
ORDINANCE NO. 781**AN ORDINANCE AMENDING CHAPTER 40 OF THE CITY OF BOX ELDER MUNICIPAL CODE
REGARDING TRAFFIC AND VEHICLES WITHIN THE CITY OF BOX ELDER**

WHEREAS, South Dakota Codified Laws (SDCL) 9-19-3: *Authority to enact, amend, and repeal ordinances and resolutions--Penalties for violation*, authorizes the council to set ordinances; and

WHEREAS, the City desires to provide clarity to, and strengthen its ability to enforce, regulations relating to truck routes and truck traffic throughout the City; and

WHEREAS, Chapter 40, Sections 40-1, 40-58, and 40-59 of the City of Box Elder Municipal Code are being amended to protect city streets.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Box Elder, that the City of Box Elder Municipal Code be amended to read as follows (new language shall be indicated by underscore, and language to be deleted shall be indicated by strike-through):

CHAPTER 40. TRAFFIC AND VEHICLES**ARTICLE 40-I IN GENERAL****Sec 40-1 Definitions**

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

Alley means a service roadway providing only a secondary means of access to abutting property and not intended for general traffic circulation.

Curb means the extreme edge or lateral boundary of a roadway, whether marked by curbing or not so marked.

Court means magistrate division of the circuit court of the Seventh Judicial Circuit.

Crosswalk means that portion of roadway ordinarily included within the prolongation of curb and property lines at intersections, whether or not marked, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

Distracted driving means inattentive driving while operating a motor vehicle caused by texting, reading, writing, performing personal grooming, interacting with pets, passengers, or unsecured cargo, using personal communications technologies, mobile phones, or other electronic device, or engaging in any other activity which may cause driver distraction.

Driveway means a road that provides vehicular or pedestrian access to a parcel of land which adjoins a street and that is not open to the use of the public for travel.

Electronic devices includes, but is not limited to, handheld computers, pagers, telephones, I-pads, video games, and any other device used for wireless communications of any kind.

Intersection means the area embraced within the prolongation of the lateral curblines, or if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other, but such area, in the case of the point where an alley and a street meet shall not be deemed as an intersection.

Mobile phone means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone calls, messaging, text or electronic mail without an access line for service.

Motor vehicle means every vehicle, as herein defined, which is self-propelled.

Off-road vehicle means any self-propelled vehicle with two or more wheels 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 or manufacturer's certificate of origin states that the vehicle is not for highway use. The term "off-road vehicle" does not include a farm vehicle.

Operator means any person who is in actual physical control of a vehicle.

Owner means a person who holds the legal title of a vehicle or in the event a vehicle 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 in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor is the owner for the purpose of this chapter.

Parked means a stopped vehicle, whether occupied or not, otherwise than temporarily stopped for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

Pedestrian means any person afoot.

Private road or driveway means every road or driveway not open to the use of the public for vehicular travel.

Right-of-way means the privilege of the immediate use of the highway.

Roadway means portion of a street between the regular established curblines or that part devoted to vehicular traffic.

Semi-trailer means a commercially-licensed vehicle of the trailer type equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

Shoulder means the extreme edge or lateral boundary of a roadway, usually lacking concrete curbing.

Sidewalk means that portion of a street between the curblines and adjacent property lines set aside for the use of pedestrians.

Stand means the halting of a vehicle, whether occupied or not, otherwise for the purpose of and while actually engaged in receiving or discharging passengers.

Street means that part of the street set apart for the use of vehicles or motor vehicles and including alley, avenue and public highway.

Texting means using an electronic wireless communications device to compose or send a written message or image using a text-based communication system, including communications referred to as a text message, instant message or electronic mail.

Trailer means a commercially-licensed vehicle without motive power designed for carrying property or passengers on its own structure and, for the purposes of this article, for being drawn by a truck and more than 28 feet in length.

Truck means any motor vehicle designed, used, or maintained primarily for the transportation of property. This includes, but is not limited to, vehicles having a gross vehicle weight rating (GVWR) of more than 2610,000 pounds or those classified as commercial vehicles under state or federal law.

Truck-tractor means a motor vehicle designed and used primarily for drawing semi-trailers or similar vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Use, with regard to electronic devices, means talking, placing or receiving a call or sending or receiving a text, or attempting to talk, place or receive a call or send or receive a text on a wireless communications device, including a mobile phone, or playing or attempting to play an electronic game or communicate electronically social media.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided that for the purposes of this chapter, a bicycle or a ridden animal shall be deemed a vehicle.

(Ord. ~~No. 116, § 3.01, 11-12-1980~~; Ord. ~~No. 486, art. II, 10-21-2009~~; Ord. ~~No. 482, art. II, 12-21-2010~~; Ord. ~~No. 543, art. II, § 1, 2-4-2014~~)

ARTICLE 40-II TRUCKS

Sec 40-58 Truck Routes

- a) *Designation*. The public works director shall designate ~~which all city streets as, or portions thereof, within and within one mile of the city limits shall be through-truck routes, local delivery truck routes, no truck routes, or construction truck routes~~local streets. All designated truck routes shall be identified by signs or markings erected and maintained under the direction of the public works director.
- b) *Weight limits*. The public works director ~~may~~shall designate weight limits for city streets, bridges, and truck routes. Weight limits shall be identified by signs or markings erected and maintained under the direction of the public works director. An official road weight limit map for the City of Box Elder showing all designated routes shall be displayed in such a manner as to be publicly accessible and posted on the City's website.
- c) *Compliance required*. All trucks operating within the city's jurisdiction shall adhere to weight limits established for each route and be operated only over and along designated truck routes, unless exempted pursuant to this section. All trucks using designated truck routes shall comply with state and county regulations concerning weight per axle, width, height, and length.
- d) ~~Exceptions~~Exemption for official vehicles. This section does not apply to emergency vehicles ~~such as~~ police vehicles, fire trucks, ambulances, or hazardous materials

response vehicles; health department vehicles; public utility vehicles, (when actually engaged in the performance of ~~official public utility duties;~~ garbage trucks, not including roll-offs; school buses; tow trucks engaged in the process of towing a disabled or damaged motor vehicle to or from public or private property; or to any vehicle owned by ~~the city, state or federal government or by Meade County or Pennington County~~ an official government agency.

e) *Authorized deviations.* Deviations ~~to from~~ the requirements ~~of within~~ this section are permitted in the following instances:

- 1) A truck may deviate from an established truck route for the purpose of ~~local~~ business or delivery within the municipal boundaries of Box Elder. Such deviation from the nearest truck route shall be made by the shortest route as is reasonably possible to accomplish ~~the local~~ business or delivery.
- 2) A truck tractor without an attached trailer may deviate from an established truck route.
- 3) A truck may deviate from an established truck route upon any officially established detour.
- 4) A truck may deviate from an established truck route when so directed by an authorized city employee.
- 5) A truck may deviate from an established truck route when so authorized by an approved street use, moving permit or Haul Road Agreement.

(Ord. ~~No. 486, art. III, § 3, 10-21-2009~~)

Sec 40-59 ~~Street Use Permits~~ Moving Permit/ Haul Road Agreements

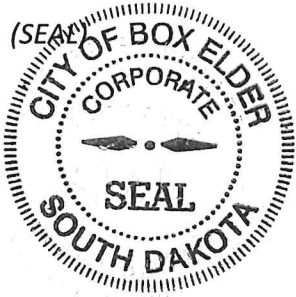
- a) The ~~P~~ublic ~~W~~orks ~~D~~irector, or their designee, and the planning and zoning director ~~are~~ granted the authority to issue street use moving permits and haul road agreements ~~to Contractors~~ for trucks to operate over routes within city limits not established as truck routes or to otherwise deviate from the provisions of this article. ~~The public works director shall write regulations, consistent with this section, to govern the issuance and operation of street use permits haul road agreements.~~
- b) ~~The council shall establish by resolution the fees within its Master Fee Schedule for street use moving permits haul road agreements.~~
- ~~b)c) In addition to the permit fee, the applicant Contractor shall deposit a~~ A refundable cash surety, in an amount to be determined by the public works director, shall be deposited with the city finance department in connection with any haul road agreement.

e)d) _____ The public works director, or their designee, shall assess the streets to be impacted by the proposed ~~street-use permit~~ haul road agreement before the ~~permit agreement~~ is ~~issued~~ entered and again at the expiration of the ~~permit agreement~~ to determine the extent of damage, if any, caused to the streets by the ~~applicant's Contractor's~~ activity. The ~~applicant-Contractor~~ may request that the amount of the refundable surety be applied to the assessed amount of the damage, should there be any. Any assessed amount of damage that may exceed the amount of deposited surety shall be the financial responsibility of the ~~applicant~~ Contractor. The council shall approve any surety refund, or portion thereof. The ~~applicant-Contractor~~ may appeal the public works director's assessment of damage to the council.

(Ord. ~~No. 486, art. IV, § 2, 10-21-2009~~)

PASSED AND APPROVED ON FIRST READING this 20th day of January, 20 26

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 2nd day of February, 20 26.



ATTEST:

Renee Baker, Finance Officer

Larry Larson, Mayor

ATTESTATION

I, Chaz Kokesh, the City Clerk of the City of Box Elder, South Dakota, do hereby attest and state the above ordinance was published in the manner required by law and that all procedures required by the State of South Dakota law were complied with. This ordinance shall become effective on March 2, 2026.

Chaz Kokesh, City Clerk