

ORDINANCE 418
AN ORDINANCE ENFORCING AND REGULATING THE USE OFF-ROAD VEHICLES
WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF BOX ELDER

BE IT ORDAINED BY THE CITY OF BOX ELDER, PENNINGTON COUNTY, SOUTH DAKOTA:


"Off-road vehicle" any self-propelled, two or more wheeled vehicle 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 (MSO) or manufacturer's certificate of origin (MCO) states that the vehicle is not for highway use. Off-road vehicle does not include a farm vehicle. **The following A-E shall constitute a public nuisance. (Ordinance #308).**

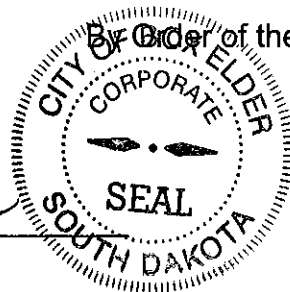
- A. No person shall operate an unlicensed off-road vehicle within or on any city street, except under road and weather conditions as declared by an authorized official to constitute emergency travel conditions authorizing use of an off-road vehicle or when such vehicle is necessary as an emergency vehicle to protect the health, safety and welfare of any individual.
- B. No person shall operate an off-road vehicle on private property of another without the permission to do so by the owner or occupant of the property.
- C. No person shall operate an off-road vehicle on public school grounds, park property, playgrounds, recreational areas and properties owned by the city.
- D. No person shall operate an off-road vehicle in any manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the use and enjoyment of a person's property.
- E. No person shall operate an off-road vehicle in a careless, reckless or negligent manner so as to endanger the safety of any person or the property or any other person.

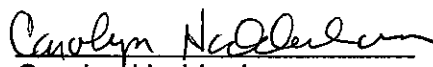
Exception: Any person may operate an off-road vehicle when the vehicle is being used for agricultural uses or farming within the municipal boundaries of the City of Box Elder. **Any person found in violation of this ordinance will be classified as a Class II Misdemeanor.**

SDCL 32-20-12

Seal:
Attest:


Jim Schweigerdt
Finance Officer




Carolyn Haddenham
Mayor

First Reading: September 21, 2004
Second Reading: October 19, 2004
Published: *October 28, 2004*