center of Seventh Street Southwest.
- (3) At the east entrance to Highland Avenue South from Gehl Company, located two hundred sixty-six (266) feet south of the center of Seventh Street Southwest.
- (4) At the south entrance to Seventh Street Southwest from Gehl Company, located seven hundred forty-two (742) feet east of the center of Highland Avenue South.
- (5) At the east entrance of Washington Avenue South from Pamida Discount Center, located one hundred twenty-eight (128) feet north of the center of Eighth Street Southeast.

- (6) At the North entrance to Ninth Street Northwest from Madison Mobile Acres, located one hundred thirty-six (136) feet west of the center of Union Avenue North.
- (7) At the north entrance to Ninth Street Northwest from Madison Mobile Acres, located two hundred and ninety-one (291) feet west of the center of Union Avenue North.
- (8) At the north entrance to Ninth Street Northeast from High School, located north of the south entrance to Ninth Street Northeast from Prairie Avenue North.
- (9) At the north entrance to Ninth Street Northeast from High School, located north of the south entrance Ninth Street Northeast from Roosevelt Avenue North.
- (10) At the west entrance to Egan Avenue South From Eighth Street South- west.
- (11) At the south entrance to Center Street East from Division Avenue South.
- (12) At the north entrance to Center Street East from Division Avenue South.
- (13) At the west entrance to Division Avenue South from Center Street East.
- (14) At the east entrance to Division Avenue South from Madison Sale Barn.
- (15) At the west entrance to Division Avenue North from Northeast First Street.
- (16) At the east entrance to Division Avenue North from Northeast First Street.
- (17) At west entrance to Washington Avenue North from Eighth Street East.
- (18) At east entrance to Washington Avenue North from Eighth Street East.
- (19) At North entrance to Southeast Fourth Street from Lee Avenue South.
- (20) At South entrance to Southeast Fourth Street from Lee Avenue South.
- (21) At North entrance to Southeast Fourth Street from Harth Avenue South.
- (22) At South entrance to Southeast Fourth Street from Harth Avenue South.  
(Code 1953, 14.02AO1, 14.02A02; Ord No. 646, 9-26-66; Ord. No. 707, 6-29-70; Ord. No. 729, 10-11-71; Ord. No. 775, 11-4-74; Ord. No. 791, 7-28-75; Ord. No. 804, 1-5-76; Ord. No. 806, 5-10-76; Ord. No. 829, 4-11-77; Ord. No. 833, 7-25-77; Ord. No. 848, 4-17-78; Ord. No. 1057, 1, 9-21-87; Ord. No. 1076, 1, 10-27-88; Ord. No. 1133, 05-18-92; Ord. No. 1164, 10-14-93; Ord. No. 1207, 8-1-95, Ord. No. 1277, 01-18-99, Ord. No. 1320, 03-25-02; Ord. No. 1322, 09-16-02; Ord. No. 1412, 10-2-06; Ord. No. 1467, 11-03-08)  
**State law reference**-Power of City to erect stop signs, SDCL 1967, 32-29-2.

**Sec. 11-59. Conduct at stop intersections.**

Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall come to a full stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered or is approaching the intersection from another highway and shall not proceed into the intersection until certain that such intersecting roadway is free from oncoming traffic which may affect safe passage. (Ord. No. 893, 1, 10-1-79)

**Secs. 11-60-11-73. Reserved.**

## **DIVISION 2. RULES OF THE ROAD**

### **Sec. 11-74. Use of right half of highway required; slow-moving vehicles; overtaking and passing excepted.**

Upon all highways of sufficient width, except upon one-way streets, the driver of a vehicle shall drive the same upon the right half of the highway and shall drive a slow-moving vehicle as closely as possible to the right-hand edge or curb of such highway, unless it is impracticable to travel on such side of the highway and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing established by-law or set forth in Sections 11-82 and 11-83 of this Code.

(Code 1953, 14.0133; Ord. No. 529, 2-27-61)

*State law reference*-Similar provisions, SDCL 1967.9 32-26-1.

### **Sec. 11 -75. Intersections and grade crossings; use of right half of highway; obstructions.**

In crossing an intersection of highways or the intersection of a highway by a railroad right-of-way, the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such right half is obstructed or impassable.

(Code 1953, 14.0144)

*State law reference*-Similar provisions, SDCL 1967, 32-26-2.

### **Sec. 11-76. Entry of highway from alley, building or private road.**

The driver of a vehicle about to enter or cross a public highway from an alley, building, private road or driveway shall yield the right-of-way to all vehicles approaching on such public highway.

(Code 1953, 14.0142; Ord. No. 529, 2-27-61)

*State law reference*-Similar provisions SDCL 1967, 32-26-14.

### **Sec. 11-77. Yielding right-of-way to emergency vehicles; duty of driver of emergency vehicle not to exercise right-of-way arbitrarily.**

The driver of a vehicle upon a highway shall yield the right-of-way to police and Fire Department vehicles when the latter are operated upon official business, and ambulances, and the drivers thereof sound audible signal by bell, siren or exhaust whistle. The provisions of this Section shall not operate to relieve the driver of a police, Fire Department vehicle or ambulance from the duty to drive with due regard for the safety of all persons using the highway nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right-of-way.

(Code 1953, 14.0141)

*State law reference*-Similar provisions, SDCL 1967, 32-26-15.

**Sec. 11-78. Right-turning vehicle required to keep right.**

Except as otherwise provided, the driver of a vehicle intending to turn to the right at an intersection shall approach such intersection in the lane of traffic nearest to the right-hand side of the highway, and in turning shall keep as closely as practicable to the right-hand curb or edge of the highway.

(Code 1953, 14.0136; Ord. No. 529, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-26-17.

**Sec. 11-79. Left turns generally.**

The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable, left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(Code 1953, 14.0137)

**State law reference**-Similar provisions, SDCL 1967.9 32-26-18.

**Sec. 11-79.1. Duty of vehicle operator turning left to yield right-of-way to approaching vehicle.**

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal as required by SDCL 32-26-23 and 32-26-24, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.

(Ord. No. 916, 2, 7-28-80)

**Editor's note**-Ord. No. 916, 2, amended Ch. I I of this Code by adding thereto the provisions included herein as 11-79.1

**Sec. 11-80. Driving on sidewalk prohibited.**

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

(Code 1953, 14.0143; Ord. No. 529, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-26-21.1.

**Sec. 11-81. Signals generally.**

The driver of any vehicle upon a highway before starting, stopping, or turning from a direct line shall first see that such movement can be made in safety and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement shall give a signal as required by SDCL 32-26-23 and 32-26-24 plainly visible to the driver of such other vehicle of the intention to make such movement.

(Code 1953, 14.0140; Ord. No. 529, 2-27-61; Ord. No. 916, 1, 7-28-80)

**State law reference**-Similar provisions, SDCL 1967, 32-26-22.

**Sec. 11-82. U-turns.**

*Business and Commercial Areas.* It shall be unlawful to turn a vehicle so as to proceed in the opposite direction in any business or commercial area. Sign stating "No U-Turns" shall be erected at the following intersection locations.

- (1) First Street North and Harth Avenue North.
- (2) First Street North and Van Eps Avenue North.
- (3) Center Street East and Harth Avenue.
- (4) Center Street West and Van Eps Avenue.
- (5) First Street South and Harth Avenue South.
- (6) First Street South and Van Eps Avenue South
- (7) Second Street South and Harth Avenue South.
- (8) Second Street South and Van Eps Avenue South.
- (9) Egan Avenue South and Third Street South.
- (10) Egan Avenue South and Fourth Street South.
- (11) Egan Avenue North and Second Street North.

