

TITLE 10 – TRAFFIC CODE

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Chapter 10-1 – Definitions – General Provisions

10-1-1 Definitions

Whenever in this title the following terms are used, they shall have the meanings respectively ascribed to them in this section:

“Authorized Emergency Vehicle”: Vehicles of the Fire Department (Fire Patrol), Police vehicles and such ambulances and emergency vehicles of municipal department or public service corporations as are designed or authorized by the Chief of Police.

“Business District”: The term “business district” as used in this title shall include the territory contiguous to a highway when fifty per cent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings used for business.

“Crosswalk”: That portion of a roadway ordinarily included within the prolongation of curb and property lines at intersections or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

“Department”: The police department of the City of Mobridge.

“Intersection”: The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more streets or highways which join one another at an angle whether or not one such street or highway cross the other.

“Laned Street”: A street, the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

“Loading Zone”: The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

“Motor Vehicle”: Every vehicle, which is herein defined, which is self propelled.

“Official Traffic Signals”: All signals, not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing, warning or regulation traffic.

“Official Traffic Signs”: All signs or markings, other than signals, not inconsistent with this title, placed or erected by a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulation traffic.

“Operator”: Any person who is in actual physical control of a vehicle.

“Parking”: The standing of a vehicle whether attended or unattended, upon a roadway or street otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic signs or signals.

“Pedestrian”: Every person afoot.

“Police Officer”: Every officer of the Municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

“Private Road or Driveway”: Every road or driveway not open to the use of public for purposes of vehicular travel.

“Residence District”: The term “residence district” as used in this title shall include the territory contiguous to a highway not comprising a business district when the frontage of such highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

“Right-of Way”: The privilege of the immediate use of the street or highway.

“Roadway”: That portion of a street or highway between the regularly established curb lines or that part devoted to a vehicular traffic.

“Sidewalk”: That portion of a street between the curb lines and the adjacent property lines.

“Street or Highway”: Every way set apart for public travel, except footpaths.

“Traffic”: Pedestrians, ridden animals, herded animals and vehicles while using any street for the purpose of travel.

“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.

“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.

10-1-2 Police to Direct Traffic

It shall be the duty of the Police Department of this City to enforce the provisions of this title. 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 title: provided that in the event of a fire or other emergency to expedite traffic or safeguard pedestrians, officers of the Police or Fire Department may direct traffic, as conditions may require, notwithstanding the provisions of this title.

10-1-3 Chief of Police Authorized to Adopt Emergency Regulations

The Chief of Police is hereby empowered to make and enforce regulations necessary to make effective the provisions of this title and to make temporary regulations to cover emergencies or special conditions; provided that any such regulations are not inconsistent with the provisions of this title.

10-1-4 Obedience to Police

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

10-1-5 Public Employees to Obey Traffic Regulations

- A. The provisions of this title shall apply to the operator of any vehicle owned by or used in the service of the U.S. Government, this State, County or City and it shall be unlawful for any such operator to violate any of the provisions of this title, except as otherwise permitted in this title.
- B. The provisions of this title regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles as defined in this title, 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, protect the driver of any such vehicle from the consequences of a reckless disregard for the safety of others.

10-1-6 Persons Propelling Push-Carts or Riding Bicycles or Animals Shall Obey Traffic Regulations

Any person propelling any push-cart or riding a bicycle or an animal upon a roadway and every person driving any animal, shall be subject to the provisions of this title applicable to the operator of any vehicle, except those provisions of this title with reference to the equipment of vehicles and except those provisions which by their very nature can have no application.

Chapter 10-2 Operation of Vehicles

10-2-1 Driver's Permit Required

It shall be unlawful for any person who is a resident of this State to drive or operate upon any of the streets or highways within the City of Mobridge any motor vehicle without first having secured and having in his/her possession a permit to do so issued by the State of South Dakota under the provisions of SDCL 32-12 or any acts amendable there to.

10-2-2 Age of Operator

No person under the age of fourteen years shall operate a motor vehicle upon the streets of the City of Mobridge unless such person is accompanied by the owner of the motor vehicle being operated.

10-2-3 Permitting Minor Under 14 to Operate Vehicle

It shall be unlawful for the owner of any motor vehicle to permit any person under the age of fourteen years to operate such motor vehicle unless such person is accompanied by the owner of said vehicle or has secured a learner's permit or a limited license from the Department of Motor Vehicles.

10-2-4 Drive on Right Side of Street

Upon all streets, except one-way streets, the operator of a vehicle shall operate the same upon the right half of the street and shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb of a street unless it is impracticable to travel on such side of the street and except when overtaking and passing another vehicle subject to the limitations applicable to overtaking and passing set forth in this title.

The foregoing provision of this section shall not be deemed to prevent the marking of lanes for traffic upon any street and the allocation of designated lanes to traffic moving in particular direction or at designated speeds.

10-2-5 Overtaking

The operator of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, but only when such left side is clearly visible and is free from oncoming traffic for sufficient distance ahead to permit such overtaking and passing to be made in safety and shall not cut in front of the overtaken vehicle until safely clear of the same; except that this provision shall not apply to highways which have been laned for travel.

10-2-6 Limitations on Privileges of Overtaking and Passing

The operator of a vehicle shall not drive to the left side of a centerline of the traversable roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

The operator of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any intersection of streets, except that this provision shall not apply at intersections where traffic is controlled by traffic control signals or by police officers.

The operator of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction on any curve.

The operator shall not overtake any other vehicle proceeding in the same direction in any "no passing zone" and the Chief of Police is hereby authorized to designate such no-passing zones by the painting of or placing of double lines in the center of said street and any zone or any street in the City of Mobridge where double lines, or lanes have been painted or placed in the center of such street, shall be and is hereby designated as no-passing zones and no operator of any vehicle shall pass any other vehicle proceeding in the same direction, in said zone.

10-2-7 Operator To Give Way to Overtaking Vehicle

The operator of a vehicle on a street shall not deviate from his/her direct line of travel without ascertaining that such movement can be made with safety to other vehicles approaching from the rear and about to overtake and pass such first-mentioned vehicle.

The operator of a vehicle upon a street about to be overtaken and passed by another vehicle approaching from the rear shall give way consistent with safety upon suitable and audible signal being given by the operator of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

10-2-8 General Provisions for the Safe Operation of Motor Vehicles

1. The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon, and condition of, the highway.
2. The operator of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.
3. Upon the approach of any authorized emergency vehicle or vehicles giving audible signals by bell, siren or exhaust whistle, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right hand edge or curb of the street, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by a police officer.
4. It shall be unlawful for the operator of any vehicle, other than the one on official business, to follow closer than 500 hundred feet of fire apparatus traveling in response to a fire alarm, or to drive into or stop any vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

5. No person having control or charge of a motor vehicle shall allow such a vehicle to stand on any street unattended without first setting the brakes thereon and stopping the motor of said vehicle.
6. It shall be unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral procession while they are in motion. This provision shall not apply to intersections where traffic is controlled by traffic control signals or police officers.
7. It shall be unlawful for the operator of any vehicle to back such vehicle around a corner at an intersection, or into an intersection of public streets.
8. It shall be unlawful for the operator of any vehicle to drive the same when there are in the front seat of such vehicle more than three adult persons or when in any other manner it is so loaded so as to obstruct the view of the operator to the front or sides or to interfere with the operator's control over the driving mechanism of the vehicle.
9. No vehicle shall be driven over any unprotected hose of the Fire Department when laid on any street or private driveway to be used at any fire or alarm of fire, without the consent of the Fire Chief or Fire Department official in command.

10-2-9 Irresponsible Driving

Any person who drives any vehicle within the city limits of Moberge, or the adjoining jurisdictional area in a reckless or careless manner endangering or likely to endanger any person or property is guilty of violating this ordinance.

Any person who drives a vehicle in such a manner that creates or causes unnecessary engine noise, tire squeal, skid or slide upon acceleration or stopping, simulates a temporary race, or that causes a vehicle to unnecessarily turn abruptly or sway, or shall unnecessarily block or hinder the free travel of other vehicles shall be guilty of exhibition driving.

Driving in a careless or reckless manner, or exhibition driving, shall, upon conviction, be punished by a fine of not less than \$100 or more than \$200, or imprisonment in the County Jail for not more than ten days, or both a fine and imprisonment.

10-2-10 Keep to the Right in Crossing Intersection of Railroads

In crossing an intersection of highways or the intersection of a highway by a railroad right-of-way, except upon a one-way street, the operator 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.

10-2-11 Meeting of Vehicles

Operators of vehicles proceeding in opposite direction shall pass each other to the right, each giving to the other at least one half of the main traveled portion of the roadway as nearly as possible.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

10-2-12 Driving on Divided Highways

Whenever any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven over, across, or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

10-2-13 Right-of-Way at Intersection

Subject to the exceptions stated in the next succeeding section, the right-of-way rule as between vehicles at intersections is hereby declared as follows:

- A. The operator of a vehicle approaching the intersection shall yield the right-of-way to a vehicle which has fully entered the intersection.
- B. When two vehicles approach an intersection at approximately the same time, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- C. The operator of any vehicle traveling at an unlawful speed shall forfeit any right-of-way, which he may otherwise have hereunder.

10-2-14 Right-of-Way, Left Turn

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 so close thereto as to constitute an immediate hazard, but said driver having so yielded and having given a signal with and as required, 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.

10-2-15 Exceptions to Right-of-Way Rule

The operator of a vehicle entering a public street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the operators thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not relieve the operator of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the operator of any such vehicle from the consequence of an arbitrary exercise of such right-of-way.

10-2-16 Stop – Alley or Private Driveway

The operator of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk area extending across any alleyway.

10-2-17 Stop – Through Streets

Every operator of a vehicle or other conveyance traversing any street intersecting any through street as designated by Ordinance, shall bring such vehicle or conveyance to a full stop at the place within fifteen feet where such street meets the prolongation of the nearest property line of such through street, subject, however, to the direction of any traffic control signs or signal or any police officer at such intersection.

