

CHAPTER 9 – VEHICLES & TRAFFIC

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Section 9-2-101 to 199, inclusive. Vehicle operation - general provisions.

Section 9-2-101 Drivers license violation.

- A. It shall be unlawful for any person to drive or operate upon any of the streets or highways, any vehicle without first having secured and having in possession a license or permit to do so, as required by the statutes of the State.
- B. It shall be unlawful for any person that has been issued a work permit, by the Department of Public Safety or the Court, to violate the conditions set forth on the work permit. Violation of any of the conditions set forth on the work permit shall constitute driving without a drivers license.

Source: R.O. Pierre, 1957, 14.0228; Ord. no. 796, 1969; Rev. of Ord., 1990.

Section 9-2-102 Violation of restricted permit.

It shall be unlawful for any person under the age of sixteen years to operate a vehicle in any

manner in violation of the conditions of a restricted permit issued to him by the State of South Dakota.

Source: R.O. Pierre, 1957, 14.0226; Rev. of Ord., 1990.

Section 9-2-103 Violation of driver's license restriction.

It shall be unlawful for any person to operate a vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him, by the state.

Source: R.O. Pierre, 1957, 14.0227; Rev. of Ord., 1990.

Section 9-2-104 Allowing unauthorized person to use vehicle.

It shall be unlawful for any person to authorize, cause, or knowingly permit a motor vehicle owned by him or under his control to be used, operated, or driven on any street or highway by any person who is not authorized under this chapter.

Source: R.O. Pierre, 1957, 14.0501; Rev. of Ord., 1990.

Section 9-2-105 Reckless driving.

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

Source: R.O. Pierre, 1957, 14.0502; Ord. No. 1149, 1985; 1152, 1985; Rev. of Ord., 1990.

Section 9-2-106 Careless driving - unsafe practices.

- A. It shall be unlawful for any person to operate any vehicle carelessly and without due caution or in a manner so as to endanger any person or property.
- B. It shall be unlawful for any person to, when operating a vehicle, over take another vehicle in a manner as to endanger any person or cause damage to any property.
- C. It shall be unlawful for the operator of any vehicle to allow any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, any toy vehicle to cling to the vehicle that they are operating, or attach himself or his vehicle to the moving vehicle in any way anywhere in the city.
- D. No person shall operate a vehicle when it is so loaded, or when there is in the front seat such a

number of persons, exceeding four(4), as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the drivers control over the operation of the vehicle.

- E. No person shall operate a vehicle with a child or any person on the lap of the operator or in such a manner that the child or person is between the operator and the steering wheel of the vehicle.
- F. No person while operating a vehicle shall allow any person to board or alight that vehicle while such vehicle is in motion anywhere in the city.
- G. No person while operating a vehicle shall allow any person to ride on the exterior portion of the vehicle while it is in motion anywhere in the city. This provision shall not apply to persons seated within the truck bodies intended for cargo.
- H. No person while operating a vehicle shall allow any person or occupant on the vehicle to protrude from the vehicle while in motion anywhere in the city.

Source: R.O. Pierre, 1957, 14.0218; Rev. of Ord., 1990.

Section 9-2-107 Unlawful riding on outside of vehicle.

No person shall ride on any vehicle anywhere in the city, upon any portion thereof not designated or intended for the use of passengers. This provision shall not apply to persons seated within truck bodies in space intended for cargo.

No person shall protrude from a vehicle while the vehicle is in motion anywhere in the city.

Source: R.O. Pierre, 1957, 14.0219, Rev. of Ord., 1990.

Statutory reference: SDCL 9-30-4, traffic in public places.

Section 9-2-108 Unlawful to board or alight from any vehicle while such vehicle is in motion.

No person shall board or alight from any vehicle while such vehicle is in motion anywhere in the city.

Source: R.O. Pierre, 1957, 14.0229; Ord. No. 783, 1967; Rev. of Ord., 1990.

Statutory reference: SDCL 9-30-4, traffic in public places.

Section 9-2-109 Unlawful clinging to moving vehicle.

