

ORDINANCE NO. 290

AN ORDINANCE REGULATING THE OPERATION OF OFF-ROAD VEHICLES AND MOTORCYCLES ON THE STREETS AND ALLEYS IN TOWN OF HAYTI

BE IT ORDAINED BY TOWN OF HAYTI, PURSUANT TO ITS AUTHORITY, THAT THE OPERATION OF OFF-ROAD VEHICLES AND MOTORCYCLES ON STREETS AND ALLEYS IN THE TOWN OF HAYTI SHALL BE REGULATED AS FOLLOWS:

SECTION 1 – DEFINITIONS

A. OFF-ROAD VEHICLES: means any self-propelled, two or more wheeled vehicle designed primarily to be operated on land other than a highway and includes, but is not limited to, all-terrain vehicles, dune buggies, and any vehicle whose Manufacturer's Statement of Origin (MSO) or Manufacturer's Certificate of Origin (MCO) states that the vehicle is not for highway use. Off-road vehicle does not include a farm vehicle as defined in SDCL § 32-3-2.4. (Definition provided by SDCL § 32-20-1(4)).

B: MOTORCYCLE: "Motorcycle" includes motorcycles, motorbikes, mopeds, bicycles with motor attached, and all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, or a platform on which the driver stands, but excluding a tractor.

C. STREET OR ALLEY: means all streets or alleys that fall within the definition of SDCL § 32-20-1(3).

D. HAYTI HIGHWAY SYSTEM: means streets and alleys that are designated by the Town of Hayti and are under the supervision of the Town of Hayti;

E. HIGHWAY DITCH: means any drainage ditch and/or utility access ditch located within the public right-of-way and adjacent to a county highway as defined in this Ordinance. The term "highway ditch" includes any shoulder or berm within the public right-of-way.

F. INTERSECTION: means the area embraced within the lateral boundary lines of two or more public right-of-ways which join one another at an angle, whether or not one such highway crosses the other.

G. UTILITY: means any provider of electric, gas, water, sewer, pipeline, or telecommunications service.

H. SERVICE VEHICLE: means any vehicle designed for and customarily used by a utility provider while actively engaged in the line of duty for the utility.

SECTION 2 – REGULATIONS

A. PROHIBITION

Off-road vehicles shall not be operated on any Hayti Highway System along any section of highway under the jurisdiction of Town of Hayti where notice of the restriction is provided by regulatory signs as required in this Ordinance.

B. DESIGNATION OF RESTRICTED AREA

Town of Hayti Board of Trustees may, by resolution after public hearing, prohibit the operation of off-road vehicles in all or any portion of the Highway System under the jurisdiction of the Town of Hayti. The resolution shall clearly identify the area where the restriction applies and the prohibition shall take effect upon the posting of regulatory signs as required in this Ordinance.

C. EXCEPTIONS:

1. This Ordinance does not prohibit off-road vehicles from being operated in a restricted highway ditch while actively engaged in normal agricultural operations;
2. This Ordinance does not prohibit service vehicles from being operated in a restricted highway ditch while actively engaged in official business for the utility.

SECTION 3 – ENFORCEMENT VIOLATIONS

In addition to any other penalty authorized by State law or County ordinance, each violation authorized by State law or County ordinance, each violation of this Ordinance subjects the individual to a fine of two hundred (\$200.00) dollars and/or imprisonment for a period not to exceed thirty (30) days. A violation of any resolution passed by the Hayti Town Council under the authority of this Ordinance is deemed to be a violation of this Ordinance and punishable as provided above.

Dated this ____ day of _____, 2014.

HAYTI TOWN COUNCIL

Chairperson

ATTEST:

_____, Finance Officer

First Reading: October 8, 2014
Second Reading: November 12, 2014
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