

## TITLE VII

### USE AND CARE OF STREETS AND SIDEWALKS

#### CHAPTER 7.01

##### GENERAL TRAFFIC REGULATIONS

###### 7.0101 Definitions

Whenever in this title the following terms are used they shall have the meaning respectively ascribed to them in this section.

- (a) Authorized Emergency Vehicle. Vehicles of the Fire Department (Fire Patrol), police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the City Council or Chief of a department.
- (b) 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.
- (c) Intersections. 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 crosses the other.
- (d) Operator. Any person who is in actual physical control of a vehicle.
- (e) 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.
- (f) Motor Vehicle. Every vehicle, as herein defined, which is self-propelled.
- (g) 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.
- (h) Business District. The term “business district” as used in this title, shall include the territory contiguous to a highway when fifty percent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings used for business.
- (i) Residential District. The term “residential 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 (300) feet or more is mainly occupied by dwellings and buildings in use for business.

###### 7.0102 Push Carts, Bicycles, and Animals

Persons propelling push carts or riding bicycles or animals shall obey traffic regulations. Any person propelling any push cart or riding a bicycle, motorcycle, motorbikes 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.

#### 7.0103 General

The parent of any child and the Guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of Section 7.0102 and Section 7.0103 through 7.0114.

#### 7.0104 Definition of Terms

A bicycle is to be defined as every device propelled by human power upon which any person may ride, having two or more tandem wheels either of which is over ten inches in diameter.

#### 7.0105 Traffic Regulations, Applicability

Every person operating a bicycle within the City of Springfield shall be subject to the traffic regulations of the city applicable to the driver of a vehicle except as to those which by their nature can have no application.

#### 7.0106 Riding on Bicycles

A person operating a bicycle shall not ride other than upon or astride the permanent and regular seat thereto, nor carry any other person upon such bicycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle other than as above authorized. No bicycle shall be used to carry more persons at one time than the number for which it is designated and equipped.

#### 7.0107 Clinging to Vehicles

No person riding upon any bicycle shall attach the same or himself to any vehicle moving upon a street or thoroughfare in the City of Springfield.

#### 7.0108 Riding in a Group

Persons operating bicycles upon a roadway shall not ride more than two abreast except upon paths or parts of roadway set aside for the exclusive use of bicycles.

#### 7.0109 Carrying Articles

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping both hands upon the handle bars.

#### 7.0110 Parking

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon a sidewalk rack to support the bicycle or against a building or at a curb in such manner as to afford the least obstruction to pedestrian traffic.

#### 7.0111 Riding on Sidewalks

No person shall ride a bicycle upon any sidewalk within the City of Springfield.

#### 7.0112 Lamps and Reflectors

Every bicycle when in use at night shall be equipped with a lamp on the front exhibiting a headlight visible from a distance of at least 100 feet in front and with a lamp on the rear exhibiting a light visible from a distance of 100 feet to the rear except that an approved red reflector meeting the minimum requirements of the State Uniform Highway Traffic Act may be used in lieu thereof.

#### 7.0113 Brakes

Every bicycle shall be equipped with a proper braking system to enable the operator thereof to stop properly when necessary; and such braking system shall be maintained in proper operating condition.

#### 7.0114 Impounding Bicycles

Every person convicted of a violation of any of the provisions of this chapter shall have his or her bicycle impounded for a period not exceeding thirty (30) days for any one offense.

#### 7.0115 The term Highway

Whenever the term “highway” is used herein, the name shall be construed to include streets.

## **TITLE VII**

### **CHAPTER 7.02**

#### **OPERATION OF VEHICLES**

##### 7.0201 Drivers Must Keep to Right Side of Streets

All persons operating, using or driving any vehicle or vehicles upon any of the streets of the City of Springfield, shall keep to the right hand side of the center of the street, except as herein provided, and no vehicle shall be turned around on any street except in the square formed by the intersections thereof with another street.

#### 7.0202 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 a 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 same.

#### 7.0203 Following too Closely

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.