The vehicle entering a through highway where there is a stop sign must yield at the right-of-way to all vehicles which are either within the intersection, or so close thereto as to constitute an immediate hazard.

The Chief of Police is hereby authorized and required to place and maintain or cause to be placed and maintained on each and every street intersecting a through street designated above, and at or near the property line of the through street, appropriate signs upon the street, and in addition there to, may place and maintain any appropriate devices or marks in the roadway, such signs, devices or marks to bear the word "Stop" and to be located in such a position and to be provided with letters of a size to be clearly legible from a distance of at least 100 feet along the street intersecting the through street. All such signs shall be illuminated at night or so placed as to be illuminated by streetlights or by the headlights of approaching motor vehicles.

10-2-18 Signs at Other Intersections

The Chief of Police is hereby authorized to place and maintain or caused to be placed and maintained at the intersection of any street or alley with any other street where in his/her discretion traffic conditions justify such action; appropriate signs bearing the word "Stop", "Yield", or other appropriate sign. Said sign shall be located in such a manner and be of such a size as to be clearly legible from a distance of 100 feet along said street or alley intersecting such stop street and shall illuminate at night or shall be placed so as to be illuminated by street lights or headlights of approaching vehicles.

10-2-19 Stopping at Railroad Stop Signs or Signals

All automatic or manually operated traffic signs at railway crossings in the City of Mobridge are hereby adopted as official traffic signs or signals. The operator of any vehicle shall heed the sign. A stop sign shall constitute the vehicle operator to make a full and complete stop.

Should a crossing become dangerous, signs placed by the Chief of Police shall be heeded, being it a stop or caution sign. Should the crossing sign be a stop sign, it shall be unlawful for the driver of any vehicle to fail to stop within fifty feet, but not less than ten feet from such crossing.

10-2-20 Turning at Intersections

- A. Right Turn: The operator of a vehicle intending to turn to the right at an intersection or into an alley or driveway shall approach the point of turning in the line of traffic nearest the right hand edge or curb of the street, and in turning shall keep as closely as practicable to the right hand curb or edge of the street.
- B. Turning Left: The operator of a vehicle intending to turn to the left at an intersection or into a driveway shall approach the point of turning lane of traffic to the right of and next to the center of the roadway, and unless otherwise directly by "turning markers" the operator of a vehicle in turning left at an intersection shall pass to the right of the center of the intersection before turning. Upon streets laned for traffic and upon on-way streets, a left turn shall be made only from the left lane of traffic
- C. Turning Markers: The Police Chief is hereby authorized to place turning; markers within or at the entrance of intersections, directing that traffic turning left shall follow a line of travel other than as directed in Subdivision B of this section. Whenever turning markers have been placed as herein provided, traffic turning left shall follow the line as directed by such markers.
- D. Turning left on "Go" Signal: The operator of a vehicle intending to turn to the left at an intersection where traffic is controlled by traffic control signals or by police officer, shall proceed to make such left turn with proper care to avoid accident and upon the green or "Go" signal, unless otherwise directed by a police officer.

10-2-21 U-Turn at Intersections

At any intersection where traffic is controlled by a traffic control signal or a police officer, or where warned by an official traffic control sign displaying the words "No U-turn" or "No Left Turn", it shall be unlawful for the operator of a vehicle to turn such vehicle at the intersection in a complete circle, or so as to proceed in the opposite direction or to make a left turn unless:

- A. An official traffic control sign displaying the words "U TURN ALLOWED" is displayed at the intersection, in which case a u-turn shall be allowed to traffic which is facing the sign to allow said traffic to complete a circle and proceed in the direction opposite from facing the sign.

10-2-22 Turning Around in Midblock Prohibited

The operator of a vehicle shall not turn such vehicle so as to proceed in the opposite direction except at an intersection.

10-2-23 Turning Movements and Required Signals

- A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 10-2-35 of this chapter, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a

direct course or move right or left upon a road unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without first giving an appropriate signal in the hereinafter provided in the event any other traffic may be affected by such movement.

- B. A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet of travel by the vehicle before turning.
- C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
- D. The driver of any vehicle which is stopped as close as practicable at the entrance to a crosswalk and to the far right side of the roadway, then at the entrance to the intersection in obedience to a red or stop signal, may make a right turn but shall yield the right of way to any pedestrian and other traffic proceeding as directed by the signal at the intersection.

10-2-24 Signals By Hand and Arm or Signal Device

Any stop or turn signal when required shall be given either by means of the hand and arm or standard approved mechanical signal device, but when a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such signal device.

10-2-25 Method of Giving Hand-Arm Signals

All signals herein required given by hand-and-arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- 1. Left Turn – Hand and arm extended
- 2. Right Turn – Hand and arm extended upward
- 3. Stop or decrease speed – hand and arm extended downward

10-2-26 City Council May Prohibit Use of Certain Streets

- A. That Grand Crossing Boulevard, Railroad Street, First Avenue East from railroad Street to Grand Crossing Boulevard and all of Fourth Avenue East; and First Avenue West from Railroad Street to Grand Crossing Boulevard and Sixth and Seventh Avenues West from Railroad Street to Grand Crossing Boulevard are hereby designated as truck routes, being public streets and right of way upon which truck traffic is permitted.
- B. It shall be unlawful for any person to drive a truck tractor and trailer, upon any of the public streets within the corporate limits of the City of Mobridge, SD, not designated as a truck route under Section A, except for the delivery or picking up of merchandise within said area, and he/she shall then drive to the point of delivery or pickup by the shortest and most accessible route. (822ORD2005)

- C. The City Council by motion duly passed and adopted may fix temporary or permanent load limits upon any street, alley or public right of way within the corporate limits of the City of Mobridge and upon the posting thereof it shall be unlawful for any truck, truck tractor or other vehicle to travel upon said street, alley or public right of way in excess of the load limit as posted.
- D. It shall be unlawful for any person to park a truck, truck tractor, truck tractor and trailer or any other vehicle having a rating of one ton or more upon any street, alley or public right of way not designated as a truck route under Section A of this ordinance except for such time as maybe reasonably necessary to load or unload merchandise hauled into or removed from such area, streets and/or alleys or other public rights of way, and to conduct the necessary business in connection therewith. Off street parking of such vehicles in said area may be permitted by special permit issued by the Chief of Police. (822ORD2005)
- E. It shall be unlawful for any person to operate a motorized vehicle on the walking trail adjacent to Lake Oahe. (822ORD2005)
- F. Any person, firm or corporation violating any provisions of this Section shall be deemed Guilty of a misdemeanor, and shall upon conviction thereof, be punished by a fine of \$200.00 or imprisonment in the County Jail not to exceed 30 days, or by such fine and imprisonment. Each and every violation of the provisions of this Ordinance shall constitute a separate offense. (822ORD2005)

10-2-27 - Dynamic braking prohibited:

- a) *Defined.* Dynamic braking device (commonly referred to as Jacobs Brakes, engine retarders, or Jake 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) *Dynamic braking devices prohibited.* It shall be unlawful for any person to drive or be in actual physical control of any motor vehicle with a dynamic braking device engaged except for the aversion of imminent danger.
- (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.
- (d) *Violations.* Any violation shall be subject to the general penalty set forth in Section 13-1-1. (2004ORD804)

CHAPTER 10-3 – PARKING LOTS

10-3-1 Parking Lots – Municipal

- A. No vehicle shall be parked for a longer period of time than twenty-four hours at any one location in any public parking lot owned, operated or under the control of the City.
- B. All vehicles parked in said public parking lots shall be parked at an angle to the curb in said lots as indicated by marks, signs or lines placed in said lots, with the front wheel touching the curb.
- C. No truck, wagon, automobile, or other vehicle of a greater over-all length of more than twenty feet or eight feet in width shall at any time be parked in any of said parking lots except Wrigley Square.
- D. No person shall sell or offer for sale from wagons, automobiles, trucks, or other vehicles or from stands, within any of said parking lots, any fruits, vegetables, produce, goods, ware or merchandise of any kind or character.
- E. Any vehicle parked in violation of the provisions of this chapter may be removed from said parking lot by the Police Department and placed in public storage, and the owner thereof, in addition to the fines and penalties provided by this chapter, shall pay the charges for towing and storage of said vehicle so removed by the Police Department.

10-3-2 Parking Lots- Meters

The City Council may place parking meters of such type as they may determine in any parking lots owned, operated or under the control of the City, and the City Council may by resolution provide for a schedule of fees to be charged for parking automobiles or other vehicles upon any parking lot owned, operated or under the control of the City of Mobridge and may by such resolution make regulations relative to the use of such parking lot.

10-3-3 Parking-Private Property

No person shall, without permission of the owner or lessee of any private property, leave or park any motor vehicle thereon if there is in plain view on such property a sign stating "**No Parking**".

If on any private property there is displayed a sign or signs restricting parking thereon to certain classes of persons or restricting the length of time for which a motor vehicle may be there parked, or stating restrictions both as to length of time for parking and classes of persons who may park, no person without specific permission of the owner or lessee of such property shall leave or park any motor vehicle thereon for a longer time than stated in such sign not unless the operator of such motor vehicle fall within the classification to which parking is permitted by such sign.

Any violation of the above provisions shall constitute illegal parking and upon being notified of such illegal parking by the owner or lessee of such property, the Police

Department may remove from said private property and place in public storage such illegally parked vehicles and the owner thereof shall pay the charges for towing and storage of said vehicle so removed by the Police Department in like manner as provided by this Ordinance.

10-3-4 Penalty

Any person who shall violate any of the provisions of this chapter shall upon first conviction thereof be punished by a fine set by the court, or be imprisoned for a term not exceeding thirty (30) days in a place provided by the municipality for detention of prisoners, or by both such fine and imprisonment, and each such illegal parking shall be deemed a separate and distinct offense.

