

## CHAPTER 12-16 SNOWMOBILES

### 12-16-1

#### TERMS DEFINED

**City:** The City of Brandon's governing body.

**City Street:** Any street, alley, township, county or state highway within the corporate City limits, approved and supervised by the City of Brandon or any other government entity.

**Law Enforcement Officer:** An employee or officer of the City or any political subdivision thereof who is responsible for the prevention and detection of crime and the enforcement of the ordinances and laws of the City and/or State, including but not limited to Brandon City Police, South Dakota State Highway Patrol, South Dakota State Conservation Officers and Minnehaha County Sheriff's Office.

**Operate:** To control the operation of a snowmobile.

**Operator:** Any person who operates or who is in actual control of a snowmobile.

**Prohibited Area:** An area designated by resolution of the City Council in which operation of a snowmobile is prohibited.

**Snowmobile:** Any engine driven vehicle of a type which utilizes sled type runners, wheels, or skis with an endless belt tread or similar means of contact with the surface upon which it is operated.

**Snowmobile Trail:** Any posted and/or marked course that is maintained by the State Parks Department for the purpose of snowmobile travel.

**Snowmobile Route:** Any posted course of snowmobile travel established by the City for the purpose of access to and from the City of Brandon.

**Trailer:** Any sled, toboggan, or similar type vehicle, when drawn by a snowmobile, which is without motive power and can be used for carrying property or passengers on snow or ice wholly on its own structure.

**Legislative History:**  
Ordinance No. 183, §1, 8/7/89.

**Authority:**  
SDCL Ch. 32-20A; Specifically §32-20A-1.

### 12-16-2

#### VALID DRIVER'S LICENSE REQUIRED

It shall be unlawful for any person to drive or operate a snowmobile upon any City street or snowmobile route or upon any public property within the City of Brandon without first having obtained and having in his possession a valid license to operate a motor vehicle.

**Legislative History:**  
Ordinance No. 183, §2-A, 8/7/89.

**Authority:**  
SDCL Ch. 32-12.

### 12-16-3

#### **PROTECTIVE HELMET REQUIRED FOR MINORS**

It shall be unlawful for any person under eighteen (18) to operate or ride a snowmobile upon any City street, snowmobile route, or upon any public within the City unless the person wears a protective helmet of a type meeting Department of Transportation Motor Vehicle Safety Standards.

**Legislative History:**  
Ordinance No. 183, §2-B, 8/7/89.

### 12-16-4

#### **EQUIPMENT REQUIRED**

All snowmobiles operated within the City of Brandon shall have the equipment required by the laws of the State of South Dakota and in addition shall:

- A. Be equipped with adequate brakes in good working condition.
- B. Be equipped with safety or "deadman" throttle in operating condition, such being a device which when pressure is removed from the accelerator, the throttle causes the motor to disengage from the driving track.
- C. Be equipped with mufflers which are properly attached pursuant to SDCL §32-15-17 as amended, and are in good working condition so as to prevent excessive or unusual noise. No person shall use a muffler cut out, bypass, or similar device on such a vehicle.
- D. Be equipped with at least one head lamp and one tail lamp that have been approved by the South Dakota State Department of Commerce pursuant to SDCL Ch. 32-17 as amended, at least equivalent to that required for motorcycles. Lights shall be operated at all times during travel within the City of Brandon.

**Legislative History:**  
Ordinance No. 183, §2-C, 8/7/89.

### 12-16-5

#### **TOWING DEVICES**

Any snowmobile towing or pulling a trailer, as defined in this ordinance, on any City street, or upon any public property within the City, shall do so by means of a draw bar or other connection between the two vehicles that is of sufficient strength to hold the weight of the towed trailer on any grade and during stopping of the vehicles where operated. The towed trailer shall not whip, weave, or oscillate or fail to follow substantially in the course of the towing snowmobile. Chains, ropes, cables or any other similar type connections are not acceptable towing devices.

**Legislative History:**  
Ordinance No. 183, §2-D, 8/7/89.

### 12-16-6

#### **UNLAWFUL OPERATION OF SNOWMOBILES**

It shall be unlawful for any person to operate a snowmobile in the City of Brandon on any City street or public property, except:

- A. When there is a minimum snow accumulation of three (3) or more inches; and,
- B. When a snowmobile is operated to and from the city limits or to and from a posted snowmobile route designated by resolution of the City Council or to and from such trails as may be posted by the State of South Dakota or to and from a

place of destination that is a place that such snowmobile may be lawfully operated; and

- C. No person shall operate a snowmobile in prohibited areas as designated by resolution of the City Council; and
- D. That when operated upon a City street, the operator of a snowmobile shall drive upon the right side of the street as closely as possible to the right hand edge or curb of such street; and
- E. That the operator of a snowmobile in the City of Brandon shall first stop and then yield at all intersections; and
- F. That the operator of a snowmobile shall operate a snowmobile at a maximum speed of twenty (20) miles per hour within the City limits; and
- G. That no person shall operate a snowmobile on private property of another without the express permission to do so by the owner or occupant of such property; and
- H. That no person shall operate a snowmobile on any public property, including, but not limited to public school grounds, park property, playgrounds, recreational areas, golf courses, and parking lots; and
- I. That no person shall operate a snowmobile on any public or private property within the City between the hours of 11:00 p.m. and 7:00 a.m.; and
- J. That no person, other than a railroad employee in the lawful discharge of his duties, shall operate a snowmobile upon any railroad right-of-way, except that it may be driven directly across a railroad crossing after first stopping and then yielding the right-of-way to approaching railroad traffic.

**Legislative History:**

Ordinance No. 183, §3-A, 8/7/89.  
1997 Revision, Ordinance No. 258  
2/18/97

## 12-16-7

### **SPECIAL PERMITS**

Special permits may be issued to persons, associations or clubs formed by owners of snowmobiles, for operation of snowmobiles on City streets or public grounds where snowmobiles are otherwise prohibited. Such permits must be requested at least ten (10) days prior to such activity taking place and must specifically state the purpose, dates, starting and ending times for the activity, the route to be used. Such routes must be adequately posted by the permitted organization to warn other motor vehicle operators. When operating under such permit the operators shall comply with the provisions of all city ordinances. The Chief of Police or the City Council shall determine whether such permits shall be granted. Any violation of the provisions of the permit or of this ordinance may result in termination of the special permit by the Chief of Police or the City Council in addition to such other penalties as are provided by this Ordinance of the City of Brandon and the laws of the State of South Dakota.

**Legislative History:**

Ordinance No. 183, §3-B, 8/7/89.  
1997 Revision, Ordinance No. 258  
2/18/97

**Cross Reference:**

Brandon Municipal Code §12-16-9  
and SDCL 9-19-3

## 12-16-8

### **EXCEPTIONS**

Any law enforcement officer or conservation officer acting in the course of his official duties shall be exempt from the requirements of this ordinance.

**Legislative History:**  
Ordinance No. 183, §4, 8/7/89.

**12-16-9**

**VIOLATION OF PROVISIONS**

Any violation of any section of this ordinance shall be punishable pursuant to the laws of the State of South Dakota.

Violations of this ordinance is punishable by a fine or by imprisonment, or both, as established in 1-10-1 of the Brandon Municipal Code.

**Legislative History:**  
Ordinance No. 183, §5, 8/7/89.  
Ordinance No. 258, 2/18/97.  
Ordinance No. 271, 9/7/98