#### 7.0204 Following Fire Trucks

Following fire trucks within 300 feet of any fire being attended by the Springfield Fire Department is prohibited.

#### 7.0205 Vehicles Shall Not Be Driven on Sidewalks

The operator of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

#### 7.0206 Brakes, Lights and Horn

Every motor vehicle operated or driven upon the public highways 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, and a suitable and adequate bell, horn or other device for signaling and shall, during the period of one-half hour after sunset and one-half hour before sunrise, display lighted lamps as required by the Statutes of the State of South Dakota or acts amendatory thereto.

#### 7.0207 License Plates

No person shall operate or drive a motor vehicle within the City of Springfield without having conspicuously displayed thereon number plate or plates 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.

#### 7.0208 Driver's Permit/License Required

No person shall drive or operate upon any of the streets or highways within the City of Springfield, any motor vehicle without first having secured and having in his possession a permit/license to do so issued by the State of South Dakota under the provisions of the Statutes of the State of South Dakota or any acts amendatory thereto.

#### 7.0209 Reckless Driving

Any person who drives any vehicle upon a highway carelessly and heedlessly in disregard to the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving.

#### 7.0210 Careless Driving

Any person who drives a vehicle within the City of Springfield, carelessly in disregard to the width, grade, curves, corners, conditions, or customary usage of the streets or highways, or whose temporary inadvertence to the operation of the vehicle causes or is likely to cause damage to any person or property, shall be guilty of careless driving.

#### 7.0211 Driving While Intoxicated

It shall be unlawful for any person to drive or operate, or attempt to drive or operate, any motor vehicle upon any of the public streets, alleys, or public grounds of the City of Springfield, while such person is in an intoxicated or drunken condition, or under the influence of intoxicating liquor, or any drug as defined by laws of the State of South Dakota.

#### 7.0212 Exhibition Driving

Any person who drives a vehicle within the City of Springfield, in such a manner that creates or causes unnecessary engine noise; or any tire squeal, skid or slide upon acceleration or stopping; or that simulates a temporary race; or that causes the vehicle to unnecessarily turn abruptly or sway, shall be guilty of exhibition driving.

#### 7.0213 Turning Movements and Required Signals

- (a) At any intersection where there is displayed an official traffic sign displaying the words "No U Turn", it shall be unlawful for the operator of any vehicle to turn such vehicle at the intersection in a complete circle or so as to proceed in the opposite direction.
- (b) No Person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway, 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 roadway unless and until such movement can be made with

reasonable safety. No person shall turn any vehicle without giving an appropriate signal in the manner herein provided in the event any other traffic may be affected by such movements.

- (c) A signal of intention to turn right or left when required shall be given continuously during no less than the last 100 feet traveled by the vehicle before turning.
- (d) 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 rear when there is opportunity to give such signal.

#### 7.0214 Signals by Hand and Arm or Signal Device

Any stop or turn signal when required herein shall be given either by the hand or 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 said vehicle, then said signals must be given by such a lamp or lamps or signal device.

#### 7.0215 Method of Giving Hand and 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:

- (a) Left turn – Hand and arm extended horizontally.
- (b) Right turn – Hand and arm extended upward.
- (c) Stop or decrease speed – Hand and arm extended downward.

#### 7.0216 Right-of-Way Rule

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 an 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 other-wise have hereunder.
- (d) The operator of a vehicle approaching an intersection shall yield the right-of-way when the same is posted by a Yield or Yield the Right-of-Way sign.

#### 7.0217 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 therefore sound an audible signal, be it 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 safety of all person using the street, nor shall it protect the operator of any such vehicle from the consequences of an arbitrary exercise of such right-of-way.

#### 7.0218 Racing Prohibited

It shall be unlawful for the operator or driver of any vehicle to race with any other vehicle on said streets or thoroughfares of the City of Springfield, or to engage in any contest of speed with any other vehicle, or the driver thereof, on said streets and thoroughfares.

### **TITLE VII**

#### **CHAPTER 7.03**

#### **MISCELLANEOUS TRAFFIC REGULATIONS**

#### 7.0301 Mufflers

No person shall drive a motor vehicle or motorcycle on a highway within the City of Springfield 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 and it shall be unlawful to use a muffler cutout on any motor vehicle.