No person traveling upon any bicycle, coaster, sled, skis, roller-skate, skateboard, moped, motorcycle or any other vehicle or toy type vehicle shall cling to or attach himself or his vehicle to any

other moving vehicle anywhere in the city.

Source: R.O. Pierre, 1957, 14.0216; Rev. of Ord., 1990.

Section 9-2-110 Exhibition driving.

Any person who drives a vehicle any where in the City of Pierre in such a manner that creates or causes unnecessary engine noise, 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.

Source: R.O. Pierre, 1957, 14.0217; Ord. No. 844, 1971; Rev. of Ord., 1990.

Section 9-2-111 Racing.

It shall be unlawful for any person to drive any vehicle on any street or highway in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.

Source: R.O. Pierre, 1957, 14.0201; Rev. of Ord., 1990.

Section 9-2-112 Speed limits and operator's duties.

On any street in the City of Pierre, the speed limit shall be twenty five miles an hour, unless otherwise posted. It shall be unlawful to exceed the twenty five mile per hour limit or any posted limit, or to exceed any of the following limitations.

- 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 schoolhouse or grounds during school hours or while children are going to or leaving school during opening or closing hours, or when the flashing yellow lights on the speed limit signs are in operation and flashing.
- 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.

- D. Twenty miles an hour in all alleys.
- E. Fifteen miles an hour in any public park.
- F. Any other speed limit adopted by the Commission and posted on official signs as provided by this chapter.

Source: R.O. Pierre, 1957, 14.0220; Rev. of Ord., 1990; Ord. No. 1568, 2005

Section 9-2-113 Speed over reasonable and prudent.

It shall be unlawful for any person to operate a vehicle on any street or highway at a speed that is greater than reasonable and prudent having due regard to the traffic, surface of the street, or any other conditions existing, or at speeds in excess of those fixed in this chapter.

Source: R.O. Pierre, 1957, 14.0224; Ord. No. 1069, 1981; Rev. of Ord., 1990.

Section 9-2-114 Unlawful to impede traffic.

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Source: R.O. Pierre, 1957, 14.0225; Ord. No. 1069, 1981; Rev. of Ord., 1990.

Section 9-2-115 Following too close.

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles, and the traffic upon and the condition of the highway.

Source: R.O. Pierre, 1957, 14.0223; Ord. 1069, 1981; Rev. of Ord., 1990.

Section 9-2-116 Unsafe backing.

- A. It shall be unlawful for the driver of any vehicle to back such vehicle around a corner, at an intersection or into an intersection of streets.
- B. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with the other traffic.

Source: R.O. Pierre, 1957, 14.0222; Rev. of Ord., 1990.

Section 9-2-117 Failure to yield.

- A. When two vehicles approach or enter an intersection at approximately same time, the operator of the vehicle on the left shall yield the right of way to the vehicle on the right except as provided in section B, C, D, and E.
- B. The driver of any vehicle traveling at an unlawful speed shall forfeit any right of way which he might otherwise have.
- C. The driver of a vehicle about to enter or cross any street or highway from an alley, building private road, or driveway must stop prior to driving onto the sidewalk area and shall yield right of way to all pedestrians and vehicles approaching on such street, highway or sidewalk.
- D. The driver of a vehicle upon any street or highway shall yield the right of way to police, ambulance, and fire department vehicles when the latter are operated upon official business, and the driver thereof uses visual signals and sounds an audible signal by horn, bell, siren or exhaust whistle. Upon approach of an emergency vehicle making use of audible and visual signals, the driver of any other vehicle shall immediately drive to a position as near as possible and parallel to the right hand edge or curb of the street or highway, clear of any intersection, and shall stop and remain in such position unless otherwise directed by a police officer or until the emergency vehicle or vehicles have passed.
- E. Street and highway maintainers in the performance of their duties shall have the right of way. The maintainers shall, at all times display a flashing or revolving light to warn the traveling public. The maintainers, however, shall not indiscriminately block the traffic, but shall allow reasonable room on the traveled portion of the roadway for other vehicles to pass. Such maintainers, however, shall be subject to the rules of travel, except when the performance of their maintenance work requires them to do otherwise.
- F. After having stopped at a stop sign in the proper manner, the operator of a vehicle or other conveyance shall yield the right of way to any vehicle or pedestrian which has entered or is approaching the intersection from another street and shall not proceed into the intersection until certain that such intersecting street is free from oncoming traffic which may affect safe passage.
- G. The driver of a vehicle intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within an intersection or so close as to constitute an immediate hazard. The driver of a vehicle shall not make a left turn until certain that the roadway is free of oncoming traffic which may affect safe passage.
- H. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary and shall yield the right of way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another street so closely as to constitute an immediate hazard. A driver being involved in a collision with a pedestrian in a or a vehicle in