CHAPTER 10-4- PARKING, STOPPING

10-4-1 Parking and Stopping Prohibited in Certain Places

It shall be unlawful for the operator of a vehicle to stop, stand or park such a vehicle on any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

1. Within an intersection
2. On a crosswalk
3. Within fifteen feet of inside boundary line of the sidewalk is in place, within twenty-five feet of the intersecting roadway, but this provision shall not apply to alleys.
4. Within fifteen feet of the driveway entrance to any fire station, or directly across the street from such entrance
5. Within fifteen feet of a fire hydrant
6. In front of a private driveway
7. On a sidewalk
8. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
9. Against direction of traffic
10. In such a manner or under such conditions as leave available less than ten feet of the width of the roadway for free movement of vehicular traffic except that this provision shall not apply to the operator of a vehicle stopping momentarily during the actual loading or unloading of passengers if such stopping does not actually impede traffic.

10-4-2 Parking-Limited Time

The Chief of Police is hereby authorized to designate certain spaces adjacent to any government, state, municipal, or other public building or any space in the business zone, not metered, as either ten or fifteen minute parking zones, and It shall be unlawful for any person to park any vehicle in any such zone so designated for a longer period than indicated by the signs, and it shall be the duty of the Chief of Police to erect and maintain at the ends of such zones adequate sign indicating the limitation for parking accordance with the provisions of the section.

10-4-3 Loading Zones

The Chief of Police is hereby authorized to designate a certain space or zone in each block and area or on any street in the City of Mobridge not exceeding 72 feet in any one block to be known as a passenger or loading or unloading zone in which zone so designated it shall be unlawful to park any vehicle, except for the purpose of loading or unloading zone in which zone so designated it shall be unlawful to park any vehicle, except for the purpose of loading or unloading merchandise or passengers between the hours of 9:00 o'clock a.m. and 6:00 o'clock p.m. on any day excepting Sundays and holidays and it shall be the duty of the Chief of Police to erect and maintain at the ends of each zone appropriate signs with the words "Loading or passenger Zone" "No Parking between the hours of 9:00 O'clock a.m. and 6:00 o'clock p.m. excepting Sundays and holidays"

10-4-4 Taxicab Stands, Bus Stands

The Chief of Police is hereby authorized to designate at such places as he deems proper cab or bus stands and shall erect in such zones or stands adequate signs indicating the extent of such zone, and it shall be unlawful for any vehicle other than a licensed taxicab or bus to park in any such area.

10-4-5 No Parking and Time Restricted Parking Zones

(a) The Chief of Police is hereby authorized to establish no parking or time restricted parking zones or areas upon one or both sides of any street or avenue when parking in such zones or areas would, in his or her opinion, interfere with traffic, create a hazardous condition, or be contrary to the public interest.

(b) Any permanent No Parking zones or areas shall be indicated by either painting the curb adjacent thereto with a solid yellow stripe or by posting signs along such zones indicating "No Parking or No Parking This Side of Street" or similar language and no parking shall be allowed at those areas at any time.

(c) Any time restricted zones or areas shall be indicated by adequate signs indicating the time limitation for parking and shall be placed at the ends of each such time restricted area or zones and no parking shall be allowed in those areas during the times designated by said signs.

(d) It shall be unlawful for any vehicle park or remain parked on a street or avenue which has been identified as no parking or time restricted parking as set forth herein and may be removed by the Police Department or the Street Department and the owner thereof, in addition to the other penalties prescribed for the violation of a city ordinance, shall be required to pay the cost of towing, removal and storage of said vehicle.

10-4-6- Alleys

It shall be unlawful for any person to park any vehicle in any public alley within the zone of the fire limits of the City of Mobridge, as may now or may

hereafter be fixed by ordinance of the City of Mobridge except that trucks and other vehicles may stop in such alleys for the purpose of erecting and maintaining signs at the entrance of such alleys, where parking is prohibited as designated by the provisions of this section.

10-4-7 Parking –Theaters

It shall be unlawful for any person to park any vehicle in that portion of the street immediately adjacent to and in front of any theater or moving picture house and the extent of such restricted parking area shall be marked out by the Chief of Police and he shall erect and maintain “No Parking” signs at the ends of such restricted areas.

10-4-8 Parking-Double Parking

It shall be unlawful for the operator of any vehicle to stop, stand or park such vehicle on the roadway side of any other vehicle stopped or parked at the edge of the curb of a street except temporarily engaged in the loading or unloading of passengers or materials.

10-4-9 Parking – Snow Removal

In order that the Street Department may efficiently clean the streets and avenues in the City of Mobridge, it shall be unlawful for any person to park any vehicle on the following streets after a snowfall of three inches or more until the City has plowed the streets:

- 1: 10th Ave. West north from US 12 (Grand Crossing) to 20th Street.;
- 2: 12th St from the east City limits to 10th Ave. West.;
3. Railroad Street from the west City limits to 7th Ave. East.;
4. 8th Street east from 10th Ave. West. to east City limits;
5. Main Street from Railroad St. north to US12 (Grand Crossing)
6. 4th Ave. East from south City limits to north City limits;
7. 7th Ave. East. from south City limits to US12 (Grand Crossing).

It shall also be unlawful for any person to park any vehicle or allow any vehicle to remain on any roadway designated as an avenue of the City during the A.M. within 2 hours after a snow alert is issued by the Chief of Police which is first announced and broadcast on the KOLY radio station, until such time as the City has plowed the snow from said avenue.

It shall also be unlawful for any person to park any vehicle or allow any vehicle to remain on any roadway designated as a street of the City during the P.M. within 2 hours after a snow alert is issued by the Chief of Police which is first announced and broadcast on the on KOLY radio station, until such time as the City has plowed the snow from said street.

Any vehicle parked in violation of any of the provisions of this section may be removed by the Police Department or the Street Department and the owner thereof, in addition to the other penalties prescribed for the violation of a city ordinance, shall be required to pay the cost of towing, removal and storage of said vehicle.

For the purpose of this section, the term vehicle shall include all motorized vehicles and all boats, trailers and campers.

10-4-10 Snow Removal – Obstruction of View

No person shall pile, accumulate, or permit snow piles or other objects to obstruct the view of a public street within any of the following areas:

1. Between a public street and the adjacent sidewalk.
2. The area between a public street and 13 feet back from the public street.
3. Within 25 feet from the corner of any intersecting streets or alleys.

For the purpose of this ordinance, accumulations of snow in excess of 4 feet high shall be deemed obstructing the view of a public street. Any violation of this ordinance shall subject the violator to the penalties set forth in these ordinances, and in addition shall be deemed a continuing nuisance and shall be abated by the City and the cost of such abatement shall be assessed to the abutting lot, piece, or parcel of land. (1996 ORD 730; 9.0206)

10-4-11 Parallel and Diagonal Parking

No vehicle shall be parked on any street unless such vehicle be parked parallel to the curb headed in the direction of the traffic, with the curbside wheels of the vehicle within twelve inches of the curb and no closer than four feet to any other vehicle, front or rear, except upon those streets designated or marked for angle parking where vehicles shall be parked at an angle to the curb indicated by such marks or signs, with the front wheel touching the curb.

10-4-12 Removal of Cars Illegally Parked

Any vehicle parked in violation of this chapter may be removed from the streets by the police Department and placed in public storage, and the owner thereof, in addition to the fines and penalties provided in this title, shall pay the charges for towing and storage of said vehicle so removed. All money so collected by the Police Department shall be immediately deposited with the City Finance Officer. Neither the City of Mobridge nor any person shall have any liability for any damage, which may be done to any motor vehicle, or other vehicle so removed, as long as reasonable care is used in removing such motor vehicle.

The Police Department may issue a tag for violation in lieu of removal of the said vehicle, and such offense shall constitute a misdemeanor under these ordinances. (2001 ORD 774)

10-4-13 Unloading of Merchandise – Permits

- A. The Chief of Police is hereby authorized to issue, to any owner of a vehicle used to transport merchandise or materials, a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the operator of such vehicle the privilege of loading or unloading while the vehicle is backed against the curb if in the opinion of the Chief of Police such privilege

is reasonably necessary to conduct of the owner's business and will not seriously interfere with traffic.

- B. In places where, and at hours when, stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads, when the owner of such vehicle holds a permit granting him such special privilege, and provided further that such permit shall be either in the possession of the operator or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or operator to violate any of the special terms or conditions of any such special permit.

CHAPTER 10-5 – SIGNS AND SIGNALS

10-5-1 Signs and Signals – Type

- A. The city Council shall by resolution determine and designate the character or type of all official traffic signs and signals; provided, that all traffic signs and signals now erected and in operation are hereby designated official traffic signs and signals. Subject to this selection, the Chief of Police is hereby authorized, and as to those signs and signals required hereunder, it shall be his or her duty, to place and maintain or cause to be placed and maintained all official traffic signs and signals. All signs and signals required hereunder for a particular purpose shall be as approved by the City Council and as far as practicable, standard throughout the City.
- B. No provisions of this title for which signs are required shall be enforceable against an alleged violator if, at the time and place of the alleged violation, the sign herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

10-5-2 Obedience to Traffic Signs and Signals

It shall be unlawful for any operator to disobey the instructions of any official traffic sign or signal upon the street placed in accordance with the provisions of this title, unless otherwise directed by a police officer.

10-5-3 Traffic Control Signals

Whenever traffic is controlled by traffic control signals exhibiting successively one at a time, the color green for go, yellow or amber for caution, red for stop, or flashing signals, traffic shall be regulated and controlled thereby as follows:

- A. Green means go.** Vehicular traffic facing a green signal may proceed straight through or may turn right or left if said traffic control signal is at an intersection, unless such turn at such place be otherwise prohibited, but vehicular traffic shall yield the right-of-way to other vehicles and pedestrians, lawfully within the roadway intersection or facing the green signal may proceed across the roadway within any marked or unmarked crosswalk.