#### 7.0302 Emerging From Alley or Private Driveway

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

#### 7.0303 Stop at Intersections

The City Council, by resolution, is hereby authorized to place and maintain or cause to be placed and maintained at the intersection of any street or alley with any other street or alley where in their discretion traffic conditions justify such action, appropriate signs bearing the word "Stop" which said signs shall be located in such a manner and be of such a size as to be clearly legible from a distance of one-hundred (100) feet along said street or alley intersecting such stop street and shall illuminate at night or be placed so as to be illuminated by street lights or the headlights of approaching motor vehicles and the operator of any other conveyance traversing such street upon which "Stop" sign has been erected shall bring such vehicle to a full stop at a place within fifteen feet of the nearest line of the intersection of said streets or street and alley.

#### 7.0304 Truck Routes

The City Council of the City of Springfield may, by resolution, designate such truck routes within the City of Springfield as they deem advisable and necessary (also refer to Section 10.0503).

#### 7.0305 Stop Signs, Traffic Signs

It shall be unlawful for any person to disobey any traffic sign or posting where such sign or posting is placed by authority of the City Council; be it expressly provided hereby that said City Council shall be empowered to post such signs or postings as are necessary for the conduct of safe traffic upon the streets and thoroughfares of the City of Springfield. The duration or permanency of such posting shall be subject to the discretion of the Common Council once the posting is so made by the City Council under this authority.

#### 7.0306 Motorcycles

Motorcycle includes motorcycles, motorbikes, bicycles with motor attached. It shall be unlawful for the operator of a motorcycle to operate such motorcycle on the highways, streets, alleys or public grounds in the City of Springfield unless such operator has been certified that he is qualified to operate such motorcycle and that he must wear a protective helmet as approved by the State Laws of the State of South Dakota, and that such motorcycle shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise.

#### 7.0307 Golf Carts

For the purposes of this Ordinance, the term, golf cart, means a four-wheeled vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.

The City of Springfield hereby permits the use of golf carts on the municipal streets of the City of Springfield, subject to the following:

- (a) The person operating the golf cart shall hold a valid driver's license;
- (b) The person operating the golf cart shall obtain a permit from the City of Springfield Police Department to operate the golf cart on municipal streets; the fee for said permit shall be \$20.00; any established golf cart business shall be exempt from permit fee; proof of insurance shall be required for all permits;
- (c) The golf cart shall be equipped with lighted front and rear lamps when operating upon city streets during the period from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light



to render clearly discernible any person on the street at a distance of two hundred feet ahead, in accordance with SDCL 32-17-4;

- (d) No person may operate a golf cart on a state or county highway except for crossing from one side of the highway to the other. A golf cart may cross the highway at a right angle, but only after stopping and yielding the right-of-way to all approaching traffic and crossing as closely as possible to an intersection or approach.
- (e) Failure to abide by this ordinance shall be deemed a Class 2 misdemeanor.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

## TITLE VII

### CHAPTER 7.04

#### PARKING

##### 7.0401 Stopping, Parking Prohibited in Certain Places

It shall be unlawful for the operator of a vehicle to stop, stand, or park such 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.

- (a) Within an intersection.
- (b) On a crosswalk.
- (c) Within ten feet of the inside boundary line of the sidewalk or if no sidewalk is in place, within twenty-five feet of the intersecting roadway, except that this provision shall not apply to alleys.
- (d) Within ten feet of a fire hydrant.
- (e) In front of a private driveway.
- (f) On a sidewalk.
- (g) Alongside or opposite any set excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

##### 7.0402 Parking Parallel and Diagonal

No vehicle shall be parked on any designated street except such vehicle be parked parallel to the curb headed in the direction of traffic with the curb side wheels of the vehicle within twelve inches of the curb and not closer than four feet to any other vehicle front or rear except upon those streets designated or marked for angle or diagonal parking a vehicle shall be parked at an angle

to the curb indicated by marks or signs with the front wheel touching the curb at approximately a forty-five degree angle.

