

TITLE 5
MOTOR VEHICLES AND TRAFFIC

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CHAPTER 1
TRAFFIC CODE¹

SECTION:

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5-1-1: **TITLE:** The provisions of this title and other traffic ordinances of the town shall be designated as the *TRAFFIC CODE OF THE TOWN OF DARBY*, and may be cited as such. (1975 Code § 10.04.010)

5-1-2: **APPLICATION:** The sections of the traffic code are intended to be uniform with the Montana uniform act regulating traffic on highways. No provision of this title which is construed by a court of law to be in conflict or at variance with that act shall be enforceable, unless specific authority is given by the act for such conflict or variance. (1975 Code § 10.04.010)

5-1-3: **DEFINITIONS:** The following words and phrases when used in this title shall have the meanings respectively ascribed to them in this section:

1. State traffic laws uniform throughout state, see MCA § 61-8-103. Power of local authorities to make regulations respecting vehicles and traffic, see MCA §§ 7-14-4102, 7-14-4103, 61-12-101.

MISCELLANEOUS:

- Business District:** The territory contiguous to and including a highway when within any six hundred feet (600') along a highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, office buildings, railroad stations, and public buildings that occupy at least three hundred feet (300') of frontage on one side or three hundred feet (300') collectively on both sides of the highway.
- Camper:**
- A. A structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle for the purpose of providing shelter for persons. The term includes, but is not limited to, a cabover, half cabover, noncabover, telescopic, and telescopic cabover.
- B. The term does not include a truck canopy cover or topper.
- Double Parking:** The standing of a vehicle upon a street alongside and parallel of another vehicle which is parked at the edge or curb of a street.
- Driver:** A person who drives or is in actual physical control of a vehicle.
- Owner:** A person who holds the legal title to a vehicle. If a vehicle is the subject of an agreement for the conditional sale of the vehicle 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 in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the person in whom is vested the right of possession or control.
- Park:** When prohibited, means the standing of a vehicle, whether occupied or not, otherwise than

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| | temporarily for the purpose of and while actually engaged in loading or unloading. |
| Pedestrian: | Any person on foot or any person in a manually or mechanically propelled wheelchair or other low powered, mechanically propelled vehicle designed specifically for use by a physically disabled person. |
| Person: | See section 1-3-2 of this code. |
| Police Officer: | An officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. |
| Residence District: | The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of three hundred feet (300') or more is primarily improved with residences or residences and buildings in use for business. |
| Right Of Way: | The privilege of the immediate use of the roadway. |
| Stop, Stopping, Or Standing: | <p>A. Stop: When required, means complete cessation from movement.</p> <p>B. Stop, Stopping, Or Standing: When prohibited means any stopping or standing 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, highway patrol officer, or traffic control sign or signal.</p> |
| Traffic: | Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highways for purposes of travel. |

**STREETS AND
ROADWAY AREAS:****Controlled
Access Highway:**

A highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the highway, street, or roadway except at the points and in the manner as determined by the public authority having jurisdiction over the highway, street, or roadway.

Crosswalk:

A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

B. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians crossing by lines or other markings on the surface.

Intersection:

A. The area embraced within the prolongation or connection of the lateral curb lines or if there are no curb lines then the lateral boundary lines of the roadways of two (2) highways that 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. When a highway includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of the divided highway by an intersecting highway must be regarded as a separate intersection. If the intersecting highways also include two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) roadways of the highways must be regarded as a separate intersection.

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| Laned Roadway: | A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic. |
| Private Road Or Driveway: | A 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. |
| Roadway: | That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event that a highway includes two (2) or more separate roadways, the term refers to any roadway separately but not to all roadways collectively. |
| Safety Zone: | The area or space that is officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. |
| Sidewalk: | That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines and that is intended for use of pedestrians. |
| Street Or Highway: | The entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular traffic. |
| Through Street: | Every street or portion thereof at the entrances to which vehicular traffic from intersecting streets is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this title. |
| Urban District: | The territory contiguous to and including any street that is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet (100') for a distance of one-fourth ($\frac{1}{4}$) mile or more. |

**TRAFFIC CONTROL
DEVICES:**

**Official Traffic
Control Devices:**

All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of the town council for the purpose of regulating, warning, or guiding traffic.

**Railroad Sign Or
Signal:**

Any sign, signal, or device erected by authority of the town or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Traffic Control Signal:

A device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

VEHICLES:

**Authorized
Emergency Vehicles:**

Vehicles of the fire department, fire patrol, and such ambulances and emergency vehicles as are designated or authorized by the department of justice acting directly or through its duly authorized officers or agents.