B. Yellow, or Amber, when used following the green signal means caution. Vehicular traffic facing yellow or amber signal shall stop before entering the nearest crosswalk, except that if such stop cannot be made in safety, a vehicle may be driven cautiously through the roadway, intersection or crosswalk controlled by said signal. Pedestrians facing the yellow or amber signal are thereby advised that there is not enough time to cross the roadway and they shall remain on the curb line and not proceed across the roadway controlled by said signal until the next green signal appears.

C. Red means stop. Vehicular traffic facing the red signal shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and shall remain standing and shall not enter the intersection or roadway to the front until the green signal is shown. Pedestrians facing the red signal shall not proceed across the roadway to the front until the next green signal appears.

D. A flashing red signal means stop. Vehicular traffic facing the flashing red signal shall first stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and then proceed with caution and with regard to the rules of right-of-way.

E. A flashing yellow or amber signal means caution. Vehicular traffic facing the flashing yellow or amber signal may proceed through the intersection or pass such signal only with caution.

10-5-4 Display of Unauthorized Signs and Signals Prohibited

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 regulate or to curtail parking or which attempts to direct the movement of traffic, or for any person to paint marking or legends upon any curb or curbing, purporting to indicate a restricted or limited parking zone and every such prohibited sign, signal, device or marking 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.

10-5-5 Interference with Signs and Signals Prohibited

It shall be unlawful for any person to willfully deface, injure, move, obstruct or interfere with any official traffic sign or signal.

10-5-6 City Council Authorized to Designate Crosswalks

The City Council is hereby authorized and empowered to establish and to designate and shall thereafter maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks approximately equal in width to the adjacent sidewalk at all intersections where in its opinion there is particular danger to pedestrians crossing the roadway.

10-5-7 City Council Authorized to Designate Safety Zones and Lanes for Traffic

- A. The City Council is hereby empowered to establish safety zones of such kind and character and at such places, as it may deem necessary for the protection of pedestrians.
- B. The City Council is also authorized to mark lanes for traffic on street pavements at such places as it may deem advisable, consistent with the provisions of this title.
- C. The City Council is authorized to make handicapped parking spaces available on any public street.

10-5-8 Curb Markings – Solid Yellow

Wherever in any street or avenue the curb is painted with a solid yellow stripe by or under the direction of the Chief of Police, such stripe or marking shall indicate a “No Parking” area or zone, and it shall be unlawful for any person to park a vehicle adjacent to such marking.

10-5-9 Curb Markings – Broken Yellow

Wherever in any street or avenue the curb is painted with a solid yellow stripe by or under the direction of the Chief of Police, such broken stripe or marking shall indicate a limited parking area or zone, the extent of such limitation to be indicated by signs at the end of each such limited area or zone and it shall be unlawful for any person to park a vehicle adjacent to such limited parking zone for a longer period than indicated upon said signs.

10-5-10 No Left-Turn Signs

The Chief of Police is hereby authorized to place or have placed under his direction at any intersection and at such hours as he deems proper, signs indicating no left turn, and it shall be unlawful for the operator of any vehicle to make a left turn at such intersection when such signs are in place.

CHAPTER 10-6 – PEDESTRIANS

10-6-1 Pedestrian’s Right-of Way

- A. The operator of any vehicle shall yield the right-of-way to a pedestrian crossing roadway within any marked cross walk or within any unmarked crosswalk at the end of a block, except at intersections where the movement of traffic is being regulated by police officers or traffic control signals.
- B. Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross a roadway, it shall be unlawful for the operator of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.
- C.

10-6-2 Crossing Streets

It shall be unlawful for a pedestrian to cross a roadway at any point other than within a marked or unmarked crosswalk in the business district as defined in this title or on any federal highway.

10-6-3 Pedestrians Rights and Duties at Controlled Intersections

Whenever stop signals or flashing red signals are in place at an intersection or a marked crosswalk between intersections the pedestrians shall have the right-of-way over drivers of vehicles and at such marked places drivers of vehicles shall stop before entering the nearest crosswalk and any pedestrian within or entering the crosswalk at either edge of the roadway shall have the right-of-way over any vehicle so stopped.

The driver of a vehicle shall stop before entering any crosswalk when any vehicle proceeding in the same direction is stopped at such crosswalk for a purpose of permitting a pedestrian to cross.

10-6-4 Pedestrians to Obey Traffic Signals

At intersections where traffic is directed by a policeman or stop-and-go signals, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic and pedestrians shall obey all traffic signals and directions.

10-6-5 Boarding or Alighting from Vehicles

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

CHAPTER 10-7 - MISCELLANEOUS PROVISIONS

10-7-1 Railway Crossing - Blocking Streets

It shall be unlawful for the directing officer or the operator of any railway train or car to direct the operation of or to operate the same in such manner as to prevent the use of any street for purposes of travel for a period of time no longer than five minutes, except this provision shall not apply to trains or cars in continuous motion.

10-7-2 Accident Reports - Personal Injury

The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene or such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10-9-4. Every such stop shall be made without obstructing traffic more than is necessary.

10-7-3 Accident Reports - Property Damage

The driver of any vehicle involved in an accident resulting in vehicle damage only shall immediately stop at the scene and report such incident to the police. The driver

shall remain at the scene until they have fulfilled the requirements of section 10-7-4. Every stop shall be made without obstructing traffic as much as possible.

10-7-4 Accidents - Duty to Give Information

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his or her name, address and the registration number of the vehicle he or she is driving, and shall upon request and if available, exhibit his or her operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

10-7-5 Accident - Unattended Vehicle

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then locate and notify the operator or owner of such vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. Police are to be notified of any and all accidents taking place within the City limits of Mobridge.

10-7-6 Accident - Duty Upon Striking Fixtures

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a street shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's license and shall make report of such accident when and as required by ordinance or statute.

10-7-7 Immediate Notice of Accident

The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of \$10.00 or more shall immediately by the quickest means of communication give notice of such accident to the police department.

10-7-8 Garage Keeper to Report Damaged Vehicles

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the Police Department of the City within twenty-four hours after such motor vehicle is received, giving the engine number and the name and address of the owner or operator of such vehicle.

10-7-9 Evidence of Traffic Violations

In any proceeding for violations of the provisions of this Title relating to the operation or parking of motor vehicles, the registration plate displayed on such motor vehicle shall constitute in evidence a prima facie presumption that the owner of such motor vehicle was the person who was operating or parked such vehicle at the point where such violation occurred.

CHAPTER 10-8 SNOWMOBILES

10-8-1 Designation of Through and Access Routes

That all snowmobiles operated and driven within the limits of the City of Mobridge, SD shall be driven and operated as herein provided. The following public streets, alleys and rights of way are hereby designated as snowmobile through, access, and entrance and exit routes in the City of Mobridge, SD.

(A) Through Routes:

1. Railroad Street from the West City limits to the East City limits.
2. Twelfth Street from the East City limits to the West City limits.
3. Seventh Avenue East from East Railroad Street North to Second Street East thence East on Second Street East to the East City Limits.

(B) Access Routes:

All North-South Public alleys for use only by an owner, lessee or operator of a snowmobile to travel to or from his residence, business or snowmobile center and to the most accessible through route when leaving or returning to the City.

10-8-2 Unlawful Place of Travel - Emergencies

It shall be unlawful to operate or drive a snowmobile on or upon any public street, alley or right of way in the City of Mobridge, SD except designated snowmobile through and/or access streets and alleys as herein designated under this Chapter; except, for emergency use in major use in major snowstorms, blizzards or other emergency conditions for required protection of the health and welfare of the City residents.

All emergency use shall be under the direct supervision and control of the Chief of Police, Civil Defense Director, and/or other designated official and/or officer. Emergency use and operation and use shall terminate as of the time designated by the officer in control, during such emergency operation.

10-8-3 Emergency Snowmobiles

All snowmobiles used in emergency operations under this Chapter shall be equipped with headlights and taillights and the driver/operator shall have a valid South Dakota driver's license.

10-8-4 Travel Prohibited on Public Streets, Alleys and Rights-of-Way

A snowmobile shall not be driven or operated upon the public streets or alleys of the City of Mobridge, except the streets and alleys herein designated as through routes and access routes. Travel on designated through routes and access routes may only be had by the operator of a snowmobile when necessary to travel, and then only by the shortest and most accessible route, to and from his residence, his business, a snowmobile service center or to and from the City limits.

Snowmobiles may not be operated or driven upon any public street or alley including designated through and access routes, or upon any private or public property within the City limits of the City of Mobridge, between the hours of 11:00 o'clock p.m. and 7:00 o'clock a.m. the following day, except in the case of emergencies as herein provided.

10-8-5 General Provisions for Snowmobiles

A. A snowmobile shall at no time be operated or driven within the City of Mobridge at a speed in excess of 15 miles per hours.

B. Snowmobiles shall at all times abide by all traffic laws, rules and regulations for the travel of motor vehicles; and in addition thereto, must stop before entering or crossing any public street, alley, or street and alley intersection whether or not stop signs or electric controlled signs, shall be posted at said intersection.

C. It shall be unlawful to drive or operate a snowmobile upon any City, School, or other public or private property at any time, with or without the permission of the owner, unless the operator shall first secure permission from the Chief of Police.

D. It shall be unlawful to drive or operate a snowmobile upon any sidewalk or designated sidewalk space public or private, except for necessary crossing, in traveling through and access routes or in gaining access to and from the owner, or operator's residence, business or a snowmobile service center, or the City limits.

E. It shall be unlawful to drive or operate a snowmobile in a careless or reckless manner, or in such a manner as to constitute exhibition driving, or in such a manner or at such a speed as would endanger other persons or property.

F. It shall be unlawful to drive or operate a snowmobile while under the influence of intoxicating liquor or any other exhilarating or stupefying drug.

G. It shall be unlawful to drive or operate a snowmobile carrying a gun or any other firearm or firearms, either in or upon the snowmobile, or upon the person of any operator or any other persons riding therein.

H. It shall be unlawful to tow any person or objects, except a disabled snowmobile, or in the case of an emergency, and in such event the driver-operator, shall at all times use due care and caution for the safety of the person and/or object being towed, and in due regard of the rights and safety of other persons and property.

