

ORDINANCE NO. 54

AN ORDINANCE PROHIBITING OBSTRUCTING HIGHWAY RIGHTS-OF-WAY WITH SNOW OR OTHER MATERIALS

BE IT ORDAINED by the Board of Commissioners for Hanson County, South Dakota, that:

[1] No person shall place items within a highway right-of-way in Hanson County, South Dakota, which interferes in any way with the highway's managing agency's ability to have available to it use of the full right-of-way for maintenance, operation, or snow removal.

[2] No property owner shall allow any tenant or other party to place any items within a highway right-of-way in Hanson County, South Dakota, which interferes in any way with the highway's managing agency's ability to have available to it use of the full right-of-way for maintenance, operation, or snow removal.

[3] Violations. Any violation of this ordinance may be enforced both through criminal proceedings or civil proceedings as provided under the laws of the state of South Dakota and as set forth in this ordinance.

[4] Criminal Penalty. A violation of this Ordinance will be subject to a maximum penalty of a fine Five Hundred (\$500.00) Dollars or by incarceration in a county jail for a period of up to thirty (30) days, or by both such fine and imprisonment.

JUSTIFICATION FOR ORDINANCE:

[A] The entity removing snow from the roadways needs the use of the extended highway rights-of way to provide a place to deposit the snow removed from the travelled portions of the roadways.

[B] Excessive snow placed in the right-of-way inappropriately interferes with the visions of persons using the roadway.

[C] This ordinance supplements the provisions of South Dakota law contained as SDCL 31-32-15 and SDCL 21-10 and acts amendatory thereof and supplemental thereto.

Votes for: 5; Votes Against: 0

Ordinance adopted.

First reading: January 24, 2023
Second reading: February 7, 2023
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