the intersection after driving past a yield sign without stopping, shall be deemed prima facie evidence of his failure to yield right of way.

- I. The operator of any vehicle shall yield the right of way to a pedestrian crossing the roadway within any marked crosswalk 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.

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 vehicle.

- J. At intersections where traffic is controlled by traffic control signals or by police officers, pedestrians shall yield the right of way to vehicles lawfully proceeding directly ahead on a "go" signal and operators of vehicles shall yield the right of way to pedestrians crossing or those who have started to cross the roadway on a "go" signal, such as a green light or a "walk " signal.
- K. Whenever a pedestrian is crossing or attempting to cross a street, guided by a guide dog or carrying in a raised manner or extended position a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching the intersection, or place where such pedestrian is attempting to cross, shall bring the vehicle to a full stop before arriving at such intersection or place of crossing and shall yield to the pedestrian. The vehicle, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian.
- L. The operator of any vehicle shall yield right of way to a funeral procession or other authorized procession while they are in motion. The operator of a vehicle shall immediately drive to a position as near as possible and parallel to the right hand edge or curb of the street or highway and shall stop until such procession has passed.
- M. Vehicular traffic facing a flashing red signal shall first stop before entering the nearest crosswalk at an intersection or at a limit line when marked and shall yield right of way to any vehicle which has entered or is approaching the intersection and shall not proceed into the crosswalk or intersection until such movement can be done safely.
- N. Any vehicle stopped on a roadway or attempting to enter roadway from a stopped or parked position shall yield right of way to all vehicles on roadway.

Source: R.O. Pierre, 1957, 14.0203; Rev. of Ord., 1990.

Section 9-2-118 Unlawful to enter street without stopping.

The operator of any vehicle emerging from an alley, driveway, private drive or any entrance to the roadway shall stop such vehicle prior to driving onto a sidewalk area or the roadway.

Source: R.O. Pierre, 1957, 14.0202; Rev. of Ord., 1990.

Section 9-2-119 Stop sign violation.

The operator of any vehicle traversing a street upon which a stop sign has been erected, in accordance with the provisions of this chapter, 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 alley. After having stopped, the operator of any vehicle shall yield right of way to any vehicle which has entered or is approaching the intersection from another street and shall not proceed into the intersection until certain that such intersecting street is free from oncoming traffic which may affect safe passage.

Source: R.O. Pierre, 1957, 14.0204; Rev. of Ord., 1990.

Section 9-2-120 Stop light - signal light violation.

It shall be unlawful for the operator of any vehicle or pedestrian to disobey the instructions of any traffic control signal placed upon the street in accordance with the provisions of this chapter and shall comply with such as follows, unless otherwise directed by a police officer:

- A. A green light alone or "go" shall indicate that
 - 1. Vehicular traffic facing the signal may proceed straight through, turn right or left unless a sign at such intersection prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield right of way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time such signal is exhibited.
 - 2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

- B. A steady yellow light alone shall indicate that:
 - 1. Vehicular traffic facing the signal is thereby warned that the red or stop signal will be exhibited immediately thereafter and such vehicular traffic shall not enter the intersection.
 - 2. Pedestrians facing such signal are there by advised that there is insufficient time to cross the roadway, and any pedestrian when starting to cross shall yield right of way to all vehicles.

- C. A steady red light alone or "stop" shall indicate that:
 - 1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until green or "go" is shown alone, except as hereinafter provided.

2. The driver of any vehicle which is stopped as close as practical at the entrance of the crosswalk and in the proper lane for a right turn, may after stopping make a right turn but shall yield right of way to any pedestrian or vehicular traffic proceeding as directed by the signal at the intersection. This provision permitting a right turn on a steady red light alone or "stop" signal shall not be permitted if a sign is erected at such intersection giving notice thereof.
- D. A steady red light with green arrow shall indicate that:
1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians and other traffic lawfully in the intersection.
- E. When a red lens is illuminated with a rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection. The vehicle before proceeding shall yield right of way to all vehicular and pedestrian traffic.
- F. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
- G. When lane control signals are placed over the individual lanes of the roadway, vehicular traffic may travel in any lane over which the green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.
- H. Whenever a special pedestrian control signal exhibiting the words "walk" or " don't walk" are in place, such signals should indicate as follow:
1. Walk - pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by all vehicles.
 2. Don't Walk - no pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed while the don't walk signal is showing.
- I. Any traffic control signal erected at a place other than at an intersection shall have the same authority as in the other provisions of this ordinance. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Source: R.O. Pierre, 1957, 14.0205; Rev. of Ord., 1990.

Section 9-2-121 Duty to slow or stop in obedience to amber or red signal on school bus.

- A. Any school bus with the capacity of ten or more students used to transport children to and from a public or non-public school, shall be equipped on the front and rear thereof with alternately flashing amber caution lights and alternately flashing red lights. Flashing red lights and flashing

amber caution lights shall be the type approved by the Department of Public Safety. Such signals shall be a complete system meeting minimum standards as prescribed by State Board of Education rules and regulations.

- B. When stopping to receive or discharge pupils, the operation of a school bus to which section A applies shall cause the amber caution lights to be lighted at a distance of not less than three hundred feet nor more than five hundred feet from the point where said pupil are to be received or discharged from the bus. If the point of receiving or discharging pupils is:
1. On the roadway or in a business or residential district where the speed limit is 30 MPH the operator shall bring the bus to a stop, turn off the amber caution lights, and turn on the red flashing signal lights; or
 2. Off the roadway or in a business or residential district where the speed limit is less than 30 MPH, the operator shall bring the bus to a stop and continue the amber caution lights.
 3. After receiving or discharging pupils the operator shall turn off the flashing signal lights and proceed en route.
- C. The operator of a motor vehicle on a two lane roadway meeting or overtaking a school bus on which the amber warning lights are flashing shall reduce the speed of his vehicle to not more than 20 MPH and proceed past said school bus with caution. The operator of a motor vehicle upon meeting or overtaking a school bus on which the red flashing lights are flashing shall bring his vehicle to a complete stop not closer than fifteen (15) feet from the school bus and shall remain stopped until the flashing red signal lights are extinguished.

The operator of a vehicle upon a highway providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though the school bus is stopped and red signal lights flashing thereon.

Source: R.O. Pierre, 1957, 14.0213; Rev. of Ord., 1990.

Section 9-2-122 Unlawful to drive left of center - wrong side of roadway.

- A. Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:
1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movements;
 2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the street or highway.
 3. Upon a roadway restricted to one-way traffic.

- B. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, except when overtaking or passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road, driveway, or alley.
- C. Upon any roadway having four or more lanes for moving traffic and providing for two-way traffic, no vehicle shall be driven to the left of the center line of the roadway. However, this subsection shall not be construed as prohibiting the crossing of the center line in the making of a left turn into or from an alley, private road or driveway

Source: R.O. Pierre, 1957, 14.0206; Rev of Ord., 1990.

Section 9-2-123 Illegal passing.

- A. Operators of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one half of the main traveled portion of the roadway.
- B. The driver 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 of oncoming traffic 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.
- C. The operator of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any intersection of streets or alley.
- D. The operator of a vehicle shall not pass any vehicle proceeding in the same direction in a designated no passing zone.
- E. The operator of a vehicle shall not pass any vehicle on the right, except that:
 - 1. Whenever any roadway has been divided into two or clearly marked lanes, proceeding the same direction, passing on the right and in an intersection is permitted.
 - 2. When the vehicle overtaken has started a left turn movement.
- F. The operator of any vehicle shall not pass another vehicle that is stopped at a crosswalk waiting for a pedestrian to cross.

Source: R.O. Pierre, 1957, 14.0207; Ord. No. 1069, 1981; Rev. of Ord., 1990.

Section 9-2-124 Improper operation of vehicle being overtaken.

The operator of a vehicle being overtaken shall not deviate from his direct line of travel and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Source: R.O. Pierre, 1957, 14.0208; Rev. of Ord., 1990.

Section 9-2-125 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 horizontal.
- B. Right turn - hand and arm extended upward.
- C. Stop or decrease speed - hand and arm extended downward.

Source: R.O. Pierre, 1957, 14.0212; Ord. No. 1069, 1981; Rev. of Ord., 1990.

Section 9-2-126 Turning and stopping signals.

Any stop or turn signals when required herein shall be given either by means of the hand and arm or by signal lamps.

Source: R.O. Pierre, 1957, 14.0215; Rev. of Ord., 1990.

Section 9-2-127 Signals required in turning movements.

- A. A signal of intention to turn, move right or left shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle prior to the movement.
- B. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in 9-2-125 and 9-2-126.

Source: R.O. Pierre, 1957, 14.0214; Rev. of Ord., 1990.

Section 9-2-128 Required position and method of turning - improper turning.

The driver of a vehicle intending to turn shall do as follows:

- A. Right turn - both the approach for a right turn and a right turn shall be made from the lane of traffic on the right of the roadway but not from the parking area or no parking zone of the roadway.

- B. Left turn - the driver of a vehicle intending to turn left shall approach the turn in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle.
- C. Whenever right or left turn lanes, or a special lane for making turns has been established and indicated by traffic control devices;
 - 1. A turn shall not be made from any other lane,
 - 2. No vehicle shall drive in a turn lane unless preparing to turn.
- D. Upon street with multiple lanes for traffic and upon one-way streets a left turn shall be made from the left lane and a right turn shall be from the right lane.

Source: R.O. Pierre, 1957, 14.0211; Rev. of Ord., 1990.

Section 9-2-129 Illegal lane usage.

- A. 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 such movement can be made with safety.
- B. A vehicle shall not be driven in the parking zone or a no parking area along the curb, except for the purpose of parking.

Source: R.O. Pierre, 1957, 14.0209; Rev. of Ord., 1990.

Section 9-2-130 Illegal U-turn.

A driver of any vehicle shall not make a U-turn as follow:

- A. At an intersection controlled by traffic control signals.
- B. At an intersection where warned by an official traffic control sign displaying the words "No U-Turn."
- C. On a roadway with two or more lanes of traffic in the same direction.
- D. In the area mid-block between two intersections.
- E. To park on the opposite side of the street.

Source: R.O. Pierre, 1957, 14.0807; Rev. of Ord., 1990.

Section 9-2-131 Wrong way on a one-way street.

It shall be unlawful for the driver of any vehicle to operate his vehicle in a direction of travel that is different from what has been indicated on official signs designating the street as a one-way street.

Source: R.O. Pierre, 1957, 14.0210; Rev. of Ord., 1990.

Section 9-2-132 Truck route violation.

It shall be the duty of all truck drivers within the city limits to drive and operate trucks having a gross vehicle weight of over ten thousand (10,000) pounds upon the routes designated, except trucks making local delivery and service calls, who shall, nevertheless, follow the truck route or routes to the nearest point of departure to the delivery or service call site.

The routes shall be as follows:

- State Highway 34 within the City limits
- US Highways 14 and 83 Truck Route
- Harrison Avenue from State Highway 34 to Dakota Avenue
- Dakota Avenue east of Harrison Avenue to Garfield Avenue
- Airport Road from US Highways 14 & 83
- Truck Route east and southeast to the entrance of the Airport property

Source: R.O. Pierre, 1957, 14.0107; Ord. No. 943, 1976; Rev. of Ord., 1990; Ord. No. 1413, 1998.