- (a) *Residential areas.* It shall also be unlawful to turn a vehicle as to proceed in the opposite direction upon any other street of the City of Madison, except at an intersection and unless such move may be made in safety without interfering with other traffic.

(Code 1953, 14.0138; Ord. No. 529, 2-27-61; Ord. No. 920, 9-15-80; Ord. No. 923, 1-3, 9-22-80; Ord. No. 941, 7-20-81; Ord. No. 1067, 2, 4-11-88)

**Sec. 11-83. Passing generally.**

The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof. The driver of an overtaking vehicle shall pass at a safe distance to the side of an overtaken vehicle and shall not cut in front of the latter until safely clear of the overtaken vehicle.

(Code 1953, 14.0134; Ord. No. 529, 2-27-6 1)

**State law reference**-Similar provisions, SDCL 1967, 32-26-26.

**Sec. 11-84. Duty of vehicle being passed.**

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(Code 1953, 14.0135; Ord. No. 529, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-26-31.

**Sec. 11-85. Maximum number of passengers in front.**

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three (3) as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(Code 1953, 14.0153)

**State law reference**-Similar provisions, SDCL 1967, 32-26-43.

**Sec. 11-86. Passenger not to interfere with driver's view or control.**

No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

(Code 1953, 14.0153)

**State law reference**-Similar provisions, SDCL 1967, 32-26-44.

**Secs. 11-87-12-119. Reserved.**

**DIVISION 3. SPEED**

**Sec. 11- 120. Requirement that speed be reasonable and lawful.**

It shall be unlawful for any person to drive a motor vehicle on a highway located in this state at a speed greater than is reasonable and prudent under the conditions then existing or at speeds in excess of those fixed by this chapter.

(Code 1953, 14.0164; Ord. No. 521, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-25-3.

**Sec. 11-121. Speed limit in unposted areas.**

In all areas which are not zoned or posted otherwise, the maximum lawful speed shall be twenty (20) miles per hour.

(Ord. No. 917, 1, 7-28-80)

**State law reference**-Similar provisions, SDCL 1967, 9 32-25-12.

**Sec. 11-122. Speed limit at obstructed railway crossings.**

When approaching within fifty (50) feet of a grade crossing of any railway when the driver's view is obstructed, the maximum speed shall be fifteen (15) miles per hour. A driver's view shall be deemed to be obstructed when at any time during the last two hundred (200) feet of his approach to such crossing he does not have a clear uninterrupted view of such railway crossing of any traffic on such railway for a distance of four hundred (400) feet in each direction from such crossing.

(Code 1953, 14.0164(a); Ord. No. 521, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-25-13.

**Sec. 11-123. Speed limit in school zones.**

When passing a school during a school recess or while children are going to or leaving school during the opening or closing hours, the maximum lawful speed shall be fifteen (15) miles per hour.

(Code 1953, 14.0164(b); Ord. No. 521, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-25-14.

**Sec. 11-124. Speed limit at intersections with obstructed view.**

When approaching within fifty (50) feet and in traversing an intersection of highways when the driver's view is obstructed, the maximum lawful speed shall be fifteen (15) miles per hour. A driver's view shall be deemed to be obstructed when at any time during the last fifty (50) feet of his approach to such intersection, he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred (200) feet from such intersection. (Code 1953, 14.0164(c); Ord. No. 521, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-25-15.

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\* **State law reference**-Speed generally, SDCL 1967, Ch. 35-25.

**Sec. 11-125. Speed limits on specific streets.**

- (a) The speed limit shall be thirty (30) miles per hour on Second Street North from the junction of U.S. Highway 81 and South Dakota Highway 34 to the intersection of SD Highway 34 and Washington Avenue, and thirty (30) miles per hour on Third Street North Northeast to the east formerly known as South Dakota Highway 34 from Prairie Avenue to the southwest corner of Section Four (4), Township One Hundred Six (106) North, Range Fifty-Two (52) west of the 5<sup>th</sup> P.M., Lake County, South Dakota, and forty-five (45) miles per hour on old South Dakota Highway 34 from the southwest corner of Section Four (4), Township One Hundred Six (106) North, Range Fifty-Two (52), west of the 5<sup>th</sup> P.M., Lake County, South Dakota, to a point One Thousand Two Hundred Seventy-Six (1,276) feet east of said southwest corner.
  - (b) The speed limit shall be thirty (30) miles per hour on Washington Avenue from Second Street Northeast to a point 1.00 miles south of Second Street Northeast.
  - (c) Repealed.
  - (d) Reserved.
  - (e) The speed limit shall be thirty-five (35) miles per hour on Seventh Street Southwest from South Union Avenue extending west on said Seventh Street Southwest to South Highland Avenue.
  - (f) The speed limit shall be fifteen (15) miles per hour on First Street Northwest from Olive Avenue North to Highland Avenue North from June first to September first of every calendar year.
  - (g) The speed limit shall be twenty (20) miles per hour on any street in the business district, except arterial highways.
  - (h) The speed limit shall be twenty (20) miles per hour in a residential district unless a different speed is fixed and posted.
  - (i) The speed limit shall be forty-five (45) miles per hour on Airport Road (also known as 456<sup>th</sup> Avenue) from 5<sup>th</sup> Street Northeast extending north to 15<sup>th</sup> Street Northeast (also known as 232<sup>nd</sup> Street).
  - (j) The speed limit shall be thirty (30) miles per hour on Airport Avenue from Northeast Third Street extending north to Northeast Fifteenth Street.
  - (k) The speed limit shall be thirty (30) miles per hour on Northwest Ninth Street from Highway 81 North to Olive Avenue Northwest.
  - (l) The speed limit shall be twenty-five (25) miles per hour on Southwest Third Street from Union Avenue to Highland Avenue.
- (Code 1953, 14.0164; Ord. No. 521, 2-27-61; Ord. No. 540, 10-23-61; Ord. No. 571, 5-6-63; Ord. No. 589, 5-24-64; Ord. No. 674, 4-22-68; Ord. No. 775, 11-4-74; Ord. No. 894, 1-3, 9-17-79; Ord. No. 929, 2-2-81; Ord. No. 103 1, 8-4-86; Ord. No. 1225, 7-8-96; Ord. No. 1387, 11-7-05; Ord. No. 1406, 4-17-06; Ord. No. 1409, 8-14-06; Ord. No. 1453, 11-12-07; Ord. No. 1456, 1-10-08; Ord. No. 1465, 10-6-08; Ord. No. 1469, 11-10-08)

**Secs. 11-126-11-134. Reserved.**

**DIVISION 4. TRUCK TRAFFIC****Sec. 11-135. Truck traffic on certain streets.**

(a) All truck or tractor traffic is hereby prohibited on the East 1680 feet of Southwest First Street, west of Highland Avenue unless authorized by paragraph (b) of this ordinance.

(b) Truck or tractor-trailer traffic is hereby authorized solely for vehicles delivering to real property adjacent to the street described in paragraph (a).

(c) Any person convicted of any such violation of paragraph (a) shall be punished by a fine of not less than \$1.00 and not more than \$200.00 or by imprisonment not to exceed thirty (30) days in the County Jail or both such fine and imprisonment. Each day any violation of this code or other ordinance shall constitute a separate offense.

(Ord. No. 1332, 6-9-03)

**ARTICLE IV. STOPPING, STANDING OR PARKING****DIVISION 1. GENERALLY****Sec. 11-145. Presumption of operation.**

In any proceeding for the violation of the terms of this article, the state registration plate shall constitute in evidence a prima facie presumption that the individual in whose name said plate is registered is the lawful owner of said vehicle and that he was the person who parked or caused to be parked the vehicle illegally or in violation at the place where the violation occurred.

