

## **CHAPTER 12-3 PROCEDURES UPON ARREST**

### **12-3-1**

#### **MANNER OF ARREST**

A person charged with a violation of a traffic ordinance of the City by a police officer need not be arrested in the regular manner, but may first be given an opportunity, after notice, to appear voluntarily to answer for such traffic violation, provided the charges of the police officer do not exceed the jurisdiction of the Police Magistrate Court.

**Legislative History:**  
Ordinance No. 5, Article III,  
§38, 3/11/74.

**Authority:**  
SDCL §§ 23A-3-2, 9-29-19,  
9-29-19.1; See Also  
Ch. 32-33.

### **12-3-2**

#### **NOTICE TO APPEAR**

A person charged with violation of this chapter or a traffic ordinance by notice shall be given a notice to appear before the Magistrate at the time stated in such notice, and that in event of failure to do so, a warrant will be issued for his arrest.

The notice shall state the name, description and address of the offender, if known, the nature and date of the offense and a description of the vehicle involved in the violation by trade name and license number. The notice shall be signed by the police officer executing it.

The notice shall be made in triplicate, one (1) copy to be given to the owner or driver charged with the offense or to be left in or upon the automobile or vehicle involved in the violation, one (1) copy to be filed with the police department and one (1) copy to be filed with the Magistrate.

If the person charged with the offense is available he shall be given an opportunity to sign an agreement to appear to answer the charge at the time and place specified in the notice, which form of agreement shall be a part of said notice, and if he shall refuse to sign such agreement, then he shall be placed under arrest for the offense in the same manner otherwise provided by state law.

**Legislative History:**  
Ordinance No. 5, Article III,  
§39, 3/11/74.

**Authority:**  
SDCL §§ 29-19.1; See  
Also Ch. 32-33.

### **12-3-3**

#### **ARREST ON FAILURE TO APPEAR**

Upon the failure of a person to appear in response to a notice of traffic violation, he shall be subject to arrest in the manner otherwise provided by law and the procedures of the Second Judicial Circuit Court, Sioux Falls, South Dakota.

**Legislative History:**  
Ordinance No. 5, Article III,  
§41, 3/11/74.

**Authority:**  
SDCL Ch. 32-33 and  
§§ 23A-3-2, 9-29-19.