I. All snowmobiles operated within the City limits shall be equipped with and have in operation at all times while being driven within the City limits, mufflers, brakes, a dead-man throttle and at least one headlight and taillight on.

J. All snowmobiles being driven and operated on designated snowmobile through routes and access routes shall be required to display a red or orange pennant flag on a flexile antenna, or red antenna extending not less than five feet above the ground, to be mounted at the rear of said snowmobile. The flag or pennant displayed shall be not less than six inches by nine inches and attached to the top of the antenna or rod.

K. It shall be unlawful for any owner or operator of a snowmobile to leave the same unattended while the motor is running and/or to leave the keys for starting the snowmobile in the ignition.

10-8-6 Registration and Licensing

All snowmobiles operated within the City of Mobridge shall have attached thereto a state license, and all owners of snowmobiles living within the City of Mobridge, shall, before operating said snowmobile within the City limits of said City, register the same with the Chief of Police.

10-8-7 Drivers License

No person shall be permitted to drive or operate a snowmobile within the City of Mobridge, South Dakota without having upon his person and in his possession a valid South Dakota motor vehicle driver's license.

10-8-8 Declaring Emergencies

The Chief of Police, and/or mayor, shall, at all times have power and authority to declare an emergency and grant supervised emergency operation of snowmobiles as herein provided; and shall determine when such emergency terminates.

10-8-9 Special Permits

The City Council, by official action, taken at any regular or special meeting, may grant special permits for special use or operation of snowmobiles for any specific purpose or occasion, or upon any specific public property, or with the permission of the owner of private property, which special permit shall temporarily suspend the requirements of this Ordinance in so far as the privileges granted therein; and as the same shall relate to operation of snowmobiles by persons referred to in the permit.

10-8-10 Copies of Ordinance and Regulations

It shall be the duty of the City Finance Officer and Chief of Police to have available for distribution to all persons requesting same, printed copies of this Ordinance or any addition or amendment thereto; the Chief of Police shall deliver copies thereof to all snowmobile sales and service centers in the City of Mobridge, who shall deliver copies thereof to all purchasers and/or lessees of snowmobiles at the time of purchasing or leasing, and delivery of said machine to said purchaser or lesser.

10-8-11 Penalty for Violation

Any person or persons violating any of the provisions of this Ordinance or failing to comply with the provisions thereof, shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine not to exceed \$200.00, or both such fine and imprisonment, and, the Court at its discretion may suspend the driving and operating of a snowmobile privilege of said person in the City of Mobridge, for a period of time not to exceed 60 days.

CHAPTER 10-9 SPEED

10-9-1 General Restrictions

It shall be unlawful for any person to drive a vehicle on a street or highway at a speed greater than is reasonable and prudent under the conditions then existing or at a speed in excess of those fixed by this chapter or established by the City Council as hereinafter set forth. (1998 ORD 749)

10-9-2 Speed Zones- Establishment

- A. The City Council is authorized and empowered to determine and establish upon any street or highway within the City or any part thereof, limited speed zones which speed limit shall constitute the maximum speed at which any person may drive or operate any vehicle upon zone, street or highway or portion thereof so zoned, and on which highway the maximum speed permissible in said zone has been conspicuously posted by signs adopted by the City Council.
- B. The beginning and end of such limited speed zones shall be indicated by signs showing the speed limit.

The City Council may change the speed limit or the extent of any such limited speed zone at any time they may deem necessary. (1998 ORD 749)

10-9-3 Speed- Limitations

Where no special hazard exists on any section of a street or highway which section is not zoned and posted as hereinbefore provided, the following speeds shall be lawful, but any speed in excess of said limits shall be unlawful and shall be prima facie evidence that the speed is not reasonable or prudent

- A. Fifteen miles an hour when approaching within fifty feet of any railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last two hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway for a distance of four hundred feet in each direction of such crossing.
- B. Fifteen miles an hour when passing a school house or grounds during recess or while children are going to or leaving school during opening or closing hours.
- C. Fifteen miles an hour when approaching within fifty feet and in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty 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 feet from such intersection; provided, however, that this restriction shall not apply to through streets where intersection stop signs are posted.
- D. Fifteen miles an hour in any public park; provided, that the Park Board or other local authority may, by duly posted notices, fix a lower rate, in which case such rate of speed as so posted shall not be exceeded.

- E. Twenty miles an hour on any street or highway, either in the business or residential district, except as may be herein increased or modified, provided, that the City Council may, by duly posted notices, fix a lower rate, in which case such rate of speed as so posted shall not be exceeded. Five miles an hour on any alley. (2007 ORD849) (2006 ORD 837)
- F. It shall be prima facie unlawful for any person to exceed any of the foregoing speed limitations except that the City Council is hereby authorized in its discretion to increase the speed which shall be prima facie lawful upon certain portions of federal highways as required by federal regulations, provided that there shall be placed adequate signs giving notice of such special regulations.
- G. The speed limits set out in this section shall not apply to authorized emergency vehicles when responding to emergency calls provided that the driver thereof shall sound audible signals by siren or horn. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street. (1998 ORD 749)

CHAPTER 10-10 CONDITION OF VEHICLES

10-10-1 Muffler Cutouts Regulated

- A. No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. The use of "Smitty" or "Hollywood" mufflers or other devices of like character which make loud noises or explosions are hereby declared unlawful.
- B. It shall be unlawful to use a muffler "cutout" on any motor vehicle on a highway. (1998 ORD 749)

10-10-2 Brakes

Every motor vehicle operated or driven upon any of the streets, alleys or avenues of this city shall be provided with adequate brakes in good working order sufficient to control such motor vehicle at all times when the same is in use. (1998 ORD 749)

10-10-3 Lights

Every motor vehicle operated or driven in the City of Mobridge shall, during the period of from one hour after sunset and one half hour before sunrise, display lighted lamps as required by SDCL § 32-17-1. (1998 ORD 749)

10-10-4 Horns

Every motor vehicle operated or driven in the City of Mobridge shall be provided with a suitable or adequate horn or other device for signaling which shall be in good working order at all times said vehicle is operated on the streets of the City of Mobridge. (1998 ORD 749)

10-10-5 Flags or Light at End of Load

Whenever the load on any vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such as to be cleanly visible at all times from the rear of such vehicle a red flag not less than twelve inches both in length and width, except at between one-half hour after sunset and one-half hour before sunrise there shall be displayed at the end of such load a yellow or red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle. (1998 ORD 749)

10-10-6 License Plates

No person shall operate or drive a motor vehicle within the City of Mobridge without having conspicuously displayed thereon number plates or plate as required by the statutes of the State of South Dakota, securely fastened, and shall be kept free from mud, dirt, or other obstruction so that said number plate or plates shall be clearly legible by other persons upon said highway. (1998 ORD 749)

10-10-7 Windows and Windshields-Obstructions

The windshield and the front side windows of any vehicle operated on the streets of the city of Mobridge shall at all times be free and clear of any ice, frost, snow, stickers, signs, placards or anything else which would in any manner tend to obstruct or hinder the view of the driver. (1998 ORD 749)

TITLE 11 – WATER AND SEWERS

CHAPTER 11.1 – WATER

CHAPTER 11.2 – WATER RATES

CHAPTER 11.3 – SEWER AND WATER CONNECTIONS – SPECIAL FEES

CHAPTER 11.4 – SEWERS

Chapter 11-1 Water

11-1-1 Installation of Meters

The City of Mobridge, through the Water Department, shall have the right to at any time install a meter on any service connected with the City Water mains and from the time of such installations the meter rates established by the Ordinance of said City shall affect and apply to water delivered through such service; provided, that if the water rates for such premises shall have been paid in advance at existing flat rates, a credit for the expired time for such advance payment in proportion to the whole time thereof, shall be allowed upon meter rates.

Water meters up to and including three quarter inch shall be furnished and installed by the City, free of charge to the consumer, but any meters larger than a full three quarter inch meter, shall be furnished and paid for by the user and installed by the City; provided, however, that any meters so furnished by the users shall be of such kind and quality as specified and approved by the Water Department of the City of Mobridge.

- A. The City shall charge a consumer service fee of \$25.00 for turning on the water during business hours and \$50.00 for doing so during non-business hours. Where only a meter reading is required on a new service because the water was not previously turned off, the City shall charge the consumer \$15.00 during business hours and \$30.00 during non-business hours. No part of this service charge is refundable.

11-1-2 Duty and Responsibility of Owner or Occupant

A suitable place, safe from frost or other damage and accessible for examination must be provided for said meter at the expense of the owner or occupant, and in all cases where the meter is injured by freezing or were it is otherwise damaged by the act or neglect of the owner or occupant of the premises or of his agent or servants, the cost of repairing or replacing the same shall be paid by the owner or occupant, and in case of neglect or refusal to pay the same on demand, the water supply may be turned off, and shall not be again turned on until such cost and penalty of \$25.00 for turning off and on are paid.

11-1-3 Each Building to Have Separate Cut-Off

Every separate building must have its own separate cut-off placed at the outside edge of the sidewalk or in the alley; provided, that when two or more buildings are already supplied through one service connection and one cut-off, such service may be continued until separate services and cut-offs are ordered, but if the water rates for any of said buildings shall become delinquent and so remain for a period of fifteen days, the water supply may be cut off from all of said buildings and shall not be again turned on

until such delinquent rates and a penalty of \$25.00 for turning on and off are paid. The Water Department may order separate service connections for any such buildings so already supplied through one service if or whenever the City main has been laid in the street adjacent to said building.

11-1-4 One Meter

The supply of water through each separate service must be recorded by one meter only, for which only one bill will be rendered by the City. If additional or auxiliary meters are desired for recording the subdivision of such supply, they must be furnished and set by the owner or consumer at their own expense and they must assume all responsibility of maintaining and reading the same.