**Sec. 11-146. Standing and parking generally.**

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 stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(1) In front of a public or private driveway,

(2) Within fifteen (15) feet of a fire hydrant;

(3) Repealed.

(Ord. No. 1281, 02-01-99)

(4) Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;

(5) 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;

(6) At any street, alley, or public parking lot where official signs prohibit standing or parking. (Code 1953, 14.0122, Ord. No. 529, 02-27-61; Ord. No. 1328, 03-24-03)

**State law reference**-Similar provisions. SDCL 1967, 32-30-6.

**Sec. 11-147. Specific parking prohibitions-generally.**

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 park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

- (1) Within fifty (50) feet of the nearest rail of a railroad crossing;
- (2) At any place where official signs prohibit parking.  
(Code 1953, 14.0122; Ord. No. 529, 2-22-61)  
State law reference-Similar provisions, SDCL 1967, 32-30-6.2.

**Sec. 11-148. Maximum parking limit.**

No vehicle shall be parked on any street or public ground for a period longer than twenty-four (24) hours in any one location, or twenty (20) lineal foot area.  
(Code 1953, 14.0129; Ord. No. 529, 2-27-61; Ord. No. 958, 10-25-82)

**Sec. 11-149. Manner of parking, generally.**

No vehicle shall be parked on any street, unless such vehicle shall be parked parallel to the curb, headed in the direction of traffic, with the curb side of the wheels of the vehicle within twelve (12) inches of the curb, and no closer than four (4) feet to any other vehicle, front or rear; except upon those streets which have been designated, marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs, with the right front wheel touching the curb; and except upon those streets which have been marked, designated or signed for center parking, vehicles shall be parked within the designated markings.  
(Code 1953, 14.0126; Ord. No. 529, 2-27-61; Ord. No. 907, 2-11-80)

State law reference-Similar provisions, SDCL 1967, 32-30-2. 1.

**Sec. 11-150. Parking in center of street.**

No vehicle shall be parked in the middle or center of any street except in zones designated specifically for loading or unloading.  
(Code 1953, 14.0127; Ord. No. 529, 2-27-61)

**Sec. 11-151. Parking in alleys.**

No person shall park a vehicle within the alleys running north and south from Second Street North to Second Street South between Harth and Van Eps Avenues for a period exceeding ten (10) minutes.  
(Code 1953, 14.0130; Ord. No. 529, 2-27-61)

**Sec. 11-152. Parking for display, repairs, etc.**

No person shall stand or park a vehicle upon any street for the principal purpose of:

- (1) Displaying it for sale;
- (2) Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.  
(Code 1953, 14.0128; Ord. No. 529, 2-27-61)

**Sec. 11-153. No-parking; limited parking zones.**

No-parking signs, indicating the appropriate hours shown below, shall be erected on the following streets or portions thereof, and no person shall park a vehicle on said streets or portions thereof during the indicated times.

<b>Street</b>	<b>Side</b>	<b>Extent</b>	<b>Hours</b>
Center Street	North	From Lee Avenue east to the alley between Lee Avenue and Washington Avenue	
Center Street	Both	Between Harth Avenue and Van Eps Avenue	2:00 a.m. to 6:00 a.m. 30-minute parking only, between signs
Center Street East	South	West 20 feet of east 191 feet, between Lee Avenue and Harth Avenue	
Center Street	South	Between Washington Avenue and Lincoln Avenue	
Egan Avenue	Both	From Second Street North Fourth Street South	2:00 a.m. to 6:00 a.m.to
Fifth Street North	North	From Lincoln to Prairie	No Parking from Dec.1 to April 1
Harth Avenue	West	From Sixth Street North to Fourth Street North	
Lee Avenue	East	200 feet North of Eighth Street Northeast	
Lee Avenue	West	200 feet North of Eighth Street Northeast	November 1 <sup>st</sup> to March 31 <sup>st</sup>
Liberty Avenue North	West	From the center line of Second Street Northwest to a point 150 feet north	
Lincoln Avenue	East	Sixth Street Northeast and Seventh Street Northeast	3:00 a.m. to 7:00 a.m.
Lincoln Avenue	East	Seventh Street Northeast to Ninth Street Northeast	3:00 a.m. to 7:00 a.m.

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<b>Street</b>	<b>Side</b>	<b>Extent</b>	<b>Hours</b>
Lincoln Avenue	West	352 feet north from inter- Section of Sixth Street Northeast	
Lincoln Avenue	West	Ninth Street Northeast to Eleventh Street Northeast	3:00 a.m. to 7:00 a.m.
Lincoln Avenue	West	65' south from intersection of 8th Street NE	No parking anytime
Lincoln Avenue	West	From 65' south of intersection of 8th Street NE to 117' south of intersection of 8th Street NE	3:00 a.m. to 7:00 a.m.
Lincoln Avenue	West	80' north from intersection of 8th Street NE	No parking anytime
Lincoln Avenue North	East	From Seventh Street North to Fifth Street North	
Lincoln Avenue North	East	From Seventh Street North to Fifth Street North	No Parking from Dec. 1 to April 1
Summit Avenue	Both	Sixth Street Northeast and Eighth Street Northeast	3:00 a.m. to 7:00 a.m.
Summit Avenue North	East	From Ninth Street North to Sixth Street North	
Summit Avenue North	East	From Ninth Street North to Sixth Street South	No Parking from Dec. 1 to April 1
Union Avenue	East	Second Street Southwest and Seventh Street Southwest	
Union Avenue	West	From 280 feet north of Ninth Street Northwest to 660 feet north of Ninth Street Northwest	
Union	East	From Ninth Street North- west to 305 feet north of Ninth Street Northwest	
Union	West	From Ninth Street North- west to 280 feet north of Ninth Street Northwest	
Van Eps Avenue South	East	South 10 feet north of 165 feet between First Street Southwest and Second Street Southwest	No parking at any time

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<b>Street</b>	<b>Side</b>	<b>Extent</b>	<b>Hours</b>
Washington Ave.	East	Sixth Street Northeast and Ninth Street Northeast	
Washington Ave.	West	North 145 feet from corner of Washington Avenue and Eighth Street Northeast	1:00 a.m. to 8:30 a.m.
Washington Ave. North	West	150 feet from the intersection of Eighth Street Northeast	Medical Patient Parking only 8:30 a.m. through 6:00 p.m. Monday through Friday
First Street North	Both	Between Harth Avenue and Van Eps Avenue	2:00 a.m. to 6:00 p.m.
First Street South	Both	Harth Avenue and Van Eps Avenue	2:00 a.m. to 6:00 p.m.
First Street Northeast	South	Between Washington Avenue and Lincoln Avenue	
First Street Southwest	North	East 10 feet of west 95 feet between Egan Avenue and Van Eps Avenue	10-minute parking only
First Street Southwest	South	Highland Avenue and Olive Avenue	May through August of each year
First Street Southeast	North	From Alley between Egan and Harth to 15 Feet East	
First Street Southeast	North	From Alley between Egan and Harth to 25 Feet West	
Second Street Southwest	Both	From east right-of-way of Blanche Avenue South, west to the alley between Blanche Avenue South and Josephine Avenue South	
Third Street South	South	From Harth Avenue 136 feet to Alley West	No Parking Any Time
Third Street Northwest	South	From Liberty Avenue East to the alley between Liberty Avenue and Union Avenue	7 A.M. - 4 P.M. when school is in session
Fifth Street North	North	From Washington Avenue North to Egan Avenue North	
Fifth Street North	North	From Washington Avenue North to Prairie North	No Parking from Dec. 1 to April 1

