

CHAPTER 8
TRAFFIC REGULATIONS – GENERAL PROVISIONS

8-101 **DEFINITIONS**

- a) *"Vehicle"*: every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks; including bicycles and ridden animals per current South Dakota Codified Law.

- b) *"Motorcycle"*: every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined per current South Dakota Codified Law.

- c) *"Motor vehicle"*: every vehicle, as herein defined, which is self-propelled; per current South Dakota Codified Law.

8-102 **TRAFFIC CONTROL AND TRAFFIC CONTROL DEVICE LOCATION PROCEDURE**

- a) Pedestrians and drivers of vehicles shall comply at all times with any direction by voice, hand, whistle or other signaling device from any member of the police department or other law enforcement officer in reference to regulation of the traffic upon the city streets and shall also comply with any official traffic control device as that term is defined in current SDCL cite.

- b) The Chief of Police and the Street Public Works Director, together with such other responsible persons as the City Council may direct, shall review the location of and necessity for traffic control devices as that term is defined by South Dakota Codified Law city, but specifically including stop signs, yield signs, and traffic control lights. The persons herein designated shall make specific findings of the need for traffic control and report those findings to the City Council along with recommendations for the location of traffic control devices. The City Council shall, by appropriate resolution, determine the location of any traffic control devices within its jurisdiction.

1992 Revised Ordinance 92, sec. 15; 12/30/92

8-103 **CROSSWALKS, SAFETY ZONES, AND TRAFFIC LANES**

The Street Public Works Director, Chief of Police and/or Public Works Director may designate marks or lines upon the surface of the roadway, crosswalks at intersections, and at such other places as it may deem necessary. The Street Public Works Director may establish safety zones as it may deem necessary for the protection of pedestrians and may have lines marked for traffic on street pavements at such places as it may deem advisable.

8-104 **SIGNALS**

The driver of a vehicle shall give timely warning by signaling with the hand or other manner plainly discernible from the rear of such vehicle, indicating his intention to slow, turn or stop.

8-105 **BACKING**

No vehicle shall be backed around the corner of any intersection. When backing, care must be exercised not to injure persons or vehicles or to block traffic.

- 8-106 YIELDING – IN GENERAL AND FOR EMERGENCY VEHICLES**
Ambulances, fire and police department vehicles shall have the right of way when responding to an emergency. The driver of every vehicle, after receiving an audible signal, shall drive his vehicle near to the right hand curb of the street and stop and remain in such position until the emergency vehicle shall have passed. A standing vehicle about to start shall give moving vehicles the right of way.
- 8-107 RIGHT TURNS**
The driver of a vehicle intending to turn to the right shall make the turn as near the right hand curb as practicable. If there is a traffic signal, a right turn may be made when the light is red unless by resolution the Council prohibits such turns and in such event a visible sign shall be placed to the public with the words thereon “NO RIGHT TURN ON RED LIGHT”.
- 8-108 LEFT TURNS**
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 the left turn shall be in that portion of the intersection to the left of the center of the intersection.
- 8-109 “U”TURNS AND TRAVELING ON LEFT SIDE**
No vehicle shall cross over from the right side to the left side of the street or make a complete turn around or turn 180 degrees upon any street except at the intersection of one street with another. Any vehicle turning to the left for the purpose of making a complete turn or turn 180 degrees shall before turning, pass beyond the center of the intersecting street. No vehicle shall be permitted to make a complete turn or a turn of 180 degrees on any intersection posted with a sign “NO U TURN”.
- 8-110 TRAVELING ON RIGHT**
The driver of any vehicle shall drive upon the right half of the street and as near as practicable to the right hand curb.
- 8-111 OVERTAKING AND PASSING**
Excluding U.S. Highway 14 and S.D. Highway 73 where state law shall control, no vehicle may pass or overtake another moving vehicle proceeding in the same direction on any streets or alleyways in the City of Philip.
- 8-112 SLOW DRIVING**
No person shall drive any vehicle at an unreasonably slow rate of speed so as to hinder and retard the normal movement of traffic.
- 8-113 RESTRICTIONS AS TO SPEED**
Twenty (20) miles per hour shall be the maximum speed for any vehicle on any street or any park within the city unless otherwise zoned or posted in accordance with state law. Fifteen (15) miles per hour shall be the maximum speed in any alley, hospital zone, or school zone during recess and opening and closing hours, unless otherwise posted.
- 8-114 EMERGENCY VEHICLES**
The speed limits provided herein shall not apply to authorized emergency vehicles when responding to emergency calls provided the driver sounds a horn or siren and displays two red lights. This

