

ORDINANCE MC46-14

AN ORDINANCE PROVIDING FOR THE REMOVAL OF OBSTRUCTIONS FROM MINNEHAHA COUNTY HIGHWAY RIGHT-OF-WAYS AND PROHIBITING THE PLACEMENT OF SNOW FROM PRIVATE DRIVEWAYS ONTO MINNEHAHA COUNTY HIGHWAY RIGHT-OF-WAYS

PURSUANT to SDCL 31-32-3.1, and consistent with the Minnehaha County Highway Department Snow and Ice Removal Policy adopted on December 17, 2013, now

BE IT ORDAINED BY THE MINNEHAHA COUNTY BOARD OF COMMISSIONERS that the authorization to remove obstructions and to prohibit the placement of snow from private driveways onto Minnehaha County Highway right-of-ways is hereby enacted.

Section 1:

ILLEGAL OBSTRUCTIONS: Obstructions within the road right-of-way including, but not limited to, hay bales, vehicles, or fences intentionally placed into or unintentionally left on the road right-of-way shall be removed by the owners of such materials or person responsible for placing such materials in the road right-of-way. Unless the person responsible for such obstruction uses diligence to notify the public and applicable authority of any such material being intentionally placed or unintentionally left on the road right-of-way and immediately puts up a danger sign, that person is guilty of a petty offense under SDCL 31-32-6.

Section 2:

ADDITIONAL DUTIES, PROHIBITIONS, AND REMEDIES: Along with and in addition to the penalties authorized by SDCL Chapter 31-32 and Section 1 of this Ordinance, the following also apply:

1. Hay bales shall be removed from all Minnehaha County highway rights-of-way before November 1 of each year.

Thereafter, that the County may remove the bales and the adjacent landowner shall be civilly liable, and accordingly billed, for the cost of removal.

2. Vehicles shall not be parked on the roadway surface or shoulder, and if a vehicle is parked on a personal driveway, it shall be outside of the right-of-way. Any such vehicles, parked or stalled on the highway surface or road right-of-way, shall be removed within 48 hours, unless the vehicle presents a danger to other vehicles on the highway, in which case the vehicle must be immediately removed, and all provisions of Section 1 of this ordinance shall be complied with. The owner or driver of the vehicle that is stalled or intentionally placed on the highway surface or in the road right-of-way shall immediately notify the 9-1-1 of such vehicle. If such vehicle is not removed within 48 hours or such vehicle presents a dangerous condition to other vehicles on the highway, the County has the authority to remove and store the vehicle elsewhere and the owner of such vehicle shall be civilly liable, and accordingly billed, for any expenses incurred by the County in removing and storing the vehicle.
3. The placing snow from a private driveway onto a Minnehaha County Highway public roads and right-of-way is prohibited. Property owners found in violation of this section will be given notice and shall remove the snow. If the snow is not removed within 48 hours of notification, the County may remove the snow and the property owner shall be civilly liable and accordingly may be billed for such expenses caused by removal of the snow.
4. Any other material or cargo left in violation of SDCL Chapter 31-32 or this ordinance may also be removed by the County, with the responsible owner or actor being civilly liable and accordingly billed for its removal.

Along with any civil penalties imposed by this ordinance, a violation of Section 2 of this ordinance is a Class 1 Misdemeanor pursuant to SDCL 31-32-3.1.

Section 3:

The County shall not be liable for damage to stalled or stranded vehicles on the traveled portion of the roadway or other obstructions that will interfere with snow and ice removal and abrasive placement.

Adopted this 17th day of January, 2014.

BOARD OF COUNTY COMMISSIONERS:

Gerald Benninga

Wm E. Beatts

Cindy Heuberg

[Signature]

[Signature]

ATTEST: Bob Litz, Auditor

[Signature]
Deputy Auditor



STATE OF SOUTH DAKOTA } ss.
MINNEHAHA COUNTY }
I hereby certify that the foregoing
instrument is a true and correct copy
of the original as the same appears
on record in my office.

JAN 07 2014

BOB LITZ
Minnehaha County Auditor

By [Signature] Deputy