<b>Street</b>	<b>Side</b>	<b>Extent</b>	<b>Hours</b>
Fifth Street Northeast	South	From Washington Avenue to Lincoln Avenue	As authorized by Lake Central School between the hours of 7:00 am to 5:00 pm between Sep. 1 and June 1
Sixth Street North	North	From Washington Avenue North to Summit Avenue North	
Sixth Street Northeast	North	Egan Avenue and Washington Avenue	
Sixth Street Northeast	South	Egan Avenue and Washington Avenue	
Sixth Street North	North	From Washington Avenue to Summit Avenue North	No Parking from Dec. 1 to April 1
Sixth Street Northeast	North	Washington Avenue to Lincoln Avenue	
Seventh Street North	North	From Lincoln Avenue North to Prairie Avenue North	
Seventh Street North	North	From Egan Avenue North to Blanche Avenue North	
Seventh Street North	North	From Washington Avenue North to Prairie Avenue North	No Parking from Dec. 1 to April 1
Seventh Street North	North	From Egan Avenue North to a point 320 feet west of the west right-of-way line of Egan Avenue North	No Parking Any Time
Seventh Street Northeast	Both	Lincoln Avenue and Summit Avenue	3:00 a.m. to 7:00 a.m.
Seventh Street Northeast	North	Washington Avenue to Lincoln Avenue	3:00 a.m. to 7:00 a.m.
Seventh Street Avenue	South	150 feet west from Intersection of Lincoln Avenue	
Seventh Street Northeast	South	The East 10 feet of the West 51 feet as measured from the East right-of-way line of Summit Avenue North	No Parking Any Time

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Street	Side	Extent	Hours
Eighth Street North	North	Egan Avenue to Lee Avenue and from the center line of Lee Avenue to a point 231 feet east	
Eighth Street North	North	From Lincoln Avenue North to Prairie Avenue North	
Eighth Street North	North	From Lincoln Avenue North to Prairie Avenue North	No Parking from Dec. 1 to April 1
Eighth Street Northeast	North	From Lincoln Avenue to Summit Avenue	
Eighth Street Northeast	North	Lee Avenue to Washington Avenue	
Eighth Street Northeast	North	Washington Avenue North and Lincoln Avenue North	
Eighth Street Northeast	North	85 feet from intersection of Washington Avenue North	Medical Patient Parking 8:30 a.m. to 6:00 p.m. Monday through Friday
Ninth Street North	North	Roosevelt Avenue to Prairie Avenue	7:30 a.m. to 4:00 p.m. when school is in session
Ninth Street North	Both	Highland Avenue (US Hwy 81) to Liberty Avenue	

(Code 1953, 14.01B01, 14.01B02; Ord. No. 555, 10-15-62; Ord. No. 602, 3-29-65; Ord. No. 603, 5-17-65; Ord. No. 633, 4-25-66; Ord. No. 663, 8-7-67; Ord. No. 686, 10-7-68; Ord. No. 691, 3-24-69; Ord. No. 698, 11-24-69; Ord. No. 719, 12-21-70; Ord. No. 729 10-11-71; Ord. No. 734, 1-24-72; Ord. No. 748, 4-16-73; Ord. No. 758, 10-23-73; Ord. No. 765, 4-8-74; Ord. No. 783, 5-5-75; Ord. No. 802, 11-10-75; Ord. No. 819, 8-30-76; Ord. No. 846, 3-20-78; Ord. No. 849, 4-24-78; Ord. No. 863, 11-13-78; Ord. No. 870, 3-19-79; Ord. No. 902, 11-26-79; Ord. No. 904, 1-21-80; Ord. No. 982, 5-7-84; Ord. No. 1024, 12-23-85; Ord. No. 1025, 12-23-85; Ord. No. 1066, 2-8-88; Ord. No. 1077, 11-17-88; Ord. No. 1088, 6-1-89; Ord. No. 1148, 3-4-93; Ord. No. 1163, 10-7-93; Ord. No. 1190, 11-17-94; Ord. No. 1210, 8-24-95, Ord. No. 1265, 08-13-98, Ord. No. 1276, 01-25-99, Ord. No. 1305, 11-06-00, Ord. No. 1366, 9-27-04, Ord. No. 1369, 11-22-04; Ord. No. 1386, 10-31-05; Ord. No. 1413, 10-10-06; Ord. No. 1445, 10-8-07; Ord. No. 1447, 10-29-07; Ord. No. 1475, 11-24-08)

**Sec. 11-154. Truck parking.**

(a) It shall be unlawful for any person to park any truck other than pickups or panel trucks on any public street for longer than three (3) hours, except when loading or unloading.

(b) No trucks shall be parked on the north side of Second Street Southwest between Van Eps Avenue South, east to the platted alley.

(Code 1953, 14.0151, 14.01B01(u); Ord. No. 529, 2-7-61; Ord. No. 797, 9-29-75)

**Sec. 11-155. Loading zones designated; permit provisions.**(a) *Loading zones.*

(1) *First Street South.* No vehicle shall park in the center of First Street South from Van Eps Avenue South to Harth Avenue South; except in loading and unloading zones of one hundred (100) feet in the center of each of the respective four (4) one-half (1/2) blocks thereof. In these areas of one hundred (100) feet in each one-half (1/2) block, parking will be restricted to loading and unloading of delivery vehicles for a duration not to exceed fifteen (15) minutes; and said loading and unloading will be permitted only with vehicles displaying a City of Madison, annual center street parking permit sticker, granting permission for use of the before-mentioned loading and unloading zones.

(2) *Egan Avenue.* No vehicle shall park in the center of Egan Avenue from Second Street North to Second Street South; except in loading and unloading zones of one hundred (100) feet in the center of each block. In these areas of one hundred (100) feet in each block, parking will be restricted to loading and unloading of delivery vehicles for a duration not to exceed fifteen (15) minutes, and said loading and unloading will be permitted only with vehicles displaying a City of Madison, annual center street parking permit sticker, granting permission for use of the before-mentioned loading and unloading zone.

(b) *Permits.* Permits for the use of loading and unloading zones shall be granted by the City Commission and said permit, when granted, shall be displayed on the right window or thereabout, so as to be visible from a vehicle passing on the right.

(1) *Fee.* Each individual, firm or company granted a permit to park on First Street South and Egan Avenue as provided for in subsections (a) (1) above shall pay an annual fee of five dollars (\$5.00).

(2) *Number of permit stickers.* Said fee provided for in subsection (b)(1) and (2) of this Section entitles the individual, firm or company, requesting a parking permit to receive one (1) to four (4) parking permit stickers. This provision is to provide for substitute vehicles that are not regularly scheduled or used for delivery service in Madison.

(3) *Term.* Said parking permit sticker and fee covers a period of one year, from January first to December thirty-first.

(Code 1953, 14.0125; Ord. No. 713, 10-5-70; Ord. No. 868, 3-19-79)

**Sec. 11-156. Funerals.**

The provisions of this article restricting the time during which parking is prohibited, shall not apply to funeral cars parked in the vicinity of a church, chapel or residence while a funeral is in progress therein.

(Code 1953, 14.013 1; Ord. No. 529, 2-27-61)

**Sec. 11-157. Stopping.**

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:

- (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (2) On a sidewalk;
- (3) Within an intersection;
- (4) On a crosswalk;

- (5) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (6) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (8) On any railroad tracks;
- (9) At any place where official signs prohibit stopping;
- (10) At any place where the curb is painted yellow.

(Code 1953, 14.0122; Ord. No. 529, 2-27-61; Ord. No. 895, 1, 9-17-79)

**State law reference**-Similar provisions. SDCL 1967, 0 32-30-6. 1.

### **Sec. 11-158. Safeguarding of unattended vehicle.**

No person driving or in charge of a motor vehicle shall permit it to stand unattended without effectively setting the brake thereon and, when standing upon any grade, turning the front wheel to the curb or side of the highway.