#### 7.0403 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 while temporarily engaged in the loading or unloading of passengers or materials.

#### 7.0404 Parking Trucks and Other Vehicles in Business District

It shall be unlawful for any person or operator of any truck, tractor, trailer, semi-tractor/trailer, pickup truck, van, recreation vehicle, or other vehicle to park at any time on the portion of Eighth Street that is commonly referred to as Main Street or the business district (except and hereinafter provided if):

- (a) The box and/or accessory, including all appurtenances, of such vehicle exceeds eight (8) feet in length; or
- (b) The over-all length, including all appurtenances, of such vehicle exceeds twenty (20) feet in length; or
- (c) The over-all height, including all appurtenances, of such vehicle exceeds eight (8) feet in height measured from the ground to the highest point of portion thereof.

The following exception is herein provided for: Temporary parking may be allowed for any of the above mentioned vehicles in the above designated area while the operator of any such mentioned vehicle is delivering or receiving merchandise from any business establishment in such area, when such merchandise, on account of its bulkage or quantity, cannot be delivered or received by such operator through and from the rear alley of such business or establishment.

#### 7.0405 Restricted Parking Signs

The Chief of Police, with the approval of the Council is hereby authorized to limit or prohibit parking in such places and at such times as in his and their discretion is necessary by reason of traffic or other local conditions and to place at such restricted or limited spaces appropriate signs indicating such restrictions or limitations and it shall be unlawful for any vehicle to park in such restricted or limited area contrary to the regulations as indicated by said signs.

#### 7.0406 Twenty-Four Hour Parking

It shall be unlawful for any person to park or the owner of a vehicle to permit to be parked, any vehicle for a longer period than twenty-four hours at one time, upon the streets of the City of Springfield, South Dakota, except when such parking be at the residence of said owner of a vehicle and not otherwise prohibited from parking on said street.

## TITLE VII

### CHAPTER 7.05

#### PROHIBITING AND PLACING, PARKING, STORING, ACCUMULATING, DEPOSITING, OR STOCKPILING OF NUISANCE VEHICLES, OR PARTS THEREOF, ON PUBLIC OR PRIVATE PROPERTY

##### 7.0501 Objectives and Declaration of Public Interest

Nuisance vehicles, or parts thereof, constitute a hazard to the health, safety, and welfare of the people of Springfield, in that such vehicles can harbor noxious diseases; furnish shelter and breeding places for vermin, rodents, and undesirable insects; compound the enforcement for controlling the existence and spread of noxious weeds, and present physical danger to the safety and well-being of children and other citizens. Nuisance vehicles, or part thereof also constitute a blight on the landscape of the City of Springfield and, therefore, are a detriment to the environment. It is, therefore, to the public interest, and in the interests of personal protection and property protection, that the present placed, parked, stored, accumulated, deposited and stockpiled situation of abandoned, partially dismantled, derelict, junked, or currently unlicensed vehicles, or parts thereof be eliminated; and that future accumulating, placing, parking, storing, depositing or stockpiling of such vehicles be prohibited, and that other acceptable, alternate, and economically useful methods for such vehicles be encouraged by owners or possessors thereof.

##### 7.0502 Definitions

The following definitions shall apply to the interpretation and enforcement of this chapter.

- (a) "Persons" shall mean any person or individual. It shall also mean any firm, partnership, association, corporation, company, group, or organization of any kind and without regard to the purposes or objectives of formation or existence.
- (b) "Offender" shall mean the owner and/or person(s) in possession of the nuisance vehicle or the parts thereof, whether or not the nuisance vehicle is located on public or private property. "Offender" shall also mean the legal owner and/or occupant of any privately owned real property where the nuisance vehicle is located when offense was committed.
- (c) "Nuisance Vehicle" shall mean any abandoned, inoperable/hazardous, junked, or currently unlicensed vehicle as further defined herein below in subsections (d), (e), (f), and (g).
- (d) "Vehicle" shall mean any machine, device implement, contrivance, apparatus, or automobile normally propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, skids, or slides and used to transport persons or property, to perform tasks, or to pull machinery, implements, contrivances apparatus, automobiles, or other vehicles; and shall

