

ORDINANCE # 251 "AN ORDINANCE REPEALING ALL PREVIOUS ORDINANCES AND ESTABLISHING A NEW ORDINANCE PERTAINING TO TRUCK TRAFFIC WITHIN THE CITY OF LAKE NORDEN."

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE NORDEN, HAMLIN COUNTY, SOUTH DAKOTA:

SECTION 1. PURPOSE The purpose of this ordinance is to assist in the control of traffic and prevent damage to the streets in the City of Lake Norden, by establishing designated truck routes.

SECTION 2. DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

When used in this Ordinance “motor vehicle” shall be defined as:

Every machine propelled by any power other than muscular used upon the streets or highway for transportation of property.

When used in this Ordinance “trailer” shall be defined as:

A vehicle of the trailer type, without a power unit of its own, designed and used in conjunction with a motor vehicle for the transportation of property.

When used in this Ordinance the word “truck” shall be defined as:

Any vehicle whose length exceeds twenty-two (22) feet;
All vehicles whose gross weight is more than 20,000 (twenty thousand pounds).

When used in this Ordinance the word “dynamic braking device” shall be defined as:

Any dynamic braking device (commonly referred to as Jacobs Brake or Jake Brakes) 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.

When used in this Ordinance “owner” shall be defined as:

A person who holds the legal title to a motor vehicle or if such vehicle or trailer is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of such motor vehicle or trailer is entitled to possession, then such conditional vendee, lessee or mortgagor shall be deemed the owner.

When used in this Ordinance “truck route” shall be defined as:

Any street or highway designated as truck routes by the City of Lake Norden.

When used in this Ordinance “street” shall be defined as:

All streets within the city, which are not designated as truck routes.

SECTION 3. OPERATION OF TRUCKS

(a). Use of designated truck routes. Unless otherwise permitted by this Ordinance, a truck may not operate on a city street or highway other than a designated truck route.

(b). Use of dynamic braking devices, prohibited. Operating any motor vehicle with a dynamic braking device engaged is prohibited, except for the aversion of imminent danger. Dynamic braking device (commonly referred to as Jacobs Brake 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.

SECTION 4. OWNER'S RESPONSIBILITY In addition to the driver, the owner of any truck being operated with such owner's permission and consent is liable for any violation of this ordinance.

SECTION 5. TRUCK ROUTE The following streets and highways within the City of Lake Norden are designated as truck routes.

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Jay Headley Avenue	SD Hwy. 28	Burlington Street
Park Street	Jay Headley Avenue	1 st Avenue South
Dakota Street	Main Avenue	SD Hwy. 28
Burlington Street	SD Hwy. 28	194 th Street
2 nd Avenue North	Burlington Street	Harvest Street
Harvest Street	3rd Avenue North	2 nd Avenue South
1 st Avenue South	Harvest Street	Burlington Street
Main Avenue	Burlington Street	Bluejay Street

SECTION 6. PROHIBITING USE OF CERTAIN STREETS

The City Council may designate streets within the City of Lake Norden upon which truck traffic or truck parking shall be prohibited and upon such streets shall cause appropriate signs to be erected prohibiting truck traffic or truck parking upon said streets so designated; and it shall be unlawful for any person to operate or park a truck wherein trucks are prohibited and said signs are posted on such streets.

SECTION 7. EXCEPTIONS TO USE OF TRUCK ROUTES

(a). Light delivery or garbage collection trucks. This shall not apply to light delivery trucks delivering goods from place to place or to garbage trucks in the collection of refuse, which requires a stop or parking of, but a few minutes to receive or deliver merchandise.

(b). Emergency vehicles. The operation of emergency vehicles, including but not limited to law enforcement, ambulances, fire department, and tow trucks, may operate upon any street or highway in the city. Such emergency vehicles may include utility vehicles engaged in the performance of emergency duties.

(c). Street repair or construction. Use of the city streets for the operation of trucks owned or operated by the City of Lake Norden, State of South Dakota, Hamlin County, public utilities, any contractor or material men, while engaged in the repair, maintenance or construction of the city street, city street improvement or city owned or city contracted for utilities or any other authorized city activity is permitted.

(d). State regulation. Trucks whose weight is in compliance with SDCL 32-22-16.1 may operate on truck routes within the city.

SECTION 8. PENALTIES

A violation of this ordinance is a Class 2 Misdemeanor punishable by a fine of not more than \$200.00 (two hundred dollars) and 30 (thirty) days in jail or both fine and jail.

/s/ Paul Pietila, Mayor

ATTEST:

/s/ Delores Kangas, Finance Officer

Passed First Reading January 5, 2004.

Passed Second Reading January 15, 2004.