(Code 1953, 14.0145; Ord. No. 529, 2-27-61)

**State law reference**-Similar provisions, SD-CL 1967, 32-30-5.

### **Sec. 11-159. Impoundment.**

- (a) The Police Department shall have the right to remove or cause to be removed any vehicle from any street or public right-of-way that may be abandoned, unlawfully parked or found to constitute a hazard to safety, where the owner or person in charge of such vehicle cannot be found or is unable to act, and, if necessary to enter such vehicle and cause the same to be placed in condition to be moved, and may employ any reputable person, engaged in the business of towing or storing vehicles for such purpose.
- (b) Any person employed by the Police Department to move any vehicle as provided in this Section, shall exercise reasonable and ordinary care in doing so, and shall provide such storage facilities therefore as required by law of Bailees-for-hire, and for such service and storage shall have a lien on such vehicle for the reasonable value of the charges for such towing, labor and storage.

(Code 1953, 14.0132; Ord. No. 529, 2-27-61)

**State law reference**-Similar provisions. SDCL 1967, 32-30-3.

### **Sec. 11-160. Apartment tenant parking zones; permit provisions.**

- (a) *Designated.* The following zone is designated as an apartment tenant parking zone:

Lincoln Avenue North: No vehicle shall park on the west side of Lincoln Avenue North from the south side of Seventh Street Northeast to a point one hundred (100) feet south;

except in the apartment tenant parking zone; and said parking will be permitted only with vehicles displaying a City of Madison annual apartment tenant parking permit sticker, granting permission for use of the herein before described parking zone.

(b) *Permits.* Permits for the use of the apartment tenant parking zone shall be granted by the City to owners of record of bordering real property. Said permit, when granted, shall be displayed on the right rear window of the vehicle, so as to be visible from a passing vehicle.

(1) *Fee.* Each bordering property owner shall be granted up to two (2) permits per dwelling unit evidencing permission to use the apartment tenant parking zone as designated in paragraph (a) and shall pay an annual fee of five dollars (\$5.00) for each permit issued.

(2) *Term.* Said parking permit sticker and fee covers a period of one year from January first to December thirty-first.

(Ord. No. 956, 8-30-82)

### **Sec. 11-161. Unauthorized parking in handicapped space as a misdemeanor.**

The owner of any vehicle not displaying a serially numbered certificate or special license plate parked or stopped in a parking space, or blocking a parking space, on public or private property designated as reserved for a person with a physical disability constitutes a violation. The court shall assess a fine of not less than one hundred dollars (\$100.00) if the parking space is marked in accordance with the Americans With Disabilities Act accessibility guidelines as of January 1, 2002.

(Ord. No. 1029, 1-3. 4-28-86; Ord. No. 1414, 10-16-06)

### **Sec. 11-162. Turning across traffic to park vehicle prohibited.**

(a) It shall be unlawful for any vehicle to turn left across traffic to park the vehicle either diagonally or parallel on the opposite side of the street or make a turn in such a manner so as to cause the vehicle to travel in the opposite direction of its direction of travel.

(b) The operator of any vehicle violating this section shall be issued a citation subject to a Twenty (\$20.00) Dollar fine. The fine shall be paid at the Police Department within seventy-two (72) hours of issuance. In the event such citation is not paid within the time limit herein specified the citation shall be submitted to the Court for prosecution with the penalty for such violation to be determined by the Court in conformity with Section 1-8 of this Code.

(Ord. No. 1068, 4-11-88; Ord. No. 1402, 3-13-06)

### **Sec. 11-163. Prohibition of Jake Brake.**

(a) *Jake Brake.* A dynamic braking device (commonly referred to as a Jacob's or Jake brake) meaning 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 breakwheels. The use or operation of a dynamic braking device (commonly referred to as Jacob's or Jake brake) is hereby prohibited within the City of Madison.

(b) Penalty. Any person convicted of any such violation of Section 1 shall be punished by a fine of not less than \$1.00 and not more than \$500.00 or by imprisonment not to exceed thirty (30) days in the County Jail or both such fine and imprisonment. Each use or operation of a Jake brake under this ordinance shall constitute a separate offense.

(Ord. No. 1368, 11-8-04; Ord. No. 1421, 2-5-07)

**Secs. 11-164-11-169. Reserved.**

## **DIVISION 2. METERED PARKING**

**Sec. 11-170-11-182. Repealed.**

(Ord. No. 1125-2,12-02-91)

**Secs. 11-183-11-185. Reserved.**

## **DIVISION 3. DOWNTOWN PARKING\***

**Sec. 11-186. Definitions.**

For the purposes of this division, the following words and terms shall be defined as follows:

*Agent* shall mean any person who operates any vehicle as the owner thereof, or as an employee or permittee of the owner, or any person who is in actual physical control of a vehicle.

*Downtown parking zone* shall mean and include any restricted street or portion thereof, and any authorized "off-street parking lot."

*Operator* shall mean and include any individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or any person who is in actual physical control of a vehicle.

*Owner* shall mean any person who has a vehicle registered or entitled to be registered in his name.

*Park or parking* shall mean the standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while engaging in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs or signals.

*Parking space* shall mean any space designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street or off-street parking lot.

*Person* shall mean and include any individual, firm, co-partnership, association or corporation.

*Street* shall mean any public street, avenue, road, alley, highway, lane, path or other public place located in the City and established for the use of vehicles.

*Vehicle* shall mean any device in, upon, or by which any person or property shall or may be transported upon a highway, except a device which is operated upon rails or tracks.  
(Ord. No. 855, 7-24-78)

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\***Editor's note**-Ord. No. 855, adopted July 24, 1978, did not specifically amend this Code; hence, inclusion of the substantive provisions of said Ordinance as Div. 3, 11-186-11-192 is at the discretion of the editor.

**Sec. 11-187. Downtown parking zone designated.**

The following named and described areas, streets, or portions of streets and such other areas, streets, or portions of streets as may hereafter be included in this Section by amendment hereto, lying within the corporate limits of the City shall constitute the "downtown parking zone" namely:

- (a) *Egan Avenue* from Second Street North to Second Street South, except:
- (1) The south sixty-four (64) feet of the west side of Egan Avenue South between the center lines of First Street Southwest and Second Street Southwest, be limited to and posted "No Parking."
  - (2) The north twenty-nine (29) feet of the south one hundred six (106) feet of the east side of Egan Avenue South between the center lines of First Street Southeast and Second Street Southeast, be limited to and posted "No Parking-Between Signs."
  - (3) Repealed.
  - (4) The south twenty-one (21) feet of the north two hundred four (204) feet of the west side of Egan Avenue South between the center lines of First Street Southwest and Second Street Southwest, be limited to and posted "No Parking-Between Signs."
- (b) *First Street South* from Van Eps Avenue to Harth Avenue, except:
- (1) The east ten (10) feet of the west ninety-five (95) feet of the north side of First Street Southwest between the center lines of Egan Avenue South and Van Eps Avenue South, be limited to and posted "10-Minute Parking."
  - (2) The east forty-five (45) feet of the west one hundred seventy-six (176) feet of the north side of First Street Southwest between the center lines of Egan Avenue South and Van Eps Avenue South, be limited to and posted "No Parking-Loading Zone."
  - (3) The east one hundred thirteen (113) feet of the west one hundred seventy-six (176) feet of the south side of First Street Southwest between the center lines of Egan Avenue South and Van Eps Avenue South, be limited to and posted "No Parking-Between Signs."
- (c) *Center Street* from Van Eps Avenue to Harth Avenue, except:
- (1) The west one hundred thirty-six (136) feet of the east one hundred eighty-six (186) feet of the south side of Center Street East between the center lines of Harth Avenue South and Egan Avenue South, be limited to and posted "15-Minute Parking."  
(Ord. No. 1072, 7-28-88)