- include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, machines, implements, snowmobiles, motor trucks and/or trailers often referred to as semi-trailers, house trailers, trailer coaches, cabin trailers, mobile homes, recreation vehicles, vans, or combinations thereof, but not necessarily limited to such devices, machines, implement, contrivances, apparatus, or automobiles.
- (e) “Abandoned Vehicle” means any vehicle that is left unattended on any public street, alley, public place or parking lot within the City of Springfield for more than forty-eight (48) hours without notifying the City of the Springfield Police Department and making arrangements for the parking of such vehicle on public property; or that is left for more than thirty (30) days on private property.
  - (f) “Inoperable/Hazardous Vehicle” means any vehicle which has not physically moved at twenty-five (25) feet in a two (2) month period due to damage, removal or inoperability of the engine, tire(s), wheel(s), or other essential parts required for operation of the vehicle or which does not have lawfully affixed thereto a valid state license plate; or which constitutes an immediate health, safety, fire or traffic hazard.
  - (g) “Junked Vehicles” means any vehicle which is substantially wrecked, dismantled or in need of repair equaling or exceeding fifty percent (50%) of the fair market value of the vehicle.
  - (h) “Private Property” means any real property within the City, which is privately owned and which is not public property as defined in this section.
  - (i) “Public Property” means any street, alley, highway, or boulevard, which shall include the entire width between the boundary lines of every way publicly maintained for the purpose of vehicular travel; or any other publicly owned property or facility.

7.0503 Storing, Parking, or Leaving Abandoned, Inoperable/Hazardous or Junked Vehicles Prohibited and Declared Nuisance

No person shall park, store, or leave, nor permit the parking, storing or leaving of, any nuisance vehicle as defined in this article, whether attended or not, upon any public property within the City for more than forty-eight (48) hours or on any private property for more than thirty (30) days. The presence of a nuisance vehicle, or parts thereof, on private or public property is prohibited and hereby declared a public nuisance, which may be abated as such in accordance with the provisions of this ordinance.

7.0503 This Chapter 7.05 shall not apply to any vehicle that is:

(a) Totally enclosed within a building or behind a solid fence or other enclosure that blocks the sight of the vehicle(s), the same being no less than eight (8) feet high on private property or leased public property. All fences or other enclosures must be approved by the City.

(b) On the premises of a business enterprise lawfully licensed by the State of South Dakota for sales, use or excise tax purposes and properly operated in the

appropriate business zone, pursuant to the zoning laws of the City, if any, and stored in accordance with this ordinance; or

(c) In an appropriate storage place or depository maintained in a lawful place and manner by the City; or

(d) Designed for operation on a drag strip or raceway or for other hobby or recreational purposes, provided that such vehicle is properly stored in accordance with this ordinance.

#### 7.0506 Responsibility for Removal

As defined under 7.0502, the offender(s) shall be responsible for removal of the nuisance vehicle, or the parts thereof.

#### 7.0507 Enforcement/Administrative Proceedings

(a) If a nuisance exists, the City of Springfield shall issue a notice of violation to the offender(s), directing abatement within ten (10) days.

(b) Notice of violation may be served by personal service, by registered mail or by posting notice in a conspicuous place within the City of Springfield, in which event must also include publication for a period of one week in the legal newspaper of the City.

(c) If an offender wishes to file an appeal with the City Council, he or she must do so within seven (7) days of the notice of violation being served. Any person who fails to file a timely appeal shall be deemed to have waived all rights to objection.

(d) The appeal shall be heard before the City Council within one (1) calendar month of the filing.

(e) The City Council shall notify the offender(s) of its decision by registered or certified mail. If the appeal is unsuccessful, abatement must be completed within seven (7) days after said notification, unless the offender(s) can show cause why more time is needed. An extension, if any, is granted at the sole discretion of the City Council.

(f) If the abatement is not completed as ordered, the City shall abate the nuisance by use of an authorized towing company and file an account with the City Council, which shall specify the sum expended in abating said nuisance, and if the account is accepted, the amount thereof shall become a lien upon the nuisance vehicle and upon the real property whereon the offense was committed, if the real property is privately owned.

#### 7.0511 Penalties: Prohibition Not Stayed by Notice Requirements

Any person violating any provision of Chapter 7.05 shall be deemed guilty of a misdemeanor, which upon conviction thereof, shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Each day that any such person shall violate any of the provisions of this ordinance shall constitute a separate offense and be punishable as such. A violation of this Ordinance is not stayed by or conditioned on the notice requirements.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Should any section or sections of this ordinance be declared unconstitutional by a court of last resort, the same shall not invalidate the remaining sections of this ordinance.

## **TITLE VII**

### **CHAPTER 7.06**

#### **SPEED REGULATIONS**

##### **7.0601 Restrictions as to Speed**

Any person driving a vehicle on a street or highway shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the street or highway and to any other conditions existing, and no person shall drive any vehicle upon a highway or street at such a speed as to endanger the life, limb or property of any person.

##### **7.0602 Speed Limitations**

It shall be unlawful to exceed any of the following limitations.

- (a) Fifteen miles an hour when passing schools or school grounds during recess or while children are going to or leaving school during opening or closing hours, and the portion of Eight Street commonly know as Main Street or the business district, and passing churches during services.
- (b) Fifteen miles an hour when approaching, within fifty feet and in traversing an intersection or highway 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 (200) feet from such intersection.
- (c) Twenty-five miles an hour under all conditions, or as posted on appropriate signs.
- (d) Appropriate signs indicating the maximum speed permissible shall be placed at reasonable intervals in each of the said restrictive zones.

## **TITLE VII**

### **CHAPTER 7.07**

#### **GENERAL**

#### 7.0701 General

Any person violating any of the provisions of Title VII, in reference to Chapter 7.091 through Chapter 7.06, shall be guilty of a misdemeanor and fined corresponding to the “State Fine and Bond Schedule for use by Lay Magistrates”.

### **TITLE VII**

#### **CHAPTER 7.08**

##### **UNLAWFUL TO THROW GARBAGE, GLASS, ETC., IN STREET**

#### **7.0801 Offensive Materials not to be Deposited on Streets**

It shall be unlawful for any person, firm or corporation to throw or deposit in any of the streets, avenues, alleys or public grounds of the City of Springfield, any offal, dead or decaying animals, grass clippings or leaves, fruits or vegetable matter, manure, garbage, glass, nails, tacks, tin cans or any matter or materials offensive to the public, or liable to cause injury to persons or vehicles, in the lawful use of such streets, avenues, alleys or public grounds.

#### 7.0802 Proper Disposition of Dead Animals

It shall be unlawful for any person, firm or corporation having dead chickens, dogs, cats or animals of any description on or about his, her or their premises, to dispose of the same in any manner or form other than burial, or removal from city limits. It shall be unlawful for any person, firm or corporation to remove any such dead chicken, dog, cat or animal from the place where the same may be found dead other than for the purpose of destruction by burial or removal from city limits.

#### 7.0803 Penalties

Any person convicted of violating any of the provisions of the two preceding sections shall be deemed guilty of a misdemeanor, and upon such conviction, shall be punished by a fine not exceeding fifty dollars (\$50).

### **TITLE VII**

#### **CHAPTER 7.09**

##### **REMOVAL OF ICE AND SNOW**

#### 7.0901 Snow on Sidewalks – Removal Of

It shall be the duty of the lessee or occupant of first or ground floor or person having charge, or, if there be no lessee, occupant or person having charge, then the owner of each and every parcel of real estate in the City of Springfield, abutting or bordering upon any street, avenue, highway or other public place, to remove or cause to be removed all snow and ice from the sidewalk in front of or adjacent to such premises to the full paved width of such sidewalk, within twelve (12) hours of daylight after such snow or ice shall have fallen or accumulated thereon unless because of excessive accumulation, the time for removal be extended by the proper authority.

