

ORDINANCE NO. 2025-003

AN ORDINANCE MODIFYING CHAPTER 5 OF THE ORDINANCES FOR UNION COUNTY, SOUTH DAKOTA TO REGULATE THE USE OF MOTORIZED SCOOTERS AND/OR OTHER PERSONAL TRANSPORT VEHICLES IN THE GEOGRAPHIC BOUNDARIES OF THE DAKOTA DUNES COMMUNITY IMPROVEMENT DISTRICT.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, UNION COUNTY, SOUTH DAKOTA:

**ARTICLE IV. MOTORIZED SCOOTER USE**

**Purpose**

The purpose of this Article is to regulate the operation of all motorized scooters, and other personal transport vehicles and restrict their use on streets but permit use on sidewalks within the geographic boundaries of the Dakota Dunes Community Improvement District (hereinafter "District").

**Definitions of Terms**

- A. "Operator" shall mean any person who operates or is in physical control of a motorized scooter, and/or other personal transport vehicle.
- B. "Owner" shall mean any person having ownership of a motorized scooter and/or other personal transport vehicle or who is entitled to the use or possession thereof.
- C. "Motorized scooter, and/or other personal transport vehicle" shall mean a wheeled conveyance, with handlebars, designed to be stood or sat upon by the operator, and powered by an electric motor that is capable of propelling the device with or without human propulsion, and that has no more than two twelve inch or smaller diameter wheels and has a motor that is capable of a maximum speed of fifteen (15) miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. An electric bicycle is not a motorized foot scooter.

**Places of Operation**

Operators of motorized scooters and/or other personal transport vehicles shall comply with the following restrictions as to where motorized scooters and/or other personal transport vehicles may be operated within the District:

A. **Streets.** No Operator shall operate motorized scooters and/or other personal transport vehicles upon streets of the District, unless said Operator is making a direct crossing of the street. Operators of motorized scooters and/or other personal transport vehicles may make a direct crossing of a street provided that:

- 1.) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street and at a place where no obstruction prevents a quick and

safe crossing;

- 2.) The motorized scooter, and/or other personal transport vehicle is brought to a complete stop before crossing the street;
- 3.) The Operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
- 4.) In crossing a divided street, the crossing is made only at the intersection of such street with another street.

B. **Sidewalks.** Operators may operate motorized scooters and/or other personal transport vehicles on sidewalks and bike paths owned by the District.

### **Pedestrian's Right-of-Way**

The Operator of any vehicle, motorized scooter and/or other personal transport vehicles shall yield the right-of-way to a pedestrian (1) on a sidewalk, (2) crossing the roadway within any marked crosswalk, or (3) within any unmarked crosswalk at the end of a block. Whenever any vehicle, motorized scooter and/or other personal transport vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross a roadway, it shall be unlawful for the Operator of any other vehicle, motorized scooter, and/or other personal transport vehicle approaching from the rear or to overtake and pass such stopped vehicle.

### **Speed**

Operators shall not operate motorized scooters, and/or other personal transport vehicles at a speed greater than is reasonable and prudent under the then-existing circumstances.

### **Penalty for Violation**


Any violation of this Ordinance shall be deemed a Class 2 Misdemeanor as provided for in SDCL 22-6-2, and any person convicted of violating any section of this Ordinance shall be punished by a fine not to exceed the then-existing maximum dollar amount under SDCL 22-6-2.

Adopted this 27 day of May, 2025, by the Board of Supervisors of Union County, South Dakota.

[Signature], Chairman

ATTEST:

[Signature], Auditor

A circular seal for Union County, South Dakota. The outer ring contains the text "UNION COUNTY" at the top and "SOUTH DAKOTA" at the bottom. In the center, the word "SEAL" is written in a bold, sans-serif font.

Date of First Reading: 5/13/2025

Date of Second Reading: 5/27/2025

Date of Publication: 6/4/25

The above Ordinance shall be in full force and effect 20 days after publication pursuant to South Dakota law.

Effective Date: 6/24/25