- (2) The east forty (40) feet of the west one hundred seventy-six (176) feet of the north side of Center Street West between the center lines of Egan Avenue North and Van Eps Avenue North, be limited to and posted "10 Minute Parking between signs."
  - (3) The west twenty (20) feet of the east one hundred seventy-six (176) feet of the north side of Center Street West between the center lines of Egan Avenue North and Van Eps Avenue North, be limited and posted "10- Minute Parking-Between Signs."
  - (d) *First Street North* from Egan Avenue one-half block east and one-half block west to the alley in each block, except:
    - (1) The west twenty-one (21) feet of the east one hundred seventy-six (176) feet of the south side of First Street Northeast between the center lines of Egan Avenue North and Van Eps Avenue North, be limited to and posted "10-Minute Parking."
  - (e) *Off-street Parking Lot No. 1.* Off-street parking lot on Lots 12, 13, 14 and 15, Block 15, of the Original Plat of the City of Madison, hereafter would be referred to as "Off-street Parking Lot No. 1."
  - (f) *Off-street Parking Lot No. 2.* Off-street parking lot on Lots 7 and 8, Block 8 of the Original Plat of the City of Madison, hereafter would be referred to as "Off-street Parking Lot No. 2."
  - (g) *Off-street Parking Lot No. 3.* Off-street parking lot on Lots 14 and 15, Block 4 of the Original Plat of the City of Madison, hereafter to be referred to as "Off-street Parking Lot No. 3."
- (Ord. No. 855, 7-24-78, Ord. No. 859, 9-11-78; Ord. No. 1385, 10-3-05)

**Sec. 11-188. Parking spaces designated; vehicle to park within lines.**

The street superintendent is hereby directed and authorized to mark off individual parking spaces in the parking zones designated and described in Section 11-187 of this division and in such other zones as may hereafter be established, said parking spaces having lines painted or durably marked on the curb or surface of the street or off-street parking lot. At each space so marked off, it shall be unlawful to park any vehicle in such a way that said vehicle is not entirely in the limits of the space so designated.

(Ord. No. 855, 7-24-78)

**Sec. 11-189. Parking time limits.**

- (a) In all areas designated in Section 11-187, parking shall be limited to two (2) hours, except as provided in Section 11-187 and this Section.
  - (1) Parking Lot No. 1 shall be limited to four (4) hours parking.
  - (2) Parking Lot No. 2 shall be limited to four (4) hours parking.
  - (3) Parking Lot No. 3 shall be limited to four (4) hours parking.
- (b) Parking time limits shall be in operation on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, between the hours of 9:00 a.m. and 6:00 p.m.; except that if any of the above days are holidays, the parking regulations provided herein shall not apply and that within the meaning of this division the term holidays shall include the following days only: The first day of January; the third Monday in February; the last Monday in May; the fourth day of July; the

first Monday in September; the second Monday of October; the eleventh day of November; the fourth Thursday in November; and the twenty-fifth day of December; and every day appointed by the President of the United States or the Governor of the State of South Dakota for a public fast, thanksgiving or other holiday.

If the first day of January, the fourth day of July or the twenty-fifth day of December falls upon a Sunday, the Monday following is a legal holiday; and if any such day falls upon a Saturday, the preceding Friday is a legal holiday.

(Ord. No. 855, 7-24-78)

**Sec. 11-190. Violations.**

It shall be unlawful and a violation of this division for any person:

- (a) To cause, allow, permit or suffer any vehicle registered or entitled to be registered in the name of, or operated by such person, to be parked over-time, or beyond the legal parking time established for any parking space as herein described beyond the maximum legal parking time for that particular parking space.
- (b) To permit any vehicle to remain or be placed in any parking space for a period longer than allowed by this division.
- (c) To park any vehicle across any line or marking of any parking space or in such position that the vehicle shall not be entirely within the area designated by such lines or marking.

(Ord. No. 855, 7-24-78)

**Sec. 11-191. Penalty for parking time violations; delinquent fee penalty.**

- (a) Any person who operates a vehicle found in violation of this Section shall within seventy-two (72) hours from the time when the notice of violation was attached to such vehicle, pay to the Office of the City Finance Officer-treasury, as penalty for and in full satisfaction of such violation, the sum of three dollars (\$3.00).
- (b) If said person fails to pay said sum within said seventy-two (72) hours, he or she shall, within two (2) weeks from said seventy-two-hour period, pay to said officer as penalty for and in full satisfaction of said violation the sum of ten dollars (\$10.00).
- (c) Upon failure of said person to pay either of said sums to said office within the time periods indicated, and upon conviction of a violation of this Section, said person shall be guilty of committing a Class H misdemeanor.

(Ord. No. 855, 7-24-78; Ord. No. 1022, 11-4-85)

**Sec. 11-192. Reservation of powers.**

Nothing in this division shall be construed as prohibiting the City from providing for bus stops, taxicab stands, and other matters of similar nature, including the loading and unloading of trucks, vans and other commercial vehicles.

(Ord. No. 855, 7-24-78)

**Sec. 11-193. Reserved.**

**ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES****Sec. 11-194. Right-of-way generally.**

The driver of any vehicle upon a highway within a business or residence district shall yield the right-of-way to a pedestrian crossing such highway within any clearly marked crosswalk or any regular pedestrian crossing included in the prolongation of the lateral boundary, lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices. (Code 1953, 14.0116)

**State law reference**-Similar provisions, SDCL 1967, 32-27-1.

**Sec. 11-195. Right-of-way at controlled intersections.**

At intersections where traffic is controlled by traffic-control signals or police officers, drivers of vehicles, including those making turns, shall yield the right-of-way to pedestrians crossing or those who have started to cross the roadway on a green or "go" signal, and in all other cases pedestrians shall yield the right-of-way to vehicles lawfully proceeding directly ahead on a green or "go" signal.

(Code 1953, 14.0116; Ord. No. 529, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-27-2.

**Sec. 11-196. Crosswalks.**

At intersections where traffic is controlled by traffic-control signals or by police officers, pedestrians shall not cross a roadway against a red or "top" signal, and between adjacent intersections so controlled shall not cross at any place except in a marked or unmarked crosswalk. (Code 1953, 14.0115, 14.0117; Ord. No. 529, 2-27-61)

**State law reference**-Power of City to so require, SD-CL 1967, 32-27-3.

**Sec. 11-197. Right-of-way of blind.**

Whenever a pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching the intersection, or place where such pedestrian is attempting to cross, shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian.

(Code 1953, 14.0118; Ord. No. 529, 2-27-61)

**State law reference**-Similar provisions, SD-CL 1967, 32-27-7.

**Secs. 11-198-11-213. Reserved.**

**ARTICLE VI. EMERGENCY VEHICLES****Sec. 11-214. Circumstances under which emergency vehicle may disregard traffic regulations.**

The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not returning from a fire alarm, may exercise the privileges set forth in this article but subjected to the conditions stated in it.

(Code 1953, 14.0110; Ord. No. 529, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-31-1.

**Sec. 11-215. Duty of operator to use care; liability for recklessness.**

The provisions of this article shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(Code 1953, 14.0110; Ord. No. 529, 2-27-6 )

**State law reference**-Similar provisions, SDCL 1967, 32-31-5.

**Sec. 11-216. Duty of other motorists upon approach of emergency vehicle.**

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this chapter, or of a police vehicle lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position as near as possible and parallel to the right-hand edge of the curb of the highway, or in case of a one-way highway nearest the edge or curb, clear of any intersection of highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until the authorized emergency vehicle shall have passed.

(Code 1953, 14.014 1; Ord. No. 529, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-31-6.