11-1-5 Notice

In case of the breakage or stoppage or any other irregularity in the meter installed by the City, the owner or consumer is to immediately notify the Water Department and any necessary repairs will be made under its supervision.

11-1-6 Testing Meters on Request of Consumer.

Upon the written request of any owner or consumer, the Water Department will test the meter supplying the premises. The owner or consumer may, if desired, be present when the test is made. The result of the test will in all cases be reported to the owner or consumer requesting the test. If the test of the meters shows that it fails to register correctly within two percent on a flow equal to one-eighth of the diameter of the service, the water department shall make a charge or allow a credit in proportion to the error for all water registered in excess of the minimum amount allowed by the established rates.

11-1-7 Protection of Meter

Where a meter has been placed on a pipe connected to a boiler or other hot water apparatus, a check valve must be placed between such meter and the boiler or hot water apparatus which shall protect such meter from back pressure of steam or hot water. In case the meter shall be damaged by hot water or steam, the owner or occupant of the premises shall pay for such damages.

11-1-8 City Not Liable for Damages

The City of Mobridge will not be responsible for damages caused by the breaking of a meter or from any accidents resulting from variation in water pressure or the ram of the water in the mains.

11-1-9 Penalty for Interference

Every Person who shall break or deface the seal of any water meter, or who shall obstruct, alter, injure or prevent the action of any water meter, or who shall make any connection by means of a pipe or otherwise with any main or pipe used for the delivery of water to a consumer in such manner as to take water from said main or pipe used for

the delivery of water to a meter, or who shall use any water so obtained, or who shall with intent to defraud, make any connection or reconnection with such main or pipe, or turn it on or off or in any manner interfere with any valve, stop cock or other appliance connected therewith, shall upon conviction thereof be fined not less than \$75.00 not more than \$100.00 or be imprisoned not more than thirty days, or be subjected to both such fine and imprisonment, in the discretion of the Court.

11-1-10 Permits

No person, firm or corporation shall make any extension to or alteration of any water tap, main pipe or other fixture without first having obtained a written permit so to do, and a full report of such work must be made within 24 hours after the completion of said work.

The Owners of property desirous of using water from the municipal disturbing pipes shall make application in writing, either by themselves or their authorized agents, to the Superintendent of Waterworks. The applicant to state the size of the tap, kind of service pipe to be used and the description of the premises and name of the owner.

Such application to be accompanied by the connection or tapping fee in the sum of One Hundred Thirty-Five Dollars (\$135.00) for a three quarter (3/4) inch tap; the sum of Two Hundred Seventy-Five Dollars (\$275.00) for a one inch tap. (2005ORD820) (2002 ORD 791)

11-1-11 Depth of Service Pipes

Within the limits of the street, service pipes shall in no case be laid at a depth less than six feet below the lowest part of the gutter. The water and sewer lines may be in the same trench if kept 12" apart per the National Plumbing Code (10-6).

11-1-12 Curb

There shall be a brass curb-cock in each service pipe under the exclusive control of the City Council. Said curb-cock shall be placed in the pipe on the outer side of the sidewalk, just inside the curb or at the alley line, and no person not a direct employee of said City Council shall open or close or otherwise interfere with said curb-cock. Such curb-cock shall be provided with a box or tube of approved pattern, and the top of each box or tube shall be placed on the level with the grade of the sidewalk or alley, and no premises shall be supplied without said box being in good order. In case of neglect or refusal of the occupant or owner to provide or repair the box within a reasonable time, when notified, the Water Department shall cause it to be done and charge the expense against the premises, to be collected with the bill of supply of water that shall become due against said premises. Each service pipe must be furnished with a stop-cock and waste below the action of the frost, so situated that the water can be conveniently shut off and drained from the pipe to prevent freezing. There shall also be a stopcock in every attachment located at the first suitable point beyond the street or alley limits to enable consumers to turn the water off in case of accident to the pipes on the premises.

11-1-13 Guarding Excavations

No excavation in any street or public place shall be left open over night, except in cases of necessity in which the Water Department must maintain suitable barriers and signals of warning during the night.

11-1-14 Return of Plumber

All plumbers shall make full returns of the ordinary and special uses to which water is designated to be applied under any permit granted by the City, with a description of all apparatus and arrangements for using the water in every case. This return is to be made by the plumber who does the work, within forty-eight hours after the completion of said work, to the City Water Department. For any misrepresentations or omissions in the statement of the work done, or appurtenance set, through which there may be water used, the plumber may be suspended or his license may be revoked.

11-1-15 Penalties

Any person who shall lay any water service pipe or introduce into or about any building or on any grounds, any water pipes, or do any plumbing work in any building or on any grounds for the purpose of connecting such pipes or plumbing with the pipes of the City Waterworks, or preparing them for such connection with a view of leaving such premises supplied with water by such water-works, or who shall make any addition to or alterations of any water pipes, water

closet, stop-cock or other fixtures or apparatus for the supply of any premises with water without first having obtained a permit in writing for doing such work from the Water Department in the City of Mobridge, shall be subject to fine as provided in this Ordinance.

11-1-16 Rent Must Be Paid Before Water Turned On

The water will not be turned on in any house or private service pipe, until the applicant shall have paid the rent due and shall exhibit his receipt therefore.

11-1-17 Right of Access to Premises for Inspection

The Chief of Police or such other person as he or she may direct shall be authorized to enter and have free access at all reasonable hours to premises, to ascertain the location or condition of all hydrants, pipes or other fixtures attached to the waterworks; and in case he or she finds waste on account of negligence or want of repairs, and if such waste is not immediately remedied, the water leading to such premises shall be turned off. It shall be the duty of said officers, in case they discover any defect in the private service pipe or in the street, to give notice in writing to be left at the premises, and if necessary repairs are not made within twenty-four hours thereafter, the water shall be turned off, and shall not be turned on again until the sum of \$25.00 has been paid to the Finance Officer of the City of Mobridge.

11-1-18 **Must Repair Connections**

Persons taking water from the distributing pipe must keep their service and fixtures connected therewith in good repair and protected from frost at their own expense, and must prevent all unnecessary waste, or the water will be shut off. No abatement shall be allowed from the price charged or agreed upon by reason of the breaking, nor will the City of Mobridge, its Mayor or City Council, in any case be liable or responsible for any damage growing out of the stoppage of such water or any insufficient supply of the same as the quality or quantity. All persons using water from the waterworks for any purpose whatever will do so at their own risk.

11-1-19 Notice to Discontinue

Any person desirous of discontinuing the use of water must give notice in writing to the Water Department, on or before the day to which the rent has been paid, or they will be charged with water rent to the next rent day.

11-1-20 Service Pipes Supplying More Than One

Service pipes intended to supply two or more distant premises must be provided with separate curb-cocks and shut-off boxes for each premises on the outside of the lot line, or when only one curb-cock is used, the person or persons controlling the same must pay the water rent of the parties who are thus supplied, as separate water rates will not be made without separate curb-cocks.

11-1-21 **Laying Larger Pipes for Fire Protection**

When proprietors of lumber yards, manufacturers, halls, stores, hotels or public buildings, regular customers from the waterworks, wish to lay larger pipes with hydrants and hose coupling, to be used only in case of fire, they will be permitted to connect with the street main at their own expense, upon application for permit to the City Water Department, and under the direction of the City Council, will be allowed to use the water, for fire purposes only, free of charge. No standpipe will be allowed on the premises where water is not taken for other than fire purposes.

11-1-22 **Unnecessary Waste of Water**

Hydrants, taps, hose, water closets, urinals, bath and other fixtures will not be permitted to be kept running when not in use, and it is hereby made the duty of the Water Department to enforce this section, and also to notify the consumers of the unnecessary waste of water on their premises. If within forty-eight hours after being so notified that water is being wasted, the necessary repairs are not made, the Water Department shall forthwith shut off the water on the premises and before it shall be turned on, the consumer shall pay the fine as provided in this Ordinance.

11-1-23 **City May Shut Off Water for Repairs**

The City reserves the right at any time to shut off the water on the main pipe for the purpose of repairing the same, making connection, or extension to the same, or for the purpose of cleaning the same, and it is expressly understood that no claim shall be made against the City by reason of the breaking of the service pipe or service curb-cock, or from any damage arising from shutting off the supply for repairing, laying or relaying main, hydrants or other connections. It is hereby made the duty of the Water Department to give such reasonable notice as shall be practicable.

11-1-24 **Changing Pipes to Conform with Ordinance**

Pipes and appurtenances already put in which are not put in accordance with the provisions of this chapter must be made to comply with the rules laid down in this chapter, and if not complied with in a reasonable time, the water supply will be cut off.

11-1-25 **Public Hydrants**

All hydrants located in the City of Mobridge for the purpose of extinguishing fires in said City, are hereby declared to be public hydrants, and no person or persons, other than members of the Fire Department of said City, for the use and purposes of said Department, and those especially authorized by the Water Department, shall draw water from the same, or in any manner interfere with or injure any of said hydrants. Any person violating any of the provisions of this section shall be deemed guilty of a Class 2 Misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$200.00 or imprisonment in the County Jail not to exceed 30 days, or by both such fine and imprisonment. (2003ORD802)

11-1-26 **Enforcement of Rules**

It shall be the duty of the water department, Chief of Fire Department and all persons in the employ of the City having police powers to enforce the foregoing rules by making prompt complaint before the City Council against all persons violating said rules.

11-1-27 **Water Department – Definition – Duties**

The term “Water Department” when used in this Ordinance, shall be constructed to mean that department of the city government having charge and control of the municipal waterworks, and any and all property pertaining thereto, of the City of Mobridge; and it shall be the duty of said department to see that the same is protected from unnecessary damage and loss, and to keep said waterworks in good running order and repair and said department shall make a monthly report of its activities, etc., to the City Council or more often if requested, of all its acts and doings in and about the same, and a record shall be kept of all matters which will show at all times the true state and condition of said office.