provision shall not relieve the driver of such vehicle from the duty to drive with regard for the safety of others nor shall it protect the driver from the consequences of a reckless disregard of the safety of others.

8-201 NO PARKING AREAS

The City Council may by resolution establish and designate no parking areas along street curbs. No vehicle shall be parked at any time, except to load and unload passengers or merchandise, in such places so designated and marked.

8-202 SPACES RESERVED FOR BUSES, POLICE CARS, HANDICAPPED, ETC.

The City Council may by resolution establish and designate space along street curbs for the exclusive use of police cars, buses, handicapped and other vehicles as may be entitled to such privileges. No other vehicle shall park within such space except momentarily to take on or let off passengers.

8-203 LIMITED PARKING

The City Council may by resolution establish and designate streets where vehicles may be parked for limited periods only.

8-204 DOUBLE PARKING

No vehicle shall be double-parked unless said vehicle is in charge of some person able to drive the same. Upon the request of a police officer or other person whose vehicle is blocked, it shall be the duty of the driver to move such vehicle.

8-205 BACKING TO CURB

No vehicle shall be backed to the curb except where necessary in order to load or unload merchandise.

8-206 PARKING ON CROSSWALKS

No vehicle shall be parked or left standing on any crosswalk, except momentarily for the purpose of taking on or letting off passengers.

8-207 PARKING IN ALLEYS - REMOVAL

No person shall park a vehicle in an alleyway of the City of Philip in such a fashion so that it obstructs traffic. The City Police Department or other appropriate city employee may cause such improperly parked vehicle to be towed away and stored in a safe place until such time as the owner makes payment for towing and storing charges.

8-208 PARKING – SNOW REMOVAL/STREET CLEANING

In order that the Street Department may efficiently clean the streets and avenues in the City of Philip, the Police Department or the person in charge of the cleaning of the streets is hereby authorized to place signs in any block or blocks within the city. In which case, it shall be unlawful to park any motor vehicle upon any streets or avenues upon which said signs have been placed between the hours as designated upon said sign. Said signs shall be placed at the end of each of said blocks to be cleaned.

8-209 PARKING – GENERAL PROVISIONS

All vehicles parking in the business district shall park diagonally. For purposes of this Ordinance, the business district shall be defined as follows: Pine Street from Larimer Avenue to Wood Avenue; north side of Oak Street from Larimer Avenue to Wood Avenue; south side of Oak Street

from Howard Avenue to Larimer Avenue; and, all of Center Avenue. Parking in the remainder of the City of Philip shall be parallel. (Ord. #2018-25, Amended 01/07/2019)

8-210 PARKING – AFTER SNOW FALL

“Main thoroughfares” applies to the following streets and avenues, or portions of such streets and avenues, within the City:

- 1) Pine Street, from S.D. Highway 14 to Wray Ave.
- 2) Wray Ave., from Pine Street to S.D. Highway 14

A snow removal emergency exists whenever there is a snow accumulation on public property as defined in Ord. #7-101(a) of four inches (4”) or more of falling or drifting snow. No person shall park or allow to remain parked any motor vehicle or trailer on the above name thoroughfares for 48 hours or until such time as the street has been cleared of snow. The Public Works Director (or designated representative) will declare a SNOW REMOVAL ALERT. At that time, parking restrictions will go into effect.

Violators will be ticketed a parking violation fine as established in Resolution #2001-03 by the City Council. Any vehicle or trailer parked in violation is declared a nuisance and shall be towed at the owner’s expense if not removed within twenty-four (24) hours of being ticketed.

(Refer to Ordinance #8-208 for the downtown area.)
Ord. #2010-01, Adopted 04/05/10

8-301 WEIGHT AND SIZE OF VEHICLE AND LOAD LIMITS

No person shall operate any vehicle upon any city street the gross weight of which does not comply with the requirements of the state law governing such vehicle.

8-302 BRAKES AND SIGNALING DEVICE

Every motor vehicle shall be provided with adequate brakes in good working order and a device for signaling.

8-303 LIGHTS

A motor vehicle in motion, during the period from half an hour after sundown to half an hour before sunrise, shall display at least two lighted lamps on the front and two on the rear of such vehicle in compliance with state law. A motorcycle shall be required to display one light lamp in front and one in back with such lamps to conform to state law.

8-401 PROHIBITED ACTS – HEADLIGHTS DIMMED

No person shall use headlights upon any vehicle on any street unless the same are dimmed so as to prevent the light being dazzling or blinding to persons using the street.

8-402 SPOT LIGHTS

No person shall use a spotlight on the streets, unless in an emergency, and then so as not to blind or inconvenience persons using the street.

8-403 LICENSED DRIVER

No person shall operate a motor vehicle without a valid license as an operator under the provisions of SDCL Chapter 32-12.

- 8-404 OVERDRIVING ROAD CONDITIONS (CONTROL OF VEHICLE)**
The driver of any vehicle shall keep such vehicle under his control and drive in a careful and prudent manner with due regard for the safety of other vehicles and pedestrians.
- 8-405 CLINGING TO MOVING VEHICLE**
No person shall cling to or attach himself or his vehicle to any other moving vehicle upon any street.
- 8-406 RIDING ON OUTSIDE OF VEHICLE**
No person shall ride upon the fenders or outside of any motor vehicle in motion and no person driving a motor vehicle shall allow any person to ride outside any such vehicle he is driving.
- 8-407 BOARDING AND ALIGHTING FROM VEHICLE IN MOTION**
No person shall board or alight from any moving vehicle.
- 8-408 PARADES AND PROCESSIONS**
No parade or procession other than a funeral procession shall be held or participated in upon the streets except with prior consent of the Chief of Police.
- 8-409 INTERFERING WITH PROCESSION**
No driver of any vehicle shall drive through or otherwise interfere with any authorized procession on any city streets.
- 8-410 INTERFERING WITH TRAFFIC**
No vehicle shall be parked or left standing on any street so as to interfere with or interrupt traffic.
- 8-411 EXHIBITION DRIVING**
Any person who drives any motor vehicle within the city in such a manner that creates unnecessary engine noise, tire noise, skid or slide upon acceleration or deceleration, simulates a temporary race or causes the vehicle to turn abruptly or sway shall be guilty of exhibition driving.
- 8-412 CARELESS DRIVING**
Any person who drives any vehicle within the city or upon the city property carelessly and without due caution, at a speed or in a manner so as to endanger any person or property, not amounting to reckless driving as defined by SDCL, is guilty of careless driving.
- 8-501 DUTIES - ACCIDENT**
The driver of any vehicle involved in an 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 to the driver or occupants of any vehicle collided with. The driver shall render to any person injured in such accident reasonable assistance. These duties are applicable only to accidents occurring on public property.
- 8-502 DUTY TO REPORT ACCIDENT**
The driver of any motor vehicle involved in an accident resulting in death or bodily injury to any person or property damage to the apparent extent of one thousand dollars (\$1000.00) or more to any one person's property or two thousand (\$2,000.00) per accident shall immediately, by the quickest means of communication, give notice to the nearest available peace officer who has jurisdiction. These duties are applicable only to accidents occurring on public property.

- 8-503 GARAGE KEEPER TO REPORT DAMAGED VEHICLES**
The person in charge of any garage or repair shop shall not commence repair on any motor vehicle which shows evidence of having been involved in a reportable accident or struck by a bullet unless the vehicle bears the notice provided for in SDCL 32-34-10.
- 8-504 DUTY UPON STRIKING ANIMAL**
The driver of any vehicle, which collides with any animal causing injury thereto, shall stop and attempt to notify the owner and if the owner cannot be notified at once, the driver shall report the accident to the police.
- 8-505 DUTY UPON STRIKING UNATTENDED VEHICLE OR PROPERTY**
The driver of any vehicle which collides with an unattended vehicle or other property shall immediately stop and notify the owner or leave in a conspicuous place a written notice giving the driver's name and address and the name and address of the owner and the license number of the vehicle he is driving. The driver shall also notify the police department.
Said duty is applicable to accidents occurring on either public or private property.
- 8-601 PARKING NEAR FIRE HYDRANT/FIRESTATION – PROHIBITED**
No person shall stop or park any vehicle within 15 feet of a fire hydrant or within 20 feet of the driveway entrance to a fire station.
- 8-602 PRIVATE DRIVEWAY**
No person shall stop or park a vehicle so as to block any private driveway.
- 8-603 VEHICLES WITH LUGS PROHIBITED**
No person shall operate any vehicle equipped with mud lugs, ice spurs or spikes upon any street with any hard surfacing material without first laying planks at least two inches thick on the street to protect the surface from any damage.
- 8-604 PEDESTRIAN'S RIGHT OF WAY**
The operator of any vehicle shall yield the right of way to any person at a crosswalk except at intersections where traffic is regulated by traffic control signals or police officers.
- 8-605 PEDESTRIAN'S RIGHTS AND DUTIES AT CONTROLLED INTERSECTIONS**
At intersections where traffic is controlled, a pedestrian shall yield the right of way to vehicles lawfully proceeding on a green light and the driver of a vehicle making a right turn shall yield the right of way to pedestrians proceeding to cross the street on a green light. No person shall cross the street when the traffic signal is red.
- 8-606 OBEDIENCE TO TRAFFIC SIGNALS AND MARKINGS**
No person shall violate any regulation or traffic sign established in accordance with this provision unless otherwise directed by a police officer.
- 8-607 OBEDIENCE TO POLICE**
No person shall flee or attempt to elude, refuse or otherwise fail to comply with any lawful order, signal or direction of any law enforcement officer, or refuse to submit to any lawful inspection when requested by any law enforcement officer.

A violation of this ordinance shall be punishable by a fine not to exceed two hundred dollars for each violation, or by imprisonment for a period not to exceed thirty (30) days for each violation, or by both the fine and imprisonment, a court appearance shall be required.

When a driver of a motor vehicle, who flees or eludes any law enforcement officer is known/unknown, the vehicle will be subject to a civil penalty up to the maximum provided by SDCL 32-33-21.

The City Council of the City of Philip reserves the right and authority to review and adjust the aforementioned penalties established by this ordinance through resolution of said City Council.

2001, Revised Ordinance Chapter 8, section 607, 10/21/01.

8-608 POLICE DIRECT TRAFFIC

Police officers shall direct all traffic in conformance with traffic laws provided that in the event of emergency or to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic as conditions may require.

8-701 SNOWMOBILES

Definitions as used in this chapter, unless the context otherwise requires:

- a) "Snowmobiles" means any vehicle propelled by mechanical power that is primarily designed to travel over ice or snow, supported by in whole or in part by skis, belts or cleats.
- b) "Operator" means any person who operates or is in actual control of a snowmobile.
- c) "Street" means every highway, street and alley within the corporate limits of the City of Philip.

8-702 REGULATIONS

- a) No person shall operate a snowmobile within or on any city street, except under road and weather conditions as declared by the Chief of Police or the Director of Civil Defense, to constitute emergency travel conditions authorizing use of a snowmobile or when such vehicle is necessary as an emergency vehicle to protect the health, safety and welfare of any individual.
- b) 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.
- c) No person shall operate a snowmobile on public school grounds, park property, playgrounds, recreation area(s) or golf course without the express permission to do so by the proper authority.
- d) 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.
- e) No person shall operate a snowmobile in a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.
- f) No owner or other person having charge or control of a snowmobile shall knowingly authorize or permit any person to operate such snowmobile who is incapable thereof, by reason of age, physical or mental disability, or who is under the influence of intoxicating liquor, narcotics, or other drugs and is prohibited from driving a motor vehicle under the provisions of this chapter.
- g) No person shall operate a snowmobile on any city street as an emergency vehicle or otherwise unless the operator shall have a valid driver's license on his person.

8-703

EQUIPMENT REQUIRED

All snowmobiles operated within the city shall have the following equipment:

- a) 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.
- b) Adequate brakes in good working condition.
- c) A safety or so called “dead man” throttle in operating condition; a safety or dead man 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.

8-704

UNATTENDED SNOWMOBILES

It shall be 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 when the keys for starting the vehicle are left in the ignition.

8-705

RESTRICTION OF OPERATION

The City Council 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.

8-706

TRAFFIC REGULATIONS

Every person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable to motor vehicles as set forth in Title 10, and shall obey the orders and directions of any police officer of the city authorized to direct traffic.

8-707

PUNISHMENT FOR OTHER VIOLATIONS – SNOWMOBILES

The operator of a snowmobile shall be deemed the driver or operator of a motor vehicle within the meaning of this chapter and is subject to all the provisions of this chapter relating to driving while under the influence of intoxicating liquors, drugs or otherwise therein provided and is punishable thereunder for any violation of those provisions.

8-801

TRUCK TRAFFIC PROHIBITED EXCEPT ON DESIGNATED TRUCK ROUTE – EXCEPTION - PENALTY

- a) Truck traffic is defined as a motor vehicle having a gross vehicular weight in excess of 12,000 pounds; and, a motor vehicle trailer combination having a gross vehicular weight in excess of 24,000 pounds.
- b) Truck traffic as defined in section “a” above is prohibited on all city streets except the following: South Dakota Highway 73; U.S. Highway 14; Wray Avenue from U.S. Highway 14 to East Pleasant Street; East Pleasant Street east from the intersection of Wray Avenue; and, Cherry Street.
- c) The roadways set forth in subsections “b” above are hereby designated as truck routes and shall be appropriately signed.
- d) Truck traffic exceeding the gross vehicular weight set forth in subsection “a” above may travel upon the other roadways of the City of Philip only for the purpose of bona fide local pickup and deliveries. Said traffic is restricted to a speed limit of no more than ten (10) miles per hour; and, shall use the nearest point of departure to the truck route as outlined in subsection “b” above.

- e) The weight limitation provided for in this section shall not apply to emergency vehicles, public utility service provider vehicles, contracted mail route carrier vehicles, contractor vehicles accessing property with a valid permit issued by the city, city vehicles; or, city contractors performing maintenance, repair or road construction to city roadways. (Amended #2021-17, 12/29/2021)
- f) The Mayor is hereby authorized to temporarily prohibit all vehicles exceeding 12,000 pounds gross vehicular weight from any city roadway to protect such roadway from excessive damage.
- g) The fine for violating any provision of this ordinance shall be established by resolution of the City Council.

1993 Revised Ordinance 93, sec. 8; 11/10/93; Amended 06/01/15

8-901 BICYCLE – EXTRA PASSENGER

No person operating a bicycle shall carry another person in front of him on said bicycle.

8-902 LIGHTS OR REFLECTORS

No bicycle shall be operated on any street, alley, or in any public place, within the period from a half hour after sunset, until a half hour before sunrise, without having a headlight or white or yellow reflectors attached to the front of the bicycle, nor without having a red light or reflector attached to the rear of the bicycle.

8-903 OPERATING ON SIDEWALKS

Bicycles may be operated in single file only, on sidewalks, in public parks and residential districts. The rider shall at all times yield the right of way to pedestrians using the sidewalk, and due and proper care shall at all times be exercised by the rider for pedestrians. No bicycle shall be operated upon any sidewalk in the business district of the city.