Bicycle:

A. A vehicle propelled solely by human power upon which any person may ride and that has two (2) tandem wheels and a seat height of more than twenty five inches (25") from the ground when the seat is raised to its highest position, except scooters and similar devices; or

B. A vehicle equipped with two (2) or three (3) wheels, foot pedals to permit muscular propulsion, and an independent power source providing a maximum of two (2) brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement may not exceed 3.05 cubic inches (50 centimeters) regardless of the number of chambers in the power source. The power source may not be capable of propelling the device, unassisted, at a speed exceeding thirty (30) miles an hour (48.28 kilometers an hour) on a level surface. The device must be equipped with a power

drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the drive system is engaged.

Bus: A motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Electric Personal Assistive Mobility Device: A device that has two (2) nontandem wheels, is self-balancing, and is designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to twelve and one-half (12¹/₂) miles an hour.

Emergency Service Vehicles: Emergency service vehicles of state, county, or municipal departments or public service vehicles, which, by the nature of their operation, cause a vehicular traffic hazard; or authorized tow cars.

Motor Driven Cycle: A. A motorcycle, including a motor scooter, with a motor that produces five (5) horsepower or less.

B. The term does not include a "bicycle" as defined in Montana Code Annotated section 61-8-102, or a motorized nonstandard vehicle.

Motor Home: A motor vehicle:

A. Designed to provide temporary living quarters, built as an integral part of or permanently attached to a self-propelled motor vehicle chassis or van;

B. Containing permanently installed independent life support systems that meet the ANSIA/A119.2 standard; and

C. Providing at least four (4) of the following types of facilities:

1. Cooking, refrigeration, or icebox;
2. Self-contained toilet;
3. Heating or air conditioning, or both;
4. Potable water supply, including a faucet and sink; or
5. Separate one hundred ten (110) volt or one hundred twenty five (125) volt electrical power supply or a liquefied petroleum gas supply; or both.

Motor Vehicle:

A. A vehicle propelled by its own power and designed or used to transport persons or property upon the highways of the state.

B. The term does not include a "bicycle" as defined in Montana Code Annotated section 61-8-102 or a motorized wheelchair or other low powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person.

Motorcycle:

A. A motor vehicle having not more than three (3) wheels in contact with the ground and a saddle on which the operator sits or a platform on which the operator stands and a driving wheel in contact with the ground in addition to the wheels of the vehicle itself. A motorcycle may carry one or more attachments and a seat for the conveyance of a passenger.

B. The term does not include a tractor, a "bicycle" as defined in Montana Code Annotated section 61-8-102, a motorized nonstandard vehicle, or a two (2) or three (3) wheeled all terrain vehicle that is used exclusively on private property.

Off Highway Vehicle:

A. A self-propelled vehicle used for recreation or cross country travel on public lands, trails, easements, lakes, rivers, or streams. The term

includes, but is not limited to, motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

B. The term does not include:

1. Vehicles designed primarily for travel on, over, or in the water;

2. Snowmobiles; or

3. Vehicles otherwise issued a certificate of title and registered under the laws of the state, unless the vehicle is used for off road recreation on public lands.

Pole Trailer:

A vehicle without power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable generally of sustaining themselves as beams between the supporting connections.

Police Vehicle:

Any vehicle used in the service of any law enforcement agency.

Quadricycle:

A. A four (4) wheeled motor vehicle, designed for on road or off road use, having a seat or saddle upon which the operator sits and a motor capable of producing not more than fifty (50) horsepower.

B. The term does not include golf carts.

Recreational Vehicle:

Includes self-propelled vehicles originally designed or permanently altered to provide temporary facilities for recreational, travel, or camping use.

- School Bus:** Any motor vehicle that:
- A. Complies with the bus standards established by the board of public education as verified by the department of justice semiannual inspection of school buses and the superintendent of public instruction; and
 - B. Is owned by a district or other public agency and operated for the transportation of pupils to or from school or owned by a carrier under contract with a district or public agency to provide transportation of pupils to or from school.
- Semitrailer:** A vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.
- Snowmobile:** A self-propelled vehicle of an overall width of forty eight inches (48") or less, excluding accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that is not otherwise registered or licensed under the laws of the state of Montana.
- Special Mobile Equipment:** A vehicle not designed for the transportation of persons or property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch digging apparatus, and well boring apparatus. The fact that equipment is permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.
- Sport Utility Vehicle:** A. A light vehicle designed to transport ten (10) or fewer persons that is constructed on a truck

chassis or that has special features for occasional off road use.

B. The term does not include trucks having a manufacturer's rated capacity of one ton or less.

Trailer:

A. A vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

B. The term does not include a "mobile home" or a "manufactured home", as defined in Montana Code Annotated section 15-1-101.