Section 9-2-133 Failure to dim headlights.

Whenever a motor vehicle is being operated upon a roadway it shall be mandatory to tilt the beam downward, whenever a vehicle meets another vehicle or overtakes another vehicle proceeding in the same direction.

Source: R.O. Pierre, 1957, 14.0803; Rev. of Ord., 1990.

Section 9-2-134 Unlawful carrying of package on motorcycle.

It shall be unlawful for the operator of a motorcycle to carry any package, bundle or other article which prevents him from keeping both hands on the handlebars.

Source: R.O. Pierre, 1957, 14.0106; Rev. of Ord., 1990.

Section 9-2-135 Improper seating.

- A. A person operating a motorcycle shall ride while sitting astride the motorcycle on the seat and facing forward. The operator shall not carry any other person nor shall any other person ride on the motorcycle unless such motorcycle is designed to carry more than one person. A passenger

may ride upon the permanent and regular seat if designed for two, upon another seat firmly attached to the motorcycle, if the motorcycle is equipped with one set of footpegs for the operator and one set for passenger.

- B. No operator of a motorcycle shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

Source: R.O. Pierre, 1957, 14.0801; Rev. of Ord., 1990.

Section 9-2-136 Opening and closing vehicle doors in traffic.

No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than is necessary to load and unload passengers.

Source: R.O. Pierre, 1957, 14.0802; Rev. of Ord., 1990.

Section 9-2-137 Unlawful avoidance of intersection.

It shall be unlawful for any person to operate any vehicle upon any sidewalk, driveway, filling station or any other commercial driveway or other similar surface located at the corner of any intersection protected by a traffic light or other traffic signal or sign, for the purpose of evading the regulations governing the movement of any vehicle at an intersection.

Source: R.O. Pierre, 1957, 14.0806; Rev. of Ord., 1990.

Section 9-2-138 Open container in a vehicle.

It shall be unlawful for any person to have a package or any receptacle containing an alcoholic beverage in his possession in a vehicle unless the seal of the original package remains unbroken or the alcoholic beverage is so removed that no occupant of the vehicle shall have access to it.

Source: Ord. No. 895, 1974; Rev. of Ord., 1990.

Section 9-2-139 Littering from vehicle.

No person shall dump, deposit, drop, throw, discard or otherwise dispose of any article from any vehicle upon any public roadway, upon any public or private property or upon or into any river, lake, pond, stream, or body of water.

Source: Ord. No. 901, 1974; Rev. of Ord., 1990.

Section 9-2-140 Unlawful to operate vehicle on sidewalk.

The driver of a vehicle shall not drive on any sidewalk area, except at a permanent or temporary driveway.

Source: Ord. No. 901, 1974; Rev. of Ord., 1990.

Section 9-2-141 Unlawful to operate vehicle in public park, recreation area or school ground.

It shall be unlawful to operate any vehicle in any park, recreation area or school ground except on the normally traveled roadways or in specifically designated areas.

Source: Rev. of Ord., 1990.

Section 9-2-142 Operation of motor vehicle on bicycle path.

No person shall operate a motor vehicle or moped within an established and officially designated bicycle lane or path except when necessary to park where parking is permitted, for the purpose of ingress or egress to and from driveways or for the purpose of intersectional travel.

Source: Rev. of Ord., 1990.

Section 9-2-143 Unlawful to follow fire apparatus or operate vehicle in area of the fire.

- A. It shall be unlawful for the driver of any vehicle other than one on official business to follow closer than three hundred (300) 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.
- B. No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street or private driveway at any fire or alarm of fire.

Source: Rev. of Ord., 1990.

Section 9-2-144 Unlawful to operate vehicle with view obstructed.

- A. It shall be unlawful for the operator of any vehicle to drive the same when such vehicle is so loaded, or when there are in the front seat of such vehicle such number of persons, 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.

- B. It shall be unlawful for the driver of any vehicle to operate that vehicle when any of the windows, inside or outside, are covered or the view is obstructed to the front, rear or sides by snow, ice, frost or any non-transparent substance restricting the view of the operator.