**Sec. 11-217. Following fire apparatus.**

It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or to drive into or park such vehicle within the block where the fire apparatus has stopped in answer to a fire alarm.

(Code 1953, 14.0147; Ord. No. 529, 2-27-61)

**State law reference**-Similar provisions. SDCL 1967, 32-31-7.

**Sec. 11-218. Driving over fire hose prohibited.**

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down in any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

(Code 1953, 14.0152; Ord. No. 529, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-31-8.

**Secs. 11-219-11-232. Reserved.**

**ARTICLE VII. MOTORCYCLES****Sec. 11-233. Operator and passengers restricted to permanent and regular seats.**

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(Code 1953, 9 14.0168; Ord. No. 521, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-20-6.1.

**Sec. 11-234. Position of motorcyclist.**

A person shall ride upon a motorcycle only while sitting astride the motorcycle and the seat thereof, facing forward.

(Code 1953, 14.0168; Ord. No. 521, 2-27-61)

**State law reference**-Similar provisions, SDCL 1967, 32-20-6.2.

**Sec. 11-235-11-265. Reserved.****ARTICLE VIII. BICYCLES****Sec. 11-266. License required.**

No person shall ride or use a bicycle upon any public street, highway or public ground without a license issued by the City.

(Code 1953, 14.0175; Ord. No. 521, 2-27-61)

**Sec. 11-267. License application.**

Every owner of a bicycle applying for a bicycle license shall list with the Chief of Police his name address, name of the manufacturer of his bicycle, its serial number, style and general description.

(Code 1953, 14.0176; Ord. No. 521, 2-27-61)

**Sec. 11-268. Identification tags.**

(a) The Chief of Police shall provide and keep at police headquarters a suitable book and record for such purpose, and shall provide suitable metallic identification tags, upon each of which shall be marked or stamped a distinguishing number, and for each bicycle licensed, shall furnish to the owner thereof one of such tags and a duplicate thereof.

(b) The owner shall affix and keep affixed to the bicycle for which the same has been issued the original metallic tag, and shall keep the duplicate thereof in his possession and shall at all reasonable times, upon demand of any member of the Police Department exhibit the same for the purpose of identification and proof of ownership.

(Code 1953, 14.0177; Ord. No. 521, 2-27-61)

**Sec. 11-269. License fees.**

Each person desiring the license required by the provisions of this article shall pay to the City the sum of fifty cents (\$0.50). If a person loses the required license tag, he shall be issued another upon presentation of satisfactory evidence of such fact and upon payment to the City the sum of fifty cents (\$0.50). Upon change of ownership, the license tag may be transferred to and issued in the manner herein provided in the name of the new owner upon payment by him of a fee of twenty-five cents (\$0.25).

(Code 1953, 14.0178, 14.0179; Ord. No. 521, 2-27-61)

**Sec. 11-270. Transfer or display of tag on other bicycle.**

Bicycle license tags shall not be transferred from one bicycle to another, and no person shall attach to a bicycle a tag not issued for use thereon.

(Code 1953, 14.0179; Ord. No. 521, 2-27-61)

**Sec. 11-271. Operation generally.**

No person shall ride or propel a bicycle upon any public street, highway or public ground except in a careful and prudent manner and unless such person shall be capable of efficient control and operation of such bicycle; nor shall any person propel or operate a bicycle upon any street, highway or public ground carrying or permitting to be carried any other person upon such bicycle.

(Code 1953, 9 14.018 1; Ord. No. 521, 2-27-61)

**Sec. 11-272. Interference with pedestrians.**

No person shall ride or propel any bicycle upon any public street, highway or public grounds in such a manner as to interfere with any pedestrian thereon.

(Code 1953, 14.0180; Ord. No. 521. 2-27-61)

**Sec. 11-273. Speed.**

No bicycle shall be ridden faster than is reasonable and proper, and every bicycle shall be operated with reasonable regard to the safety of the operator and any other person upon the streets and highways of the City.

(Code 1953, 14.0182; Ord. No. 521, 2-27-61)

**Sec. 11-274. Riding abreast.**

No person shall ride or propel a bicycle upon any public street, highway or public grounds within the City abreast or to the left of any other person so riding or propelling a bicycle.

(Code 1953, 14.0186; Ord. No. 521, 2-27-61)

**Sec. 11-275. Operation on sidewalks.**

No person shall ride or propel a bicycle, skateboard or roller blades upon any sidewalk within the business district. For the purpose of this Section, the business district shall be that area:

- (1) Along and either side of Egan Avenue from Second Street North to Second Street South;
- (2) On First Street North one-half block either side of Egan Avenue;

- (3) On Center Street one block either side of Egan Avenue;
  - (4) On first street South one-half block either side of Egan Avenue.
- (Code 1953, 14.0190; Ord. No. 767, 5-13-74; Ord. No. 1336, 8-11-03)

**Sec. 11-276. Parking.**

No bicycle shall be parked on any sidewalk in the residential area, nor adjacent to or against any building in the business district. Bicycles shall be parked in racks where provided or on the sidewalk next to the parking meter parallel to the curb in the business district.  
(Code 1953, 14.0188; Ord. No. 521 2-27-61)

**Sec. 11-277. Lights and reflectors.**

No bicycle shall be permitted on any street, highway or public ground between a half hour after sunset and a half hour before sunrise without a headlight visible from the front thereof for not less than three hundred (300) feet, indicating the approach or presence of the bicycle, which light shall be firmly attached to said bicycle and properly lighted, or a reflex mirror or lamp on the rear exhibiting a red or yellow light visible from the rear of such bicycle for a distance of not less than two hundred (200) feet.  
(Code 1953, 14.0184; Ord. No. 521, 2-27-61)

**Sec. 11-278. Hours of operation for certain persons.**

No person under the age of twelve (12) years shall ride or propel a bicycle upon any street, highway, or public grounds after the hour of 9:00 p.m.  
(Code 1953, 14.0185; Ord. No. 521, 2-27-61)

**Sec. 11-279. Obedience to signs.**

Persons riding or propelling any bicycle shall observe all traffic signs and stop at all stop signs.  
(Code 1953, 14.0183; Ord. No. 521, 2-27-61)

**Sec. 11-280. Other traffic rules.**

Every person riding or propelling a bicycle upon any public street, highway or public grounds shall observe all other traffic rules and regulations except those which by their nature can have no application.  
(Code 1953, 14.0187; Ord. No. 521, 2-27-61)

**Secs. 11-281-11-291. Reserved.****ARTICLE IX. SNOWMOBILES\*****Sec. 11-292. Definitions.**

As used in this article, unless the context otherwise requires, the following terms shall mean as indicated below:

*Operator.* A person who operates or is in actual control of a snowmobile.

*Owner:* Any person, other than a lienholder, having the property in or title to a snowmobile and entitled to the use or possession thereof.

*Snowmobile*: 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.

(Ord. No. 733, 1, 1-24-72)

**State law reference**-Similar provisions, SDCL 1967, 32-20A-1.

**Sec. 11-293. Operation on public ways generally.**

No person shall operate a snowmobile on the portion of any right-of-way on any City street or avenue used for motor vehicle travel, except the most right-hand lane which is used for vehicular traffic in the same direction other than on expressways or state highways. While operating on the most right-hand lane, at no time shall snowmobiles be operated two (2) or more abreast. Snowmobiles may operate in the road ditch where expressways or state highways are so configured within the corporate limits.

(Ord. No. 733, 2(a), 1-24-72)

**Sec 11-294. Operation on private property.**

No person shall operate a snowmobile on private property of another without the express permission to do so by the owner or occupant of said property.

