

MEADE COUNTY ORDINANCE NO. 28

THIRD AMENDMENT

AN ORDINANCE PROVIDING FOR PROHIBITION OF THE OPERATION OF OFF-ROAD VEHICLES IN CERTAIN DEFINED HIGHWAY DITCHES IN MEADE COUNTY.

WHEREAS, the operation of off-road vehicles in ditches along and beside highways in Meade County present hazards to the health, welfare and property of residents of Meade County:

NOW LET IT BE ORDAINED BY MEADE COUNTY as follows:

I. Definitions:

A. "Off-road vehicle" 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.

B. "Highway ditch" means that area along either side of a highway that is subject to an easement for such highway.

C. "Designated Highway ditch" means any highway ditch along any highway designated by the Meade County Board of County Commissioners for application of this Ordinance.

D. "Highway" means every way or place of whatever nature open to the public, as a matter of right, for purposes of vehicular travel, is a highway. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities, or other institutions but such term may be deemed to include a roadway or driveway upon grounds owned by any state agency, college, university, or institution if the governing agency, board or commission by resolution so determines and the department of transportation concurs therein.

E. "Utility" means any provider of electric, gas, water, sewer, pipeline, or telecommunications service.

II. Prohibition

Any individual is hereby prohibited from operating any off-road vehicles in any designated highway ditch. Such designation shall be noticed by inclusion in this Ordinance and by placing and maintaining regulatory signs indicating such prohibition.

III. Exceptions

The Prohibition herein shall not apply to the following:

1. Any off-road vehicle crossing one side of the highway to the other;
2. Any off-road vehicle used in normal agricultural operation; or
3. Service vehicles of any utility while in the line of duty for the utility.

IV. Enforcement

Any violation of this ordinance shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00), imprisonment for a period not to exceed thirty days, or both for each violation.

V. Designated Highway Ditches

The following are designated highway ditches to which this ordinance applies, provided regulatory signs are posted pursuant to this ordinance:

1. Sturgis Road from Pennington County line to Tilford exit, such designation to begin when each portion is turned over to Meade County;
2. Haines Avenue from Pennington County line to Weston Heights;
3. Elk Creek Road from Erickson Ranch Road to Interstate 90;
4. Quaal Road;
5. Foothills Road.
6. Norman Avenue
7. Ridgeview Drive
8. Peaceful Pines Road West from I-90

Dated this 6th day of May, 2009.

Robert Mallow, Chairman

ATTEST: _____
Lisa Schieffer, Auditor

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| First Reading: August 2nd, 2006 | Revised First Reading: April 8th, 2009 |
| Second Reading: September 6th, 2006 | Second Reading: May 6th, 2009 |
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