



UPPER SIOUX COMMUNITY TRAFFIC ORDINANCE

15-CY2007

SECTION 1.0. DEFINITIONS.

Subdivision 1. **Terms.** For the purposes of this chapter, the terms defined in this Ordinance shall have the meanings ascribed to them under this Section 1

Subd. 2. **Vehicle.** "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Subd. 3. **Motor vehicle.** "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires. Motor vehicle does not include an electric personal assistive mobility device or a vehicle moved solely by human power.

Subd. 3a. **Passenger vehicle.** "Passenger vehicle" means a passenger automobile or recreational vehicle used for the carrying of not more than ten persons; a pickup truck means any truck with a nominal rated carrying capacity of three-fourths ton or less. "Passenger vehicle" does not include a motorcycle, motorized bicycle, bus, school bus, a vehicle designed to operate exclusively on railroad tracks, a farm truck used to transport agricultural, horticultural, dairy or other farm products, or special mobile equipment which is defined as a vehicle not designed or used primarily for the transportation of persons.

Subd. 4. **Motorcycle.** "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and bicycles with motor attached but excluding a tractor.

Subd. 5 **School bus.** "School bus" means a motor vehicle used to transport pupils to or from a school or to or from school-related activities, by the school or a school district, or by someone under an agreement with the school or a school district.

Subd. 6. **Truck-tractor.** "Truck-tractor" means:
(1) a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn; and
(2) a motor vehicle designed and used primarily for drawing other vehicles used exclusively for transporting motor vehicles or boats and capable of carrying motor vehicles or boats on its own structure.

Subd. 7. **Farm tractor.** "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Subd. 8. **Road tractor.** "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Subd. 9. **Trailer.** "Trailer" means any vehicle designed for carrying property or

passengers on its own structure and for being drawn by a motor vehicle but does not include a trailer drawn by a truck-tractor semitrailer combination or an auxiliary axle on a motor vehicle which carries a portion of the weight of the motor vehicle to which it is attached.

Subd. 10. **Semitrailer.** "Semitrailer" means a vehicle of the trailer type so designed and used in conjunction with a truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor semitrailer combination.

Subd. 11. **Driver.** "Driver" means every person who drives or is in actual physical control of a vehicle.

Subd. 12. **Owner.** "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 such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

Subd. 13. **Police officer.** "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic rules.

Subd. 14. **Street or highway.** "Street or highway" means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

Subd. 15. **Private road or driveway.** "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Subd. 16. **Roadway.** "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Subd. 17. **Sidewalk.** "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Subd. 18. **Laned highway.** "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

Subd. 19. **Through highway.** "Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

Subd. 20. **Intersection.** (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. (b) Where a highway includes two roadways 30 feet or more apart, then every

crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Subd. 21. **Crosswalk.** "Crosswalk" means (1) that portion of a roadway ordinarily included with the prolongation or connection of the lateral lines of sidewalks at intersections; (2) any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Subd. 22. **Official traffic control devices.** "Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Subd. 23. **Traffic control signal.** "Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Subd. 24. **Railroad sign or signal.** "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Subd. 25. **Traffic.** "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances, either singly or together, while using any highway for purposes of travel.

Subd. 26. **Right-of-way.** "Right-of-way" means the privilege of the immediate use of highway.

Subd. 27. **Implement of husbandry.** "Implement of husbandry" means every vehicle designed exclusively for agricultural, horticultural or livestock raising operations.

Subd. 28. **Stand or standing.** "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Subd. 29. **Stop.** "Stop" means complete cessation from movement.

Subd. 30. **Stopping.** "Stopping" means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

Subd. 31. **Shoulder.** "Shoulder" means that part of a highway which is contiguous to the regularly traveled portion of the highway and is on the same level as the highway. The shoulder may be pavement, gravel, or earth.

SECTION 2. SCOPE, PENALTY and JURISDICTION.

Subdivision 1. **Application to persons, places, and vehicles.** The provisions of this Ordinance relating to the operation of vehicles refer exclusively to the operation of vehicles upon

highways, and upon highways, streets, private roads, and roadways situated within the exterior boundaries of the Upper Sioux Community except:

- (1) where a different place is specifically referred to in a given section;
- (2) the provisions of this Ordinance apply to any person who drives, operates, or is in physical control of a motor vehicle within the exterior boundaries of the Upper Sioux Community or upon the ice of any boundary water of the Upper Sioux Community, and to any person who drives, operates, or is in physical control of a snowmobile on a snowmobile trail within the Upper Sioux Community.

Subd. 2. **Penalty for not complying with this Ordinance.** It is an offense against the peace and safety of the Upper Sioux Community for any person to willfully fail or refuse to comply with this Ordinance or any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic within the exterior boundaries of the Upper Sioux Community. A civil penalty of \$100.00 (One hundred dollars) will be assessed to the person committing a violation of this Ordinance.

Subd. 3. **Jurisdiction of the Upper Sioux Community Tribal Court.** (a) The Upper Sioux Community Tribal Court shall have jurisdiction to enforce the provisions and penalties of this Ordinance upon a presentation of a complaint by a licensed police officer or upon a sworn complaint before the court by the Tribal Attorney. This Ordinance shall apply to members and non-members of the Upper Sioux Community. (b) Should the Upper Sioux Community Tribal Court lack jurisdiction over an offense by a non-member by application of relevant tribal or federal law, enforcement and/or prosecution of the offense may be transferred from the jurisdiction of the Upper Sioux Community Tribal Court to the jurisdiction of the Yellow Medicine County District Court for enforcement and/or prosecution under the applicable state statute.

SECTION 3. SPEED LIMITS.

Subdivision 1. **Duty to drive with due care.** No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Every driver is responsible for becoming and remaining aware of the actual and potential hazards then existing on the highway and must use due care in operating a vehicle. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

Subd. 2. **Speed limits.** Where no special hazard exists the posted speed limits shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

Subd. 3. **Reduced speed required.** The driver of any vehicle shall, consistent with the requirements, drive at an appropriate reduced speed when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on any street or highway, when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

SECTION 4. TURNING, STARTING, AND SIGNALING.

Subdivision 1. **Turning at intersection.** The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. (b) Approach for a left turn on other than one-way roadways shall be made in that portion of the right half of the roadway nearest the centerline thereof, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection. (c) Approach for a left turn from a two-way roadway into a one-way roadway shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. (d) A left turn from a one-way roadway into a two-way roadway shall be made from the left hand lane and by passing to the right of the centerline of the roadway being entered upon leaving the intersection. (e) Where both streets or roadways are one way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway. (f) Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs. (g) Whenever it is necessary for the driver of a motor vehicle to cross a bicycle lane adjacent to the driver's lane of travel to make a turn, the driver shall drive the motor vehicle into the bicycle lane prior to making the turn, and shall make the turn, yielding the right-of-way to any vehicles approaching so close thereto as to constitute an immediate hazard.

Subd. 2. **U-turn.** No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 1,000 feet, nor shall the driver of a vehicle turn the vehicle so as to proceed in the opposite direction unless the movement can be made safely and without interfering with other traffic.

Subd. 3. **Starting parked car.** No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

Subd. 4. **Change of course.** No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in this section, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a highway unless and until the movement can be made with reasonable safety after giving an appropriate signal in the manner hereinafter provided.

Subd. 5. **Signal to turn.** A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

Subd. 6. **Signal to stop.** No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear unless there is a good and sufficient reason for not being able to do so.

Subd. 7. **Signaling methods.** The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device of a type approved by the commissioner of public safety, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible in normal sunlight, and at night both to the front and rear of such vehicle, then the signals must be given by such a lamp or device.

SECTION 5. RIGHT-OF-WAY.

Subdivision 1. **Approaching intersection.** (a) When two vehicles enter an uncontrolled intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. (b) When two vehicles enter an intersection controlled by stop signs or by blinking red traffic signals requiring drivers or vehicles from any direction to stop before proceeding, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. (c) At an uncontrolled approach to a T-shaped intersection, the driver required to turn shall yield to the cross traffic. (d) The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which the driver might otherwise have hereunder. (e) The foregoing rules are modified as hereinafter stated in this section.

Subd. 2. **Left turn.** The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

Subd. 3. **Through highway; stop sign.** (a) The driver of a vehicle shall stop as required by this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard, but the driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicles so proceeding into or across the through highway. (b) The driver of a vehicle shall likewise stop in obedience to a stop sign, as required herein, at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway, and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

Subd. 4. **Vehicle entering roadway.** The driver of a vehicle about to enter or cross a roadway from any place other than a roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

SECTION 6. YIELD SIGN.

The driver of a vehicle approaching a YIELD sign shall slow to a speed that is reasonable for conditions of traffic and visibility, and stop if necessary, and yield the right-of-way to any pedestrian legally crossing the roadway, and to all vehicles on the intersecting street or highway which are so close as to constitute an immediate hazard.

SECTION 7. HITCHHIKING; SOLICITATION OF BUSINESS.

Subdivision 1. **Soliciting ride.** No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

Subd. 2. **Soliciting employment, business, or contributions.** No person shall stand on a roadway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.

SECTION 8. VEHICLE LIGHTING.

Subdivision 1. **Lights to be displayed.** (a) Every vehicle upon a road within the exterior boundaries of the Upper Sioux Community:

(1) at any time from sunset to sunrise;

(2) at any time when it is raining, snowing, sleeting, or hailing; and

(3) at any other time when visibility is impaired by weather, smoke, fog or other conditions or there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead; shall display lighted headlamps, lighted taillamps, and illuminating devices, as hereinafter, respectively, required for different classes of vehicles, subject to exceptions with respect to parked vehicles and law enforcement vehicles, as hereinafter stated. In addition to the other requirements of this paragraph, every school bus transporting children upon a highway within this state, at any time from a half-hour before sunrise to a half-hour after sunset, shall display lighted headlamps, lighted taillamps, and illuminating devices as required by this paragraph, except that the operator shall use the lowermost distribution of light specified unless conditions warrant otherwise.

(b) When requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, these provisions shall apply during the time stated in this section upon a straight level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated and unless otherwise specified the location of lamps and devices shall refer to the center of such lamps or devices. Parking lamps shall not be used in lieu of headlamps to satisfy the requirements of this section.

SECTION 9. REAR LAMPS.

Subdivision 1. **Requirements; exception.** (a) Every motor vehicle and every vehicle that is being drawn at the end of a train of vehicles must be equipped with at least one taillamp, exhibiting a red light plainly visible from a distance of 500 feet to the rear. (b) Every motor vehicle, other than a truck-tractor, and every vehicle that is being drawn at the end of a train of vehicles must be equipped with at least two taillamps mounted on the rear and on the same level and as widely spaced laterally as practicable. When lighted, the taillamps must comply with the provisions of this section. (c) An implement of husbandry being towed by a motor vehicle at a speed of not more than 30 miles per hour, displaying a slow-moving vehicle emblem is not subject to the requirements of this section.

Subd. 2. **License plates.** Either such rear lamp or separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it legible from a distance of 50 feet to the rear. Any rear lamp or rear lamps, together with any separate lamp for

illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

SECTION 10. VEHICLE SIGNALS.

Subdivision 1. **Stoplights.** Any vehicle may be equipped and when required under this chapter, shall be equipped with at least two stop lamps on the rear which shall emit a red or yellow light and which shall be actuated upon application of the service (foot) brake and which may, but need not be, incorporated with the taillamps and which shall be plainly visible and understandable from a distance of 100 feet to the rear during normal sunlight and at night.

Subd. 2. **Turn signal.** Any vehicle may be equipped, and when required under this chapter shall be equipped, with a lamp or lamps or mechanical signal device of such color as may be approved by the commissioner of public safety and capable of clearly indicating any intention to turn either to the right or to the left and shall be visible and understandable during both daytime and nighttime from a distance of 100 feet both to the front and rear.

Subd. 3. **Maintenance.** (a) When a vehicle is equipped with stop lamps or signal lamps, such lamps shall at all times be maintained in good working condition. (b) No stop lamps or signal lamp shall project a glaring or dazzling light. (c) All mechanical signal devices shall be self-illuminated when in use at the times when lighted lamps on vehicles are required.

Subd. 4. **Alteration of stop lamp prohibited.** On a vehicle that must be equipped with a single center high-mounted stop lamp under federal motor vehicle safety standards, and on any other vehicle equipped with a similar stop lamp, a person may not alter the stop lamp by the addition of an overlay or other device, or install a replacement lens, if the alteration or installation alters or obscures any portion of the lamp or affects the intensity of light emitted.

SECTION 11. SEAT BELT USE REQUIRED; PENALTY.

Subdivision 1. **Seat belt requirement.** A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

- (1) the driver of a passenger vehicle or commercial motor vehicle;
- (2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle;

and

- (3) a passenger riding in any seat of a passenger vehicle who is older than three but younger than 11 years of age.

Subd. 2. **Seat belt exemptions.** This section shall not apply to:

- (1) a person driving a passenger vehicle in reverse;
- (2) a person riding in a seat in which all the seating positions equipped with safety belts are occupied by other persons;
- (3) a person who is in possession of a written certificate from a licensed physician verifying that because of medical unfitness or physical disability the person is unable to wear a seat belt;
- (4) a person who is actually engaged in work that requires the person to alight from and reenter a motor vehicle at frequent intervals and who, while engaged in that work, does not drive or travel in that vehicle at a speed exceeding 25 miles per hour;
- (5) a rural mail carrier of the United States Postal Service while in the performance of duties; and
- (6) a person driving or riding in a pickup truck while engaged in normal farming work or activity

SECTION 12. MUFFLER.

Every motor vehicle shall at all times be equipped with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a street or highway. The exhaust system shall not emit or produce a sharp popping or crackling sound.

SECTION 13. VEHICLE REGISTRATION; DISPLAYING LICENSE PLATES.

Subdivision 1. **Registration required.** No person shall operate, drive, or park a motor vehicle on any highway unless the vehicle is registered in accordance with the laws of the Upper Sioux Community or other jurisdiction and has the number plates or permit confirming that valid registration or operating authority and conspicuously displayed thereon in a manner that the view of any plate or permit is not obstructed.

Subd. 2. **Semitrailer.** If the vehicle is a semitrailer, the number plate displayed must be assigned to the registered owner and correlate to the certificate of title documentation on file with the applicable federal, state or tribal authority.

Subd. 3. **Rear display of single plate.** If the vehicle is a motorcycle, motor scooter, motorized bicycle, motorcycle sidecar, trailer registered at greater than 3,000 pounds gross vehicle weight (GVW), semitrailer, or vehicle displaying a dealer plate, then one license plate must be displayed on the rear of the vehicle.

Subd. 3a. **Small trailer.** If the vehicle is a trailer with 3,000 pounds or less GVW with lifetime registration, the numbered plate or sticker must be adhered to the side of the trailer frame tongue near the hitch.

Subd. 4. **Collector's vehicle.** If the vehicle is (1) a collector's vehicle with a pioneer, classic car, collector, or street rod license; (2) a vehicle that meets the requirements of a pioneer, classic, or street rod vehicle except that the vehicle is used for general transportation purposes; or (3) a vehicle that is of model year 1972 and is used for general transportation purposes, one plate must be displayed on the rear of the vehicle, or one plate on the front and one on the rear, at the discretion of the owner.

Subd. 5. **Truck-tractor, road-tractor, or farm truck.** If the vehicle is a truck-tractor, road-tractor, or farm truck, but excluding from that definition semitrailers and trailers, one plate must be displayed on the front of the vehicle.

Subd. 6. **Other motor vehicles.** If the motor vehicle is any kind of motor vehicle other than those provided for in subdivisions 2 to 4, one plate must be displayed on the front and one on the rear of the vehicle.

Subd. 7. **Plate fastened and visible.** All plates must be securely fastened so as to prevent them from swinging. The person driving the motor vehicle shall keep the plate legible and unobstructed and free from grease, dust, or other blurring material so that the lettering is plainly visible at all times. It is unlawful to cover any assigned letters and numbers or the name of the

state of origin of a license plate with any material whatever, including any clear or colorless material that affects the plate's visibility or reflectivity.

Subd. 8. **Plate registration stickers.** License plates issued to vehicles registered must display the month of expiration in the lower left corner as viewed facing the plate and the year of expiration in the lower right corner as viewed facing the plate.