#### 7.0902 When to Use Ashes, Sand, Etc.

In case snow and ice on the sidewalk shall be frozen so hard that it cannot be removed without injury to the pavement, the lessee, occupant, person having charge, or owner of every parcel of real estate shall within the time specified in the preceding section, cause the sidewalk abutting or adjacent to such premises to be strewn and to be kept strewn with ashes, sand, salt, sawdust or some other suitable material and shall, as soon thereafter as the weather shall permit, thoroughly clean such sidewalks.

#### 7.0903 Snow Must Be Broken Up

It shall be unlawful for any person to throw or put, or cause to be thrown or put, any snow or ice into any street, avenue or other public place in the city unless the same shall be broken up and spread evenly over the surface of such street, avenue or other public place.

#### 7.0904 Duty of Police

It shall be the duty of each police officer in case he finds that the snow and ice have not been removed from the sidewalks or in case of neglect of the person charged with such duty of this chapter, to spread sand or other substance upon ice or snow when the same cannot be removed within the time required by this chapter, immediately to notify the Chief of Police thereof.

#### 7.0905 When City to Do Work

Whenever any owner, lessee, occupant or person having charge of any parcel of real estate shall fail or neglect to remove snow and ice from any such sidewalk, as provided in this chapter, the Chief of Police without notice shall have the ice and snow removed therefrom. A bill for the expense incurred thereby shall be presented by the Chief of Police to the owner personally by leaving the same at his residence, or place of business, or if he is a non-resident, by mailing the same to his last know address, or, if the name of such owner or his place of residence cannot be determined or ascertained after due diligence, by posting the same in a conspicuous place on his premises; and if he shall fail to pay the same within thirty (30) days thereafter, the Chief of Police shall file each year immediately preceding the time for making the annual assessment roll, his certificate of the actual cost of such work, together with a statement as to the property in front of or on



which the cleaning was done, with the assessor of the city who shall, in the preparation of the assessment roll of general city taxes, assess such amount upon such property, and the same shall be levied, corrected, enforced and collected in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property assessed as the general city tax and as a part thereof. The imposition and collection of any fine or penalty prescribed by this ordinance shall not be a bar to the right of the city to collect the cost of removing and cleaning of snow and ice from the sidewalks as herein provided.

#### 7.0906 Snow Removal of Streets

There shall be a snow removal emergency wherever there is a snow accumulation on the public streets of the City of Springfield of two (2) inches or more. In the event of snow accumulation of two (2) inches or more, no person shall park or allow to remain parked any motor vehicle, trailer, camper, boat, or licensed/unlicensed vehicles on any public street in the City until such time as said street is cleared of snow accumulation, curb-to-curb, and the snow removal equipment is no longer operating in that area.

The Street Superintendent, or his designee(s), shall be authorized to have said motor vehicles, trailer, camper, boat, or licensed/unlicensed vehicles, moved or towed off said City streets if said vehicles are not moved in the said timely manner.

The official notice of a snowfall emergency, shall be promptly related to WNAX AM radio in Yankton, SD, and Keloland TV, Sioux Falls, by the Street Superintendent or his designee upon declaring a snowfall emergency. Notice to the public is deemed sufficient immediately upon said WNAX AM radio and Keloland TV announcements being made.

That any person or entity who shall violate any section of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding One Hundred Dollars (\$100.00).

#### 7.0907 Penalties

Any owner, lessee, occupant, or person in charge who shall fail neglect, or refuse to remove snow and ice or strew the same with sand or other substances as directed in this chapter, or who shall violate any of the provisions of this chapter, or who shall resist or obstruct the Chief of Police or his employees, in the removal of snow and ice shall, upon conviction thereof, be subject to a fine of not more than twenty-five (\$25.00) dollars and each day on which such violation continues shall constitute a separate offense.

#### 7.0908 Definition

The work "person" as used in this ordinance shall mean and include one or more persons of either sex, natural persons, corporations, partnerships, associations, joint stock companies, societies or all other entities of any kind capable of being sued.