Travel Trailer:

A vehicle:

A. That is forty feet (40') or less in length;

B. That is of a size or weight that does not require special permits when towed by a motor vehicle.

C. With gross trailer area of less than three hundred twenty (320) square feet; and

D. That is designed to provide temporary facilities for recreational, travel, or camping use and not used as a principal residence.

Truck Or Motor Truck:

A motor vehicle designed, used, or maintained primarily for the transportation of property.

Truck Tractor:

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.

Van:

A motor vehicle designed for the transportation of at least six (6) persons and not more than nine (9) persons and intended for, but not limited to, family or personal transportation without compensation.

Vehicle: A. A device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails or tracks.

B. The term does not include a manually or mechanically propelled wheelchair or other low powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person. (1975 Code § 10.04.020; amd. 2006 Code)

5-1-4: **OBEDIENCE TO TRAFFIC LAWS¹:** It is unlawful for any person to do any act forbidden or fail to perform any act required in this traffic code. (1975 Code § 10.04.030)

5-1-5: **CONTROL OF TRAFFIC BY POLICE OFFICERS:** The chief of police and any policemen are hereby authorized and empowered to direct, control, restrict, and regulate, in the interest of public safety, health, and convenience, the movement of pedestrians, vehicles, and traffic of every kind within the town, and may, when necessary to protect the safety or welfare of the inhabitants of the town, temporarily divert or exclude all such traffic from any public highway within the town. (1975 Code § 10.04.040)

5-1-6: **OBEDIENCE TO POLICE OFFICERS²:**

- A. **Definition:** For purposes of this section, "public safety worker" means a person who is authorized to provide assistance at the scene of an incident that requires traffic control and who is either a member of a paid or volunteer fire department, an emergency medical service provider, a member of a search and rescue team, or a civilian accident investigator appointed by a law enforcement agency.
- B. **Obedience Required:** A person may not wilfully fail or refuse to comply with a lawful order or direction of a peace officer, highway

1. MCA § 61-8-104.

2. MCA §§ 61-8-104 and 61-9-105.

patrol officer, or public safety worker pertaining to the use of the highways by traffic. (2006 Code)

5-1-7: PUBLIC OFFICERS AND EMPLOYEES¹:

- A. The provisions of this traffic code applicable to the drivers of vehicles upon the streets of the town shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, or town, district, or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.
- B. Unless specifically made applicable, the provisions of this title, except those contained in chapter 10 of this title, shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work. (1975 Code § 10.04.060)

5-1-8: POLICE VEHICLES AND AUTHORIZED EMERGENCY VEHICLES²:

- A. **Responding To Emergency Or In Pursuit Of Suspected Violator:** The driver of a police vehicle or authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- B. **Privileges:** The driver of a police vehicle or authorized emergency vehicle may:
 1. Park or stand, irrespective of the provisions of this title;
 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

1. MCA §§ 61-8-106 and 61-9-106.

2. MCA § 61-8-107.

3. Exceed the speed limits so long as he does not endanger life or property;
 4. Disregard regulations governing direction of movement or turning in specified directions.
- C. **Audible And Visual Signals:** The exemptions herein granted to a police vehicle or authorized emergency vehicle shall apply only when such vehicles are making use of audible and visual signals meeting the requirements of section 5-13-7 of this title, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
- D. **Due Regard To Safety Required:** The foregoing provisions shall not relieve the driver of a police vehicle or authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1975 Code § 10.04.070)

5-1-9: **ANIMAL DRAWN VEHICLES¹:** Every person driving an animal drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except those provisions which, by their very nature, can have no application. (1975 Code § 10.04.080)

5-1-10: **PENALTY:** Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 10.04.090)

1. MCA §§ 61-8-108 and 61-9-107.

CHAPTER 2

RULES OF THE ROAD¹

SECTION:

- 5-2- 1: Drive On Right Half Of Roadway; Exception
- 5-2- 2: Passing Vehicles Going In Opposite Directions
- 5-2- 3: Overtaking A Vehicle On Left
- 5-2- 4: Overtaking A Vehicle On Right
- 5-2- 5: Limitations On Overtaking On Left
- 5-2- 6: No Passing Zones
- 5-2- 7: One-Way Roadways; Rotary Traffic Islands
- 5-2- 8: Driving On Laned Roadways
- 5-2- 9: Following Too Closely
- 5-2-10: Driving On Divided Streets
- 5-2-11: Turning At Intersections
- 5-2-12: Turning On Curve Or Crest Of Grade
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- 5-2-14: Signals By Hand And Arm Or Signal Lamps
- 5-2-15: Method Of Giving Hand And Arm Signals
- 5-2-16: Two Vehicles Entering Intersection At Same Time
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- 5-2-18: Entering Through Street Or Stop Intersection
- 5-2-19: Approaching Street From Private Road, Driveway Or Public Approach Ramp
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- 5-2-21: Operation Of Vehicles On Approach Of Police Vehicles Or Authorized Emergency Vehicles
- 5-2-22: School Buses
- 5-2-23: Limitations On Backing
- 5-2-24: Obstructing Driver's View Or Control
- 5-2-25: Coasting Prohibited
- 5-2-26: Following Fire Apparatus
- 5-2-27: Crossing Fire Hose
- 5-2-28: Riding On Fenders Or Running Boards
- 5-2-29: Riding In House Trailers
- 5-2-30: Opening And Closing Vehicle Doors
- 5-2-31: Penalty

1. Town may restrict right to use highways when weather conditions or street deterioration requires, see MCA § 61-20-128.

5-2-1: DRIVE ON RIGHT HALF OF ROADWAY; EXCEPTION¹:

- A. **Roadways Of Sufficient Width:** Upon all roadways of sufficient width, a vehicle must be operated upon the right half of the roadway, except as follows:
1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing the passing movement;
 2. When the right half of a roadway is closed to traffic while under construction or repair;
 3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable on a divided roadway;
 4. Upon a roadway designated by official traffic control devices for one-way traffic;
 5. When the operator of a vehicle is complying with the provisions of Montana Code Annotated section 61-8-346; or
 6. When an obstruction exists that makes it necessary to drive to the left of the center of the roadway.
- B. **Yield Right Of Way:** A person operating a vehicle to the left of the center of the roadway for any of the reasons provided in subsection A of this section shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway that are within a distance that constitutes an immediate hazard.
- C. **Proceeding At Less Than Normal Speed:** A vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing must be operated in the right hand lane then available for traffic, or as close as practicable to the right hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. (1975 Code § 10.20.010; amd. 2006 Code)

1. MCA § 61-8-321.

5-2-2: PASSING VEHICLES GOING IN OPPOSITE DIRECTIONS¹:

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half ($\frac{1}{2}$) of the main traveled portion of the roadway as nearly as possible. (1975 Code § 10.20.020)

5-2-3: OVERTAKING A VEHICLE ON LEFT²: The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules provided in this chapter:

- A. The operator of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- B. Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle upon an audible signal or the use of signal lamps, as provided in Montana Code Annotated section 61-9-218, and may not increase the speed of the vehicle until completely passed by the overtaking vehicle. When giving way to the right on a two-lane highway, the operator of the vehicle being overtaken may travel upon the shoulder at a safe speed until passed if the shoulder is wide enough and is in a condition allowing safe travel. (1975 Code § 10.20.030; amd. 2006 Code)

5-2-4: OVERTAKING A VEHICLE ON RIGHT³:

- A. Allowed: The operator of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - 1. When the vehicle overtaken is making or about to make a left turn; or

1. MCA § 61-8-322.

2. MCA § 61-8-323.

3. MCA § 61-8-324.

2. Upon a roadway with unobstructed pavement of sufficient width for two (2) or more lanes of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

- B. **Allowed Under Conditions Permitting Safe Movement:** The operator of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting safe movement. The movement may not be made by driving off the pavement or main traveled portion of the roadway. (1975 Code § 10.20.040; amd. 2006 Code)

5-2-5: **LIMITATIONS ON OVERTAKING ON LEFT¹:**

- A. **Permitted:** No vehicle shall be driven to the left side of the center of the roadway 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 completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to the right hand side of the roadway before coming within one hundred feet (100') of any vehicle approaching from the opposite direction. (1975 Code § 10.20.050)
- B. **Prohibited:** No vehicle shall, at any time, be driven to the left side of the roadway under the following conditions:
1. When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
 2. When approaching within one hundred feet (100') of or traversing any intersection or railroad grade crossing;
 3. When the view is obstructed upon approaching within one hundred feet (100') of any bridge, viaduct or tunnel.
- C. **One-Way Roadway:** The foregoing limitations shall not apply upon a one-way roadway. (1975 Code § 10.20.060)

1. MCA § 61-8-325.

5-2-6: NO PASSING ZONES¹:

- A. **Determined By Council; Signage:** The town council may determine those portions of a highway in its jurisdiction where overtaking and passing or driving to the left of the center of the roadway would be especially hazardous, and they may by official traffic control devices on the highway indicate the beginning and end of these zones. When the official traffic control devices are in place and clearly visible to an ordinarily observant person, an operator of a vehicle shall obey the directions of those devices.
- B. **Passing Prohibited:** Where official traffic control devices are in place to define a no passing zone as set forth in subsection A of this section, an operator of a vehicle may not drive on the left side of the roadway within the no passing zone or on the left side of a pavement striping designed to mark the no passing zone throughout its length.
- C. **Exceptions:** The provisions of this section do not apply under the conditions provided in Montana Code Annotated subsection 6-1-8-321(1) or to the operator of a vehicle that is turning left into or from an alley, private road, or driveway. (1975 Code § 10.20.070; amd. 2006 Code)

5-2-7: ONE-WAY ROADWAYS; ROTARY TRAFFIC ISLANDS:

- A. **Designation By Council:** The town council may designate a highway, roadway, part of a roadway, or specific lanes under its jurisdiction for one-way traffic and shall erect official traffic control devices giving notice of that designation.
- B. **Compliance Required:** Upon a roadway designated by official traffic control devices for one-way traffic a vehicle may be driven only in the direction designated.
- C. **Rotary Traffic Island:** A vehicle passing around a rotary traffic island or a roundabout may be driven only to the right of the island or the center of the roundabout. (1975 Code § 10.20.080; amd. 2006 Code)

1. MCA § 61-8-326.

5-2-8: **DRIVING ON LANED ROADWAYS:** Whenever a roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules, in addition to all other consistent rules, apply:

- A. **Use Of Single Lane:** A vehicle must be operated as nearly as practicable entirely within a single lane and may not be moved from the lane until the operator has first ascertained that the movement can be made with safety.
- B. **Three Lanes:** Upon a roadway that is divided into three (3) lanes and that provides for two-way movement of traffic, a vehicle may not be operated in the center lane except:
 - 1. When overtaking and passing another vehicle traveling in the same direction where passing is allowed and where the center lane is clear of traffic within a safe distance; or
 - 2. When the center lane is at the time allocated exclusively to traffic moving in the direction that the vehicle is proceeding and the allocation is designated by official traffic control devices.
- C. **Official Traffic Control Devices:** Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway. Operators of vehicles shall obey the directions of every official traffic control device that designates use of specific lanes.
- D. **Left Turn Across Lane Marked With Two Yellow Lines:** A person may turn a vehicle left across a lane marked with two (2) yellow lines into a public or private parking lot, private road, private driveway, or roadway if the turn can be made safely and if the person does not hinder the flow of oncoming traffic.
- E. **Changing Lanes Prohibited:** Official traffic control devices may be installed that prohibit the changing of lanes on sections of a roadway, and operators of vehicles shall obey the directions of those devices.
- F. **Bicycle Lanes:** A motor vehicle may not be driven or parked in a bicycle lane that is signed and delineated as a bicycle lane by official traffic control devices. (1975 Code § 10.20.090; amd. 2006 Code)

5-2-9: FOLLOWING TOO CLOSELY:

- A. **Prohibited:** The driver of a motor vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the roadway.
- B. **Sufficient Space Between Vehicles:** A motor vehicle being driven upon a roadway outside of a business or residence district, including in a caravan or motorcade, whether or not towing other vehicles, must be operated in a manner that allows sufficient space between each vehicle or combination of vehicles to enable any other vehicle to enter and occupy the space without danger. This provision does not apply to funeral processions. (1975 Code § 10.20.100; amd. 2006 Code)

5-2-10: DRIVING ON DIVIDED STREETS:

- A. Where a highway has been divided into two (2) or more roadways by leaving a space delineated by two (2) double yellow lines or two (2) yellow lines with a crosshatch pattern or by a physical barrier or a clearly indicated dividing section that is constructed in a way that impedes vehicular traffic, a vehicle may be driven only upon the right hand roadway unless directed or permitted by official traffic control devices or police officers to use another roadway.
- B. A vehicle may not be driven over, across, or within a space, barrier, or section described in subsection A of this section except through an opening in the physical barrier or dividing section or space or at an established crossover or intersection unless specifically established by a public authority. (1975 Code § 10.20.110; amd. 2006 Code)

5-2-11: TURNING AT INTERSECTIONS:

- A. **Signal Required:** A person may not turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by Montana Code Annotated section 61-8-333 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 roadway unless the movement can be made with reasonable safety and until an appropriate signal has been given. A person may not turn a vehicle

without giving an appropriate signal in the manner provided in this section.

B. Distance For Required Signal:

1. **Business, Residential Or Urban Districts:** A signal of intention to turn right or left, other than when passing, must be given continuously during not less than the last one hundred feet (100') traveled by the vehicle before turