

# CHAPTER 9: VEHICLES AND TRAFFIC

## TRAFFIC REGULATION

**Section 9-201.** Definitions. As used in this chapter, the following terms shall have the meanings ascribed to them:

- (1) Business district shall mean the territory contiguous to a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.
- (2) Highway shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public as a matter of right for purposes of vehicular travel.
- (3) Intersection shall mean the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two (2) or more highways which join one another at an angle whether or not one such highway crosses the other; however, such an area, in the case of the point where an alley and a street meet, shall not be deemed an intersection.
- (4) Motor vehicle shall mean any vehicle as defined in this section which is self-propelled.
- (5) Motorcycle shall mean any motor vehicle designed to travel on not more than three (3) wheels in contact with the ground, except tractors.
- (6) Private driveway shall mean a driveway not open to the use of the public for purposes of vehicular travel.
- (7) Residence district shall mean the territory contiguous to a highway not comprising a business district when the frontage on the highway for a distance of three hundred (300) feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.
- (8) Right-of-way shall mean the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (9) Safety zone shall mean the area of space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.
- (10) Semitrailer shall mean any vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.
- (11) Trailer shall mean any vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.
- (12) Vehicle shall mean any device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks; however, the provisions of this chapter concerning operation

of vehicles and rules of the road shall apply to a bicycle or a ridden animal and they shall be deemed vehicles for the purpose of this chapter.

**Section 9-202.** Obedience to police officers. No person shall refuse or fail to comply with any lawful order, signal, or direction of a police officer pursuant to this chapter.

**Section 9-203.** Toy vehicles on highways. It shall be unlawful for any person on roller skates or riding in or by means of any coasters, toy vehicles, or similar device, to go upon any highway except while crossing a highway on a crosswalk.

**Section 9-204.** Prohibited manner of riding motorcycles. It shall be unlawful for the driver of any motorcycle on a highway to carry any other person upon the handlebars, frame or tank of the motorcycle or for any person so to ride upon any such vehicle.

**Section 9-205.** Clinging to moving vehicles. It shall be unlawful for any person traveling upon any motorcycle, coaster, sled, roller skates or any toy vehicle to cling to or attach himself or his vehicle to any other moving vehicle upon any roadway.

**Section 9-206.** Riding on outside of motor vehicle. No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers. This section shall not apply to persons riding within truck bodies in the space intended for merchandise.

**Section 9-207.** Penalty for violation of this chapter. Except as may be otherwise specifically provided for in this chapter any person violating any of the provisions of this chapter shall be punished by imprisonment in the municipal jail for a period of not more than thirty (30) days, or by a fine of not less than One Dollar (\$1) nor more than One Hundred Dollars (\$100) or by both fine and imprisonment.

**Section 9-208.** Warning tickets: Issuance; correction of defects.

(1) Notwithstanding any other provision of this division, any member of the police department is authorized to issue a warning ticket to the driver of any motor vehicle who is in violation of any of the terms and provisions of this chapter or other traffic ordinances of the town.

(2) Any warning ticket authorized by subsection (1), if issued, shall clearly designate the provision of this chapter or other town traffic ordinances which is alleged to have been violated, and the ticket shall provide for notification to the police department when the violation is alleged to have been corrected, which correction shall be made not later than ten (10) days after the date of issuance of the warning ticket, unless such time is extended at the discretion of the issuing police officer.

(3) The driver of any motor vehicle who shall fail or refuse to comply with the provisions or requirements set forth in a warning ticket issued pursuant to this section by a member of the police department, shall be punished as prescribed herein.

**Section 9-209.** Board of Trustees to designate character and type of signs. The Board, of Trustees shall by resolution determine and designate the character or type of all official traffic signs and signals; however, all official traffic signs and signals now erected and now in operation are hereby designated official traffic signs and signals and provided further, such signs and signals shall be uniform, so far as practicable, with the state highway signs and signals, and shall be uniform, so far as practicable, through the town.

**Section 9-210.** Obedience to traffic-control devices. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter,

unless otherwise directed by a traffic or police officer, and subject to the exceptions granted the driver of an authorized emergency vehicle.

**Section 9-211.** Unauthorized signs and signals. It shall be unlawful for any person to place, maintain or display upon or in view of any highway any unofficial sign, signal or device which purports to be, or is, an imitation, or resembles an official traffic sign or signal or which attempts to direct the movement of traffic. Each such prohibited sign, signal or device is hereby declared to be a public nuisance and the town marshal is hereby empowered to remove the sign or cause it to be removed without notice.

**Section 9-212.** Damaging or interfering with official traffic-control devices. It shall be unlawful for any person to willfully deface, injure, move, obstruct or interfere with any official traffic sign or signal.

**Section 9-213.** Driver's license or permit required; display.

(1) It shall be unlawful for any person who is a resident of the state to drive or operate upon the public streets, alleys or highways within the town any motor vehicle, without having secured and having in his actual physical possession a driver's license or permit therefore, as required by state law.

(2) The driver's license or permit required by subsection (1) shall forthwith be exhibited by the driver or operator at the request of the town marshal so as to allow the town marshal to examine the driver's license or permit and its contents.

**Section 9-214.** Driving while under influence of liquor or drug.

(1) It shall be unlawful for any person to operate or be in actual physical control of any motor vehicle while under the influence of alcoholic liquor or of any drug. Any person who shall operate or be in actual physical control of any motor vehicle while under the influence of alcoholic liquor or of any drug shall be deemed guilty of a public offense.

(2) In any prosecution for a violation of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged, as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance, shall give rise to the following presumptions:

(a) If there was, at that time, five hundredths percent (.05%) or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.

(b) If there was at that percent (.05%), but (.10%) by weight of such fact shall not the defendant was or intoxicating liquor, with other competent or innocence of the time, in excess of five hundredths less than ten hundredths percent alcohol in the defendant's blood, give rise to any presumption that was not under the influence of but such fact may be considered evidence in determining the guilt defendant.

(c) If there was, at that time, ten hundredths percent (.10%) or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

(3) The provisions of subsection (2) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

(4) Persons convicted of violations of this section shall be punished as follows:

(a) If conviction for a violation of Section 9-214 is for a first offense, such person shall be imprisoned in the municipal jail for not less than ten (10) days nor more than ninety (90) days, or shall be fined not less than Fifty Dollars (\$50) nor more than Three Hundred Dollars (\$300), or both, and the defendant be prohibited from operating a motor vehicle on the public highways of this town under such restrictions and in such a manner as the Court may determine for a period not exceeding one year.

(b) If conviction for a violation of Section 9-214 is for a second offense, such persons shall be imprisoned in the municipal jail for not less than thirty (30) days nor more than six (6) months, or shall be fined not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500), or both, and the Court shall, in pronouncing sentence, make its order that the defendant be prohibited from operating a motor vehicle on the public highways of this town under such restrictions and in such a manner as the Court may determine for a period not exceeding one year, and if the motor vehicle which such person was operating while under the influence of alcoholic liquor or any drug is registered in the name of such person, the motor vehicle shall be impounded in a reputable garage by the Court for a period of not less than two (2) months nor greater than one year at the expense and risk of the owner thereof; provided, any motor vehicle so impounded shall be released to the holder of a bona fide lien thereon, executed prior to such impounding, when possession of such motor vehicle is requested in writing by such lienholder for the purpose of foreclosing or satisfying his lien thereon.

(c) If conviction for violation of Section 9-214 for a third offense, or subsequent offense thereafter, such persons shall be imprisoned in the penitentiary for not more than three (3) years, or in the municipal jail for not less than ninety (90) days nor more than one year or shall be fined not less than Two Hundred Dollars (\$200) nor more than Five Hundred Dollars (\$500), or both, and the defendant prohibited from driving a motor vehicle for such period of time as may be determined by the Court, but in no event less than one year from the day of his final discharge.

**Section 9-215.** Reckless driving. Any person who drives a vehicle within the town carelessly or heedlessly, or in disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving.

**Section 9-216.** Careless driving. Any person who drives a vehicle within the town carelessly in disregard to the width, grade, curves, corners, conditions, or customary usage of the streets or highways, or whose temporary inadvertence to the operation of the vehicle causes or is likely to cause damage to any person or property, shall be guilty of careless driving.

**Section 9-217.** Exhibition driving. Any person who drives a vehicle within the town in such a manner that creates or causes unnecessary engine noise; or any tire squeal, skid or slide upon acceleration or stopping; or that simulates a temporary race; or that causes the vehicle to unnecessarily turn abruptly or sway, shall be guilty of exhibition driving.

**Section 9-218.** Vehicles to be driven on the right side of the road;-slow moving vehicles. Upon all highways, except one-way highways, the driver of a vehicle shall drive it upon the right half of the highway and shall drive a slow-moving vehicle as closely as possible to the right-hand edge or curb of the highway, except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing as set forth in this division. Section 9-219. Crossing sidewalks.

(1) The driver of a motor vehicle shall not drive the vehicle upon any sidewalk except at a permanent or temporary driveway.

(2) In crossing a sidewalk to or from any alley, lot or building, no vehicle shall be driven at a speed greater than four (4) miles an hour.

(3) Any person driving any vehicle to or from an alley, lot or building across any sidewalk shall give ample notice and warning of his approach and in the business district shall come to a full stop before crossing the sidewalk.

**Section 9-220.** Oncoming vehicles to be passed to the right. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half (1/2) of the main traveled portion of the roadway as nearly as possible.

**Section 9-221.** Speed limit. It shall be unlawful for any person to operate any vehicle upon the public streets, alleys, or public grounds of the Town of Tabor at a greater rate of speed than twenty (20) miles per hour.

**Section 9-222.** Overtaking other vehicles generally. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof and shall not cut in front of the overtaken vehicle until safely clear of /the overtaken vehicle, nor shall the driver of a vehicle deviate from his direct line of travel without ascertaining that the movement can be made with safety to other vehicles approaching from the rear, and about to overtake and pass the overtaking vehicle.

**Section 9-223.** Vehicle not to be overtaken unless left lane is clear. The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

**Section 9-224.** Following too closely. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and condition of the highway.

**Section 9-225.** Backing into intersections. It shall be unlawful for the driver of any vehicle to back such vehicle around a corner at an intersection or into an intersection of public highways.

**Section 9-226.** Obstructions to driver's vision or operation of vehicle. It shall be unlawful for the driver of any vehicle to drive the vehicle when it is so loaded or when there are in the front seat of the vehicle such number of persons as to obstruct the view of the driver to the front or sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

**Section 9-227.** Duties of drivers during fires.

(1) It shall be unlawful for any driver of a vehicle, after a fire alarm has been sounded and prior to the time when the fire, on account of which the alarm was sounded, is extinguished, to fail to obey the following requirements:



(a) Immediately upon the approach of any fire apparatus to a fire, all other vehicles shall draw as near as possible to the right-hand curb or edge of the roadway and remain standing until the fire apparatus shall have passed.

(b) All drivers of vehicles shall grant the right-of-way to fire apparatus going to a fire.

(c) It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or to drive into or park his vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(d) No driver of a vehicle other than fire apparatus shall park or stop within fifty (50) feet of any fire hydrant.

(e) No person shall obstruct any fire apparatus going to a fire or hinder or obstruct any member of the fire department who is at the time in the discharge of his duty as a fireman.

(f) No driver of a vehicle, except fire apparatus, shall drive at a dangerous rate of speed or in any event at a rate of speed in excess of fifteen (15) miles per hour.

(g) No person shall drive upon or over or in any manner interfere with a fire hose.

(h) No person shall approach within a distance of less than fifty (50) feet of a fire unless he is a member of the fire department or is called upon by members of the fire department for assistance.

(2) As used in this section, "fire apparatus" shall include fire trucks, hose carts, ladder wagons and vehicles carrying members of the fire department.

**Section 9-228.** Right-of-way in intersections; unlawful speed as forfeiting right-of-way. When two (2) vehicles approach or enter an intersection 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, except as otherwise provided in this division. The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which he might otherwise have under this section.

**Section 9-229.** Where all vehicles must stop. All vehicles entering Lidice Street from a side street or alley shall stop before entering such street. Whenever a stop sign has been erected, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto.

**Section 9-230.** Entry into highway from alley, building, private road or driveway. The driver of a vehicle about to enter or cross a public highway from any alley, building, private road or driveway shall yield the right-of-way to all vehicles approaching on the public highway.

**Section 9-231.** Yielding right-of-way to emergency vehicles.

(1) The driver of a vehicle upon a highway shall yield the right-of-way to police or fire department vehicles when they are operated upon official business, and ambulances, and the drivers thereof sound audible signal by bell, siren or exhaust whistle. The provisions of this section shall not operate to relieve the driver of a police or fire department vehicle or ambulance from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right-of-way.

(2) On the approach of an authorized emergency vehicle or vehicles giving audible signals by bell, siren or exhaust whistle, the operator of every other vehicle shall immediately drive the vehicle to a

position as near as possible and parallel to the right-hand curb or edge of the roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by a traffic or police officer.

**Section 9-232.** Manner of making right turns. Except as otherwise directed by traffic signs and signals, or police officers, the driver of a vehicle intending to turn to the right at an intersection shall approach the intersection in the lane for traffic nearest to the right-hand side of the highway, and in turning shall keep as closely as practicable to the right-hand curb or edge of the highway.

**Section 9-233.** Manner of making left turns. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon 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.

**Section 9-234.** U-turns. At any intersection where traffic is controlled by traffic-control signals or by a police officer, or where warned by the words "No U-Turn", it shall be unlawful for the operator of a vehicle to turn the vehicle at the intersection in a complete circle or so as to proceed in the opposite direction. The driver of a vehicle shall not turn a vehicle so as to proceed in the opposite direction except at an intersection.

**Section 9-235.** Starting, stopping or turning signals. The method of making hand and arm signals for slowing down, stopping or turning shall be as follows:

- (1) Left arm straight out for a turn to the left.
- (2) Left arm pointed upward for a turn to the right.
- (3) Left arm pointed down for stopping or suddenly checking speed.

**Section 9-236.** Duty to stop and give information and aid. The driver of any vehicle involved in any accident resulting in injury or death to any person or damage to property shall immediately stop and give his name and address, and the name and address of the owner and the license number of the vehicle he is driving to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

**Section 9-237.** Notice to the town marshal. The driver of any vehicle which is in any manner involved in an accident within the town resulting in bodily injury to or death of any person, or total property damage to all property involved in the apparent extent of One Hundred Dollars (\$100) or more, shall immediately make a report of the accident by the quickest means of communication to the town marshal.

**Section 9-238.** Accident reports to be forwarded to highway patrol. The town marshal shall forward a copy of each accident report filed with it to the superintendent of the division of the highway patrol having jurisdiction in the town. If the superintendent of the division of the highway patrol having jurisdiction in the town so requires, the town marshal shall file supplemental reports upon forms furnished by the superintendent of the division of the highway patrol having jurisdiction in the town.

**Section 9-239.** Right-of-way at intersections and in crosswalks; exception. The operator of any vehicle shall yield the right-of-way to a pedestrian crossing a highway within any marked crosswalk or within any

unmarked crosswalk at the end of a block, or an entrance an alley, except at intersections where the movement of traffic is\ regulated by police officers or traffic control signals.

**Section 9-240.** Unlawful to pass vehicles stopped for pedestrians. Whenever any vehicle has stopped at a crosswalk or intersection to permit a pedestrian to cross a highway or an entrance to an alley, it shall be unlawful for the operator of any other vehicle approaching from the rear to overtake and pass the stopped vehicle.

**Section 9-241.** Crossing at other than pedestrian crossing areas. A pedestrian crossing a highway at any point other than a marked crosswalk, a controlled intersection or an unmarked crosswalk at the end of a block shall yield the right-of-way to vehicles upon the highway; however, this section shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of pedestrians.

**Section 9-242.** Unattended vehicles. No person having control or charge of a motor vehicle shall allow it to stand on any highway unattended without first setting the brakes thereon and stopping the motor of the vehicle.

**Section 9-243.** Establishment of no parking zones and limited parking zones. The Board of Trustees from time to time may establish by resolution and cause to be designated and marked' streets, and parts thereof, where vehicles may not be parked or may be parked for limited periods only.

**Section 9-244.** Parking, stopping or standing not to obstruct streets. It shall be unlawful for any driver to stop, stand or park any vehicle in such a manner as to leave available less than twenty (20) feet in width of the traveled roadway for the free movement of vehicular traffic, except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police officer, or necessary obedience to traffic signals or signs.

**Section 9-245.** Double parking. No vehicle shall be double parked on any street. "Double parking", for the purpose of this section, shall be defined as the standing of a vehicle upon a street at the rear of another vehicle which is parked diagonally at the curb, or the standing of a vehicle upon the street alongside and parallel to another vehicle which is parked parallel at the curb.

**Section 9-246.** Parking in violation of signs or markings. The driver of a vehicle shall not stop, stand or park the vehicle in excess of any time limit or in violation of any traffic signal or sign, or restriction painted on the pavement.

**Section 9-247.** Maximum parking period. No person shall permit any vehicle to stand continuously for more than twelve (12) hours upon any street, alley or other public place in the town.

**Section 9-248.** Moving certain unlawfully parked vehicles. A vehicle parked in violation of section 9-243 or a vehicle permitted to stand in violation of section 9-247 may be moved either by the town marshal or street department to such other place as the department determine. The owner or other person claiming the vehicle shall pay the towing and storage charges before being given possession of said vehicle; however, the payment of such costs shall not be a bar to the prosecution of such owner or other person responsible for the violation.

**Section 9-249.** Parking restrictions on trucks and buses. No person shall park any bus, van, transport, freight, stock, gas or oil transport truck or other like vehicle in the business section of Lidice Street or other public place in the town, except:

- (1) At such places as have been marked and designated by the town marshal for truck parking.



(2) It shall be the duty of the town marshal to notify any person violating the provisions of this section to remove such vehicle.

**Section 9-250.** Penalty. Except as otherwise provided in section 9-214, any person or persons violating any provisions of this chapter shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine not exceeding, \$50 or by imprisonment for a period not exceeding 30 days or both. Each violation of the provisions of this chapter shall constitute a separate offense.

## TRUCK ROUTES

### Section 9-301 Truck Routes.

(a) There is hereby established within and for the Town of Tabor truck routes, in addition to those designated as State and Federal highway truck routes, which shall be subject to the regulations set forth in this section upon the following described streets and highways

1. 306<sup>th</sup> Street/Ziskov Street from the west boundary of the city to the east boundary of the city.
2. Hakl Street from 306<sup>th</sup> Street on the north boundary of the city to SD Highway 50 on the south boundary of the city.
3. Lidice Street between 306<sup>th</sup> Street/Ziskov Street and SD Highway 50.

Truck routes shall be identified by signs or markings erected and maintained by the city.

Load limits may be imposed to coincide with the State of South Dakota limits or as conditions deemed necessary.

(b) Any person driving a truck, bus or commercial motor carrier having a gross weight of eight (8) tons or more shall drive such vehicle within the City on such route or routes and none other, except when it is impracticable to do so or where necessary to traverse another street or streets to a destination for the purpose of receiving or making deliveries to that residential area, and then only by such deviation from the nearest truck route as is reasonably necessary.

(c) The term "Bus" and "commercial motor carrier" are persons, corporations, lessees, trustees or receivers operating any motor vehicle, trailer or semitrailer on any public street or highway in this City for the transportation of persons or property, for hire.

(d) "Truck" means and includes truck, trailer and semitrailer, or any combination thereof, in excess of eight (8) tons.

(e) No truck weighing eight (8) tons or more may be operated off the truck route(s) except for the following limited temporary purposes:

1. Where it becomes necessary to traverse another street or streets for the purpose of loading or unloading commodities or personal property at a destination within the City or adjacent to the City limits (but see subsection (f) below for the regulation of garbage or recycling collector trucks);

2. When instructed to do so by any lawful order of any law enforcement officer;
3. The use and travel of any authorized emergency vehicle of the police department, fire department, ambulance or other public authority when engaged in the performance of such emergency service or any vehicle owned by or performing work for schools, hospitals, medical clinics, The United States of America, the state, its political subdivisions, or the City;
4. Any contractor or material men, while engaged in the repair, maintenance or construction of City streets or City improvements, provided that these vehicles shall only use the City streets within the immediate work area and shall only use the shortest route from the truck route to the work area; and
5. When the operator of any such truck shall have requested upon good cause and shall have obtained special temporary authority from the Town's designated law enforcement officer to deviate from the truck route(s)

Every truck shall follow the truck route(s) as close as practical to its destination. Any deviation from the truck route(s) per subsection ( e ) (1) and (4) above shall be only as reasonably necessary. Any deviation per subsections ( e )(2) and (5) above shall conform to the route directed by the officer involved.

- (f) Garbage or recycling collector trucks with tandem rear axles or a single dually with pusher used to pick up items from customers located on a regular established route shall not exceed 20 tons total gross weight. Garbage or recycling collector trucks with less than tandem rear axles shall not exceed 10 tons total gross weight. Garbage or recycling collector trucks used to empty large metal dumpsters or roll off containers are exempt from the City weight restrictions provided that said truck may only deviate from the truck route(s) as is reasonably necessary.
- (g) Any law enforcement officer has the authority to require any person driving or in control of any truck to proceed to any public or private scale for the purpose of weighing and determining whether such truck is in violation of this ordinance or any other code provision. Such authorities may issue a citation to any motor vehicle that exceeds the limits imposed by this ordinance. Such authorities may detain such vehicles until the weight of such vehicles meets the limits imposed by this ordinance.
- (h) Any person violating any provision of this Section 9-301, shall be deemed guilty of a Class 2 misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars.