

## ORDINANCE NO. 224

### AN ORDINANCE PROVIDING FOR THE REGULATION OF TRAFFIC SPEED WITHIN THE CITY OF CROOKS AND ITS JURISDICTIONAL BOUNDARIES

BE IT ORDAINED BY THE CITY OF CROOKS, SOUTH DAKOTA:

#### SECTION 1 DEFINITIONS

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them:

**Authorized Emergency Vehicle.** Vehicles of the fire department, law enforcement vehicles and such ambulances and emergency vehicles of municipal department or public service corporations as are designated or authorized by the chief of law enforcement.

**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 used for business.

**Official Traffic Signs.** All signs and markings, other than signals, not inconsistent with this ordinance, placed or erected by a public body or official having jurisdiction, for the purpose of guiding, directing, warning, or regulating traffic.

**Law Enforcement Officer.** Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

**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.

**Street or 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 the purposes of vehicular travel, and shall also include:

A. Areas contiguous to the boundary lines which are used primarily as areas for public parking in business districts.

B. Privately maintained access roads that lead to public parking lots.

**Traffic Control Signal.** Any device using colored lights, or words, or any combination thereof, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

#### SECTION 2 SPEED LIMITS

Except as may otherwise be provided by this chapter, it shall be unlawful for any person to operate or drive any vehicle at a rate of speed greater than the following:

A. Unless otherwise posted the speed limits on all alleyways in all business and residential districts and all parks within the city shall be 15 miles per hour.

B. Unless otherwise posted the speed limits on all non-residential public roadways, streets or highways within the city shall be twenty (25) miles per hour. Unless otherwise posted the speed limit on all residential public roadways, streets or highways within the city shall be twenty (20) miles per hour.

### **SECTION 3 SCHOOL ZONES**

It shall be unlawful for any person to operate or drive any vehicle at a speed greater than fifteen (15) miles per hour when passing a school during recess or while children are going to or leaving school during opening or closing hours for such school.

### **SECTION 4 DYNAMIC BRAKING OR AIR-BRAKING PROHIBITED**

A. Defined. Dynamic braking device (commonly referred to as Jacobs Brakes) means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

B. Prohibited. Operating any motor vehicle with a dynamic braking device engaged except for the aversion of imminent danger shall be prohibited within the territorial jurisdiction of the City of Crooks

C. Public emergency response vehicles exception. Any public emergency response vehicle equipped with a dynamic braking device will be allowed to use such device during a response to an emergency situation.

### **SECTION 5 EXEMPTIONS TO AUTHORIZED EMERGENCY VEHICLES**

The provisions of this title regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles while the operator of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, exempt the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

### **SECTION 6 OBEDIENCE**

It shall be unlawful for any person to operate any vehicle in violation of the markings, signs, barriers, or other devices placed in accordance with the provisions of this title.

### **SECTION 7 MANNER OF ARREST**

A person charged with a violation of a traffic ordinance of the City by a law enforcement officer need not be arrested in the regular manner, but may first be given an opportunity, after notice, to appear voluntarily to answer for such traffic violation, provided the charges of the law enforcement officer do not exceed the jurisdiction of the Magistrate Court.

### **SECTION 8 NOTICE TO APPEAR**

A person charged with violation of this chapter or a traffic ordinance by notice shall be given a notice to appear before the Magistrate at the time stated in such notice, and that in event of failure to do so, a warrant will be issued for his arrest. The notice shall state the name, description and address of the offender, if known, the nature and date of the offense and a description of the vehicle involved in the violation by trade name and license number. The notice shall be signed by the law enforcement officer executing it. The notice shall be made in triplicate, one (1) copy to be given to the owner or driver charged with the offense or to be left in or upon the automobile or vehicle involved in the violation, one (1) copy to be filed with the city finance officer and one (1) copy to be filed with the Magistrate Court. If the person charged with the offense is available he shall be given an opportunity to sign an agreement to appear to answer the charge at the time and place specified in the notice, which form of agreement shall be a part of said notice, and if he shall refuse to sign such agreement, then he shall be placed under arrest for the offense in the same manner otherwise provided by state law.

**SECTION 9 APPEARANCE AND DEPOSIT FOR FINE.**

A. A person who has received a notice of traffic violation from the police shall at or within the time specified in the notice not less than five days after the time of the offense appear before the court or the clerk of courts to answer to the charges set forth therein according to the procedure of that court.

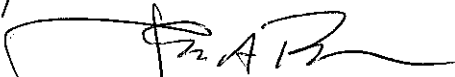
B. For those offenses listed as part of the Second Judicial Circuit FY Fine Schedule, as may be amended from year to year, a law enforcement officer may provide the opportunity for the person charged to appear at or mail to the office of the clerk of courts and upon making the deposit for fine as authorized by the court and a statement authorizing the clerk of the court to enter his or her plea of guilty to the offense, he or she shall not be required to appear in court.

Ayes:

Nays:

Abstain:

Adopted this 17<sup>th</sup> day of NOVEMBER 2017

  
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Jamison A. Rounds, Mayor

ATTEST:

  
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Tobias Schantz,  
Municipal Finance Officer



Legislative History

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