11-1-28 Removing or Disturbing Covers of Meters-Penalty

Plumbers and other persons are prohibited from removing, disturbing, uncovering or in any way exposing meters for the purpose of making repairs, thawing pipes, or any other purpose, whether owned by the City of Mobridge or by the owners or consumers, and any person or persons violating any of the provisions of this section shall upon conviction thereof be fined in a sum not exceeding \$100.00, and liable for any loss or damage occurring by reason of such violation.

11-1-29 Regulations for Openings

In case any person, firm or corporation, owning property fronting upon any of the streets, alleys or avenues mentioned in this Ordinance, shall show to the Water superintendent that they have failed to install water, sewer and gas connections prior to the laying of the pavement, in said streets, alleys and avenues through any sufficient cause, or that the sewer, water and gas mains already installed on said streets, alleys or avenues have become defective and in need of repair, or in case any public service corporation shall desire to open said pavement for the laying of mains or conduits, they shall make application for permit for such excavation as provided in this Ordinance; provided, that if such excavation contemplates installation of water or sewer services, the water department shall be notified of such application by applicant prior to the granting of such permit.

11-1-31 Restrictions- Sprinkling- Air Conditioning

All water used for air-cooling systems, lawn or garden sprinkling is subordinate to domestic use or fire protections and may be restricted by the City Council at any time, shall scarcity of water or an emergency of any kind so require. Such restrictions shall be imposed by resolution of the City Council, and notice thereof given the public by publication of such restrictions and the extent thereof, in the official newspaper, and if possible, by radio announcement at least twenty-four hours before the effective date of such restrictions, and it shall be unlawful for any person, firm or corporation to use City water in the manner or at the times restricted by such resolution.

11-1-31 Installation of Underground Sprinkling Systems

The following rules and regulations are established for the installation of underground sprinkling systems:

1. A building permit shall be obtained by any person from the Building and Zoning Officer prior to installation of a sprinkling system.
2. All installations shall comply with the requirement of the National Standard Plumbing code, 1990 Edition and amendments thereto in the future.
3. All connections to the City water system or private wells shall be inspected by a licensed plumber prior to use.
4. All sprinkler systems installed shall have back flow preventers and safety valves properly installed as to not allow any water to drain back into a well or city water system. If such appurtenances are found to be missing from a system, the system will be shut down until such time as the system needs compliance.
5. Enforcement of these provisions shall be in accordance with this Ordinance.

CHAPTER 11-2-WATER RATES

11-2-1 Water Rates for Business and Commercial Uses Within the City Limits

All owners and occupants of premises used for business or commercial purposes located in the City limits and connected with the municipal system, including individuals, partnerships, corporations, associations, schools and any and all other benevolent charitable and nonprofit corporations, associations or organizations shall pay for the water consumed upon its premises, and for availability of water service, an amount set by resolution of the City Council.

11-2-2 Water Rates for Metered Residential Uses-Including Trailer Courts Within the City Limits

All owners and occupants of residential premises and churches located within the city limits which are connected to the municipal water system and have a water meter, shall pay for water consumed thereon and for the availability of water service, an amount set by resolution of the City Council.

11-2-3 Water Rates for Un-metered Residences and Lots Within the City Limits

(A) All owners and occupants of residential premises or lots located within the City limits which do not have a water meter and which said residential premises are connected with the municipal water system shall pay for the water consumed thereon, and for the availability of water service an amount set by resolution of the City Council.

(B) All owners of residential and commercial premises or lots located within the City limits upon which there is located a Structure as defined in the Mobridge City Zoning Ordinances and which have water or sewer lines onto the property which are turned off and are not providing water services to the property during periods of 45 continuous days or more, shall be assessed a monthly charge to be set by resolution for the availability of the water and sewer services, which charges shall also include a surcharge and a Water and Sewer extension charge. Said charges shall continue for each month thereafter in which the water service to said premises is disconnected at the street connection. The service availability rates as stated herein shall become effective immediately for those properties which meet the above conditions and shall become effective for other properties (excluding new residential construction) 45 days after the City has received notification by the property owner to disconnect the water service. The service availability rate as stated herein shall become effective for properties upon which new residential construction is commenced one (1) year after the building permit for said construction is issued. All charges as set forth herein shall be billed at the time of the next water billing cycle after said charges become effective. The service availability rates as stated in this section shall not apply to vacant lots upon which no Structure is located. Failure to pay the charges as stated herein shall cause a lien upon the premises so effected and the City shall not reconnect water services to the premises until all such charges

are paid in full unless the City Council shall waive some or all of said delinquent charges.

11-2-4 Reserved.

11-2-5 Water Rates for All Business-Commercial- Residential and Trailer Court Purposes Outside the City Limits

Water rates for all business, commercial, residential and trailer court purposes outside the city limits; connected with the municipal water system for the consumption of water and for the availability of water service for said purpose is fixed at the same Rate as within the City limits, except that the minimum monthly or quarterly Rate for such as therein provided shall be an amount set by resolution of the City Council. All excess water used over the minimum shall be at the same Rate as provided within the City limits.

11-2-6 Fixing Special Rates

Wherever, by reason of special circumstances, the City Council finds the foregoing rates for any user or purpose, and whether within or without the City limits, are unjust or inequitable as applied to certain premises, said rates, if in the opinion of the City Council, be either too high or too low the City Council, by resolution, may fix and establish a fair and equitable Rate for such premises during the period of such special circumstances, or may authorize the Mayor to enter into a contract for the sale of water at a fixed Rate as provided in said contract for such use.

11-2-7 Meter Reading and Billing

All meters for residential, commercial uses and trailer courts within and without the City limits shall be billed on a monthly basis.

11-2-8 Special Fund

In addition to the quarterly water statements for water used during said period at the rates herein fixed there shall be billed and collected from each water user the sum of \$0.50 per month, which sum is set aside in a special fund for sanitary purposes, repair, maintenance and extension of water and sewer mains. If such water user is connected to the City of Mobridge sanitary sewer, whether it be billed and collected with each quarterly billing, the sum of \$20.00 per month, except in the case of multiple users additional sewer rental shall be billed and collected as provided by Ordinance. All sums collected as sewer rental shall be set aside in a special fund for disbursement as provided in Ordinance No. 564 and as provided by Ordinance No. 577 and 706 as to:

11-2-9 Annexation - Termination

That any water services serving property outside the corporate limits of the City of Mobridge on or after October 6, 1975 shall be continued in accordance with existing ordinances and/or as per contract between such water user and the city of Mobridge. In the event the property receiving water services shall refuse or neglect to petition for annexation to the City of Mobridge, after notice in writing by mailing is given, said water services shall be terminated 90 days after mailing of said notice unless said property is annexed within that period of time.

11-2-10 Special Rates for Specific Water Users

All Owners or occupants of premises outside the city limits located on the trunk water main installed in 1965 from Mobridge Rodeo, Inc., Rodeo Grounds, to the Mobridge Municipal airport and Armory and through, over and across which premises said trunk water main is laid, and through, over and across which premises, or a part thereof, and easement has been given the City of Mobridge for the installation, maintenance, use and upkeep of said trunk water main; and, who shall have paid the City of Mobridge, the front foot cost of said truck water main shall pay for the water consumed upon said premises, and for the availability or water services the same minimum and over minimum Rate per month as shall be charged owners or occupants of premises located within the City limits of the city of Mobridge, SD, connected with the water system.

11-2-11 Special Water Main Tapping Fees for Lands Abutting on Armory Water Main Extension Project No. 64-8; and Providing for Collection and Disposition of Fees Collected

Whereas, the City of Mobridge has paid all of the cost for the construction of a trunk water main as described and located in Armory Water Main Extension, Project No. 64-8, generally described as located in the first 15 feet of the land adjacent to U.S. Highway No. 12 commencing at a point within said 15 feet, 596 feet West of the East boundary line of Lot B in the SW1/4SW1/4 of Section 20, Township 124 North, Range 79, Walworth County, South Dakota, owned on the date of the adoption hereof by Mobridge Rodeo, Inc.; thence east to the section line between section 20 and 21; thence North 1950 feet on said section line right-of-way to a point

1950 feet north of the said trunk water main as laid in the front 15 feet of Lot 1, Block 1 of James L. Jackson plat of Block 1, 2 and 3 in the SE1/4 Section 21, Township 124, Range 79, and which point is west of the Mobridge Municipal Airport where said trunk water main under said Armory Water Main Extension Project No. 64-8 leaves the Section line right-of-way and extends East into the Mobridge Municipal Airport and Armory grounds; and

Whereas, the contract cost of installing said trunk water main was \$2.10 per lineal foot,

Whereas, all land abutting thereon is benefited thereby; and

Whereas, it is the general policy of the City of Mobridge to charge the cost of Trunk Water Mains to abutting properties benefited thereby and making use thereof in a sum equal to the cost of the installation thereof;

Now thereof, be it ordained that in addition to all other tapping fees provided by ordinance, there shall be charged to abutting property from said Trunk Water Main the sum of \$2.10 per front foot, according to the number of front feet in each plated tract, lot or area abutting upon said water main as follows:

- (1) the east 596 feet of Tract B in SW1/4SW1/4 Section 20, Twp. 124, Rge. 79.
- (2) 155.5 feet, Lot 1 in SW1/4SE1/4 Section 20, Twp. 124, Rge. 79.

- (3) 145 feet, Lot 9 in W1/2E1/2SE1/4 Section 20, Twp. 124, Rge. 79.
- (4) 46.2 feet in each of lots 3,4,5,6,7 and 8, in W1/2E1/2SE1/4 Section 20, Twp. 124, Rge. 79.
- (5) 52.75 feet, Lot2 in W1/2E1/2SE1/4 Section 20, Twp. 124, Rge. 79.
- (6) 66 feet, lot 1 in W1/2E1/2SE1/4 Section 20, Twp. 124, Rge. 79.
- (7) 0.5 feet each, Lot 1,2,3 and 4, in Block 1 James L. Jackson plat SE1/4SE1/4 Section 20, Twp. 124, Rge. 79.

Property on both sides of the Trunk Water Main Located in the section line right of way between Sections 20 and 21 receive equal benefits by the construction and installation thereof, the cost of installation \$2.10 per foot shall be divided equally by property on each side thereof, or at the Rate of \$1.05 per front foot, as to the following lots, tracts and lands as now plated.

- (1) 150 feet, Lot 1, Block 2, James L. Jackson Plat in SE1/4Se1/4 Section 20, Twp. 124, Rge. 79.
- (2) 56.1 feet, Lot 1, Block 3, James L. Jackson Plat in Se1/4, Section 20, Twp. 124, Rge 79.
- (3) 50 feet each, Lots 2 to 18, both inclusive, Block 3, James L. Jackson plat SE1/4, Section 20, Twp. 124, Rge. 79.
- (4) 630 feet in the SE1/4 Section 20, Twp. 124, Rge. 79 North of and abutting Block 3, James L. Jackson Plat of Blocks 1,2 and 3 in SE1/4, Section 20, Twp. 124, Rge. 79.
- (5) 1950 feet front on section line between Sections 20 and 21 in Twp. 124, Rge 79 commencing at the SW corner of the SW1/4 of said Section 21, thence extending North along said section line right of way a distance of 1950 feet.

It is further provided that if any of said lots, tracts or parcels of land shall be officially subdivided, platted or replatted, and such subdivision, plat or replat, or part of parcel thereof abutting said trunk water main, and desire to tap into same, the special tapping fee herein provided shall be at the same Rate as the lot, tract or parcel of land from which said subdivision, plat or replat was made and according to the number of front feet abutting upon said trunk water main of the lot or tract requesting tapping privileges and benefits.

The special tapping fee herein provided shall be paid to the City Finance Officer by the owner or owners of such property abutting upon said trunk water main before said trunk water main shall be tapped to serve said lot, tract or area shall receive benefits and the use thereof. All special tapping fees paid hereunder shall be deposited in the general fund of the City.

11-2-12 Special Areas

That in addition to all water rates as provided by Ordinance all persons, firms, or corporations tapped into and receiving water from the trunk water main east of the booster pressure water pump located at the quarter line – Section 21 on US Highway and extending to the Indian Creek Campground shall pay to the City of Moberge the cost for all electrical energy to operate said booster pump. The cost to be prorated to each user according to the gallon usage of each user as the same relates to the total gallons used by all users tapped into said trunk water main. The cost thereof shall be

billed to each water user with the regular water billing as provided by Ordinance and shall be collected by the City Finance Officer in the same manner as all other water bills.

11-2-13 Delinquent Water Rents

All water accounts inside or outside the City limits of Mobridge, shall be payable at the office of the City Finance Officer, and if not paid within fifteen (15) days after the same becomes due, shall become delinquent and a penalty of 5% shall be added to said bill. If the water bill and penalty are not paid within five (5) days after becoming delinquent, the water shall not be turned on again until all back rents and penalty, together with a charge of \$15.00 for turning off and on, is paid. No notice shall be required when water rents will become due or delinquent. The City Council shall have the right at any time to adopt rules and regulations governing the use of water furnished by the City.

11-2-14 Leaks and Waste

No allowance will be made on water bills for the excessive use occasioned by leaks or waste within the premises of the consumer.

11-2-15 Owner – Lessee Liable

The owner of private property, which property has upon it pipes connected with the City waterworks to convey water upon such property shall, as well as the lessee or occupant of the premises, be liable to the City of Mobridge for the rents or rates of all water from said waterworks used upon said premises, which may be recovered in an action against such owner, lessee or occupant or against any or all of them.

11-2-16 Section 1 – Purpose

The purpose of this Ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the water treatment plant waste disposal system. The costs shall be distributed to all users to the water treatment plant waste disposal system in proportion to each user's water usage to insure a proportional distribution of operation and maintenance costs to each user.

11-2-16 A Section 2 – Determining the Total Annual Cost of Operation and Maintenance

The City of Mobridge shall determine the total annual costs of operation and maintenance of the water treatment plant waste disposal system, which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include but need not be limited to labor, repairs, equipment replacement, maintenance, necessary modifications, power and a reasonable contingency fund.

11-2-16 B Section 3 – Determining Each User’s Service Charge for the Water Treatment Plant Waste Disposal System

Each user’s water treatment plant waste disposal system cost contributions shall be determined by the total water usage of the individual user which shall determine the user’s annual service charge each user’s water treatment plant waste disposal system cost contribution will be assessed in accordance with the following Rate schedule:

A. Estimated Total Annual Operation and Maintenance Costs
Bi-Annually

Administration (815)

Billing – 1/10 Salary of Water
Billing Clerk \$1400.00

Water-Waste Water Supt. – 1/10 of
Salary of Supt. 30000.00

Power & Pumping (812)

Electrical Power 375.00

Water Plant (811)

Salaries – ¼ of total salaries of water treatment plant operators estimated to be spent on waste disposal system of water treatment plant. This includes time to empty lime sludge from one decant pond per year. No equipment cost because City owns necessary equipment.

Repairs – Supplies 200.00

Contingencies 400.00

TOTAL \$20,244.00

B. Current Annual Town Water Usage

Approximate 1979 water gallonage billed – 204,700,000 gallons – 204,700 M. Gal.

C. Rate Schedule

Cost/M Gal. = $\frac{\$20,244.00}{204,700 \text{ M. Gal.}}$ = \$0.099 + \$0.10/M. Gal.

Note: A minimum charge for the minimum gallons used may be charge such as:

- a. 2000 gal. Or less/month = $\$0.10 \times 2 = \0.20
- b. Un-metered residence $\$67.50/\text{quarter} = 6,000 \text{ gsl./2 quarter} = \$0.10 \times 6 = \$0.60$
- c. etc.

11-2-16C Section 4 - Payment of User's Water Treatment plant Service Charge and Penalties

The City shall submit a monthly, quarterly, or annual statement to the user for the user's current water treatment plant waste disposal system service charge and it will be included with the regular water and/or waste water utility billing. The City shall add a penalty of 5 percent per user service charge and penalty within two months of the due date, the City may stop the water service to the property.

11-2-16D Section 5 – Review of Each User’s Water Treatment Plant Service Charge

The City shall review the total annual cost of operation and maintenance as well as each user’s Water Treatment Plant Contribution Percentage not less often than every two years and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the treatment works.

11-2-16E Section 6 - Notifications

Each user will be notified, annually, with publication in the local newspaper, of the Rate and that portion of the user charges, which are attributable to the water treatment plant services.

11-2-17 Section 1

The City of Mobridge shall fence the waste disposal lagoons at the Waste Water Treatment Plant and lagoons located on the real estate described as Tracts A and B in the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Thirteen (13) in Township One Hundred Twenty Four (124) North, Range Eighty (80), West of the 5th P.M., Walworth County, South Dakota located outside the City limits of Mobridge and shall affix no trespassing signs on all fences.

11-2-17A Section 2

It shall be unlawful for any unauthorized person or persons to enter upon or cause any damage to Waste Water Treatment Plant, waste disposal lagoons, structures, buildings or fences belonging to the City of Mobridge located on the above described land.

11-2-17B Section 3

Any person violating the provisions of this Ordinance shall be deemed guilty of a Class 2 Misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$200.00 or imprisonment in the County Jail not to exceed 30 days, or by both such fine and imprisonment.

CHAPTER 11-3 SEWER AND WATER CONNECTIONS – SPECIAL RATES

11-3-1 Special Tapping Fees in Lieu of Special Assessments

In addition to the regular tapping fees for water and sewer provided in Chapters 11-1 and/or 11-2, the following tapping fees for connections of property to sewer and water mains as established by special Ordinance Nos. are hereby continued and the charges set forth in said Ordinances shall remain in full force and effect.

<u>Lot No.</u>	<u>Addition</u>	<u>Amount</u>	<u>Water Main</u>
15A 3	Eklos 3 rd	30.60	30.60
25B	Eklos 3 rd	106.95	106.95

(1) Water Mains, Trunk, Tapping

In addition to all other tapping provided by Ordinance there shall be assessed and collected against all lots or parts of lots within the City limits of the City of Mobridge making application for tapping on the trunk water mains extending from the City Water Treatment plant to the City elevated water storage tanks a front footage fee equal to the cost per front foot of laying six inch water main in the City of Mobridge on the date of such application as shall be determined by the City Council by the cost of all labor and material per foot for laying such six inch water main by the City at the last date next preceding such application, when the City shall have laid six inch water main.

A regular tapping fee as provided by Ordinance together with a front footage fee equal to the cost per foot of all labor and materials for laying seventy five (75) feet of six inch water main, on the date of the application for such tapping, as shall be determined by the City Council by the cost per foot for laying such six inch water main the City at the last date next preceding such application when the City shall have laid six inch water main, shall be charged each dwelling house or individual not in the City limits of the City of Mobridge for The privilege of tapping any of the trunk water mains extending from the City Water Treatment plant to the City elevated storage tanks.

(2) Mobridge Community Hospital

Mobridge Regional Hospital, fka Mobridge Community Hospital, having paid for the installation of sewer mains in Mobridge sewer district No. 5 of the Tenth Avenue West from Tenth Street to Fourteenth Street, that in addition to all other tapping fees as provided by Ordinance, a special tapping fee of \$1.369 per foot be paid by all abutting property owners, for each contiguous front foot of said owners property abutting upon said street or public highway for tapping into said sewer main, and that in addition to all other tapping fees as provided by Ordinance, a special tapping fee of \$2.219 per foot be paid by all abutting property owners, for each contiguous foot of said owners property abutting upon said public highway for tapping into said water main.

The above special tapping fee shall be paid to the City Finance Officer by the owner or owners of any such property abutting upon said avenue and public road before the sewer and/or water main shall be tapped for the use and benefit of such abutting property or property owner; and, the City Finance Officer shall forthwith pay and deliver all monies received under this Ordinance to the Mobridge Regional Hospital.