Source: Rev. of Ord., 1990; Ord. No. 1549, 2004

Section 9-2-145 Unlawful to disregard traffic signs and flagmen at railroad crossings - exceptions.

All automatic or manually operated traffic signs now in operation at any railroad crossing in the city are hereby adopted as official traffic signs or signals and the operator of any vehicle shall, when the red lights are flashing, bring his vehicle to a complete stop. The operator of said vehicle, after bringing his vehicle to a stop, may proceed across said tracks with due regard to any train, engine, or other vehicle upon said track unless signaled to stop by a flagman or other employee of the railroad.

The operator of any vehicle approaching or crossing any railroad track in the city shall obey all signals by any flagman or other employee of said railway company, to stop and shall not proceed across said track until signaled to do so by said flagman or employee.

Source: Rev. of Ord., 1990.

Section 9-2-146 Unlawful for train to block traffic for more than five minutes - exception.

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 a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes. This provision shall not apply to trains or cars in continuous motion.

Source: Rev. of Ord., 1990.

Section 9-2-147 Unlawful to operate a motor vehicle in air operations area of Pierre Airport without authorization.

No motor vehicle shall be operated upon the air operations area of the Pierre Airport by any one, at any time, except such vehicles as are authorized access to said area by the City of Pierre, and only after the vehicles display identification as approved by the City of Pierre, whether such vehicles be owned and operated by an airport operator, its agents or employees, or any other person.

Source: Rev. of Ord., 1990.

Section 9-2-148 Unlawful to roller skate or operate any toy or similar vehicle upon any street - exceptions.

It shall be unlawful for any person on roller skates or riding in any toy vehicle or similar device, to go upon any roadway except while crossing a street or crosswalk.

Source: R.O. Pierre, 1957, 14.0801; Rev. of Ord., 1990.

Section 9-2-149 Unlawful to allow unreasonable noise from vehicle.

It shall be unlawful for any person to cause or allow any loud, unreasonable noise to emit from a vehicle under his control which either annoys, disturbs or endangers the peace or safety of others. Unreasonable noises include but shall not be limited to the following:

- A. Horns and Signal Devices. The sounding of any horn or signaling device of any automobile, motorcycle, truck or other vehicle on any street or public place except as a danger warning; the creation by means of any such signaling devices of any unreasonable, loud, or harsh sound; the sounding of such devices for any unnecessary and unreasonable period of time other than by accident or mechanical, electrical or other difficulty or failure; and the use of any such signaling device where traffic is held up.
- B. Radios and Phonographs. The use or operation of any radio, phonograph or other sound producing machine, in such a manner as to disturb the peace of any other person on or adjacent to the roadway upon which said vehicle is being operated, or in such a manner as to dangerously distract the operator of said vehicle or any other vehicle.
- C. Engine or Exhaust Noise. The operation of any vehicle or vehicle engine in a manner which produces unnecessary engine or exhaust noise.
- D. Dynamic Braking or Air-Braking Devices
 - 1. Defined. Dynamic braking device (Commonly referred to as Jacobs Brakes) means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
 - 2. Prohibited. Operating any motor vehicle with a dynamic braking device engaged except for the aversion of imminent danger shall be prohibited within the territorial jurisdiction of the City.
 - 3. Public emergency response vehicle 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.

Source: Rev. of Ord., 1990; Ord. No. 1773, 2016.

Section 9-2-150 Failure to obey school crossing guard.

It shall be unlawful for the operator of any vehicle or pedestrian to fail to obey the "stop" or "caution" signals of any school crossing guard.

Source: R.O. Pierre, 1957, 14.0605; Rev. of Ord., 1990.

Section 9-2-151 Uncovered or unsecured load violation.

No vehicle shall be used for hauling refuse or solid wastes that is not equipped or covered so that no spillage may or could possibly occur on the streets or road to the point of disposal.

Source: Rev. of Ord., 1990.

Sections 9-2-152 to 199, inclusive. Reserved.