(Ord. No. 733, 2(b), 1-24-72)

**Sec 11-295. Operation in recreational areas.**

No person shall operate a snowmobile on public school grounds, park property, playgrounds, slide areas, recreational areas and skating rinks without the express permission to do so by the proper authority.

(Ord. No. 733, 2(c), 1-24-72)

**Sec. 11-296. Disturbing the peace.**

No person shall operate a snowmobile in any manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

(Ord. No. 733, 2(d), 1-24-72)

**Sec. 11-297. Sidewalks, boulevards, etc.**

No person shall operate a snowmobile on any public sidewalk provided for pedestrian travel, or on boulevards within any public right-of-way with the exclusion of that boulevard in the center of Egan Avenue North from Fourth Street North to Ninth Street North, or on any alleys, except that travel is permitted on alleys when traveling from a place of storage to the nearest street.

(Ord. No. 733, 2(e), 1-24-72)

**Sec. 11-298. Yielding right-of-way.**

At any street intersection not controlled by traffic sign, a snowmobile shall yield right-of-way to all other motor vehicles.

(Ord. No. 733, S 2(h), 1-24-72)

**Sec. 11-299. Unattended vehicles.**

It is unlawful for the owner or operator of a snowmobile to leave or allow the snowmobile to be or remain unattended on public property while the motor is running or where the keys for starting the vehicle are left in the ignition.

(Ord. No. 733, 4, 1-24-72)

**Sec. 11-300. Towing objects.**

It shall be unlawful for any person to tow any person or thing with a snowmobile on the public streets or roads or other City property except through the use of a rigid tow bar attached to the rear of the snowmobile.

(Ord. No. 733, 5(b), 1-24-72)

**Sec. 11-301. Hours of operation.**

It is unlawful for any person to operate a snowmobile between the hours of 10:00 p.m. and 7:00 a.m. of the following day, except that a driver may drive during this restricted time when he is coming into town to his residence or place of storage.

(Ord. No. 733, 5(a), 1-24-72)

\* **State law reference**-State regulation of snowmobiles, SDCL 1967, Ch. 32-20A.

**Sec. 11-302. Speeding and reckless driving prohibited.**

No person shall operate a snowmobile in the following manner:

- (1) At a speed that is greater than is reasonable and prudent under the circumstances;
- (2) In any reckless, careless, or negligent way so as to endanger the person or property of another.

(Ord. No. 733, 2(g), 1-24-72)

**State law reference**-Similar provisions, SDCL 1967, 32-20A-2.

**Sec. 11-303. Required equipment.**

All snowmobiles shall have the following equipment:

- (1) Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle, and no person shall use a muffler cutout, bypass or similar device on said vehicle, and no person shall use a megaphone or tuned exhaust system or similar device on said vehicle.
- (2) Adequate brakes in good working condition.
- (3) A safety or so-called "deadman" throttle in operating condition; a safety or deadman throttle is defined as a device which when pressure is removed from the accelerator, the throttle causes the motor to disengage from the driving track.
- (4) Any snowmobile being operated during the hours of darkness shall display a lighted head lamp and tail lamp in accordance with SDCL 1967, Ch. 32-17 as may have been approved by the commissioner of motor vehicles at least equivalent to that required for motorcycles.

(Ord. No. 733, 3, 1-24-72; Ord. No. 735. 2-7-72)

**Sec. 11-304. Carrying firearms.**

No person other than a law enforcement officer or conservation officer shall operate or ride in any snowmobile with any firearm in his possession unless the firearm is completely unloaded and within a carrying case which encloses the entire firearm.

**State law reference**-Similar provisions, SD-CL 1967, 32-20A- II.

**Sec. 11-305. Emergency restrictions.**

The Board of Commissioners may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads or streets or other City property within the City when in their opinion the public safety and welfare so requires.  
(Ord. No. 733, 8, 1-24-72)

**Sec. 11-306. Other traffic regulations.**

Every person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer authorized to direct or regulate traffic.  
(Ord. No. 733, 10, 1-24-72)

**Sec. 11-307. Registration required.**

No person shall operate a snowmobile within the corporate limits without having such snowmobile registered as provided for by state law.  
(Ord. No. 733, 2(f), 1-24-72)

**State law reference**-Registration of snowmobiles. SDCL 1967, 32-20-15.

**Sec. 11-308. Construction of article.**

None of the provisions of this article shall be construed to mean that snow-mobiles are permitted to operate on any public street or road for the purpose of recreation, but rather the aforementioned provisions are intended to provide an exit out of the City and a return to the residence of the operator or his place of storage for the snowmobile, by way of the most direct and closest route available.  
(Ord. No. 733, 6, 1-24-72)

**Sec. 11-309. Valid driver's license required.**

It shall be unlawful for any person to drive or operate a snowmobile within the City of Madison without having in his possession a valid motor vehicle driver's license to operate a motor vehicle, except that all persons under the age of fourteen (14) may operate a snowmobile only when accompanied by a person eighteen (18) years of age or older holding a valid driver's license. The "accompanied" shall be defined as one or more persons holding a valid motor vehicle driver's license, supervising a group of under age fourteen (14) snowmobile operators, traveling together.  
(Ord. No. 1238, 01-13-97)

**Secs. 11-310-11-319. Reserved.**

**ARTICLE X. ONE WAY STREETS AND ALLEYS.**

**Sec. 11-320. Designation.**

Whenever this article or any Ordinance of the City designates any one way street or alley, the superintendent of streets shall place and maintain signs giving notice thereof; which signs shall conform to the uniform traffic and control devices and shall read "One Way, Do Not Enter". Such signs shall be placed at every intersection where movement in the opposite direction is prohibited. (Ord. No. 1123, 10-21-91)

**Sec. 11-321. Designation.**

Pursuant to the provisions of this article, the following streets and alleys, or portions thereof, are hereby designated as one way streets or alleys, and traffic thereon shall move only in the indicated direction:

<i>Street</i>		<i>Direction</i>
Alley between Egan and Harth	From Center Street to First Street, SE	South
Harth Avenue	From First Street, SE to Second Street, SE	South

(Ord. No. 1123, 10-21-91; Ord. No. 1511, 8-22-11)

**Secs. 11-322-11-325. Reserved.**

**ARTICLE XI. CROSSING GUARDS.**

**Sec. 11-326.**

(1) The Board of Commissioners of the City of Madison shall have the authority to establish the use of crossing guards within the City of Madison and to establish the locations where they shall operate.

(2) The following intersections within the City of Madison are hereby designated controlled school crossings:

- Southeast 4th Street and South Washington Avenue
  - Northwest 2nd Street and North Liberty Avenue
  - Northeast 4th Street and North Washington Avenue (one (1) across both Washington Avenue and one (1) across Northeast 4th Street)
  - Northeast 9th Street and North Harth Avenue
- (Ord. No. 1340, 10-20-03; Ord. No. 1343, 11-17-03)

(3) The City Commission shall have the authority from time to time, as deemed appropriate to establish the times such crossing guards shall be used and their number.

(4) The crossing guard program shall be under the supervision and direction of the Madison Police Department.

- (5) The crossing guards are hereby authorized to stop traffic at those locations set forth in Section 2 of this Ordinance for the purpose of allowing pedestrian traffic to cross the street.
- (6) It shall be unlawful for the driver of any motor vehicle to ignore the order of any crossing guard as it pertains to the stopping or movement of traffic through the specified controlled crossings.
- (7) Anyone convicted of any such violation shall be punished by a fine of not more than \$200.00 nor by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. Each separate violation of this Code shall constitute a separate offense.
- (8) The City of Madison hereby declares this Ordinance shall be adopted immediately as an emergency Ordinance as it is necessary to immediately protect the public health and general welfare of the residents and guests of the City of Madison.  
(Ord. No. 1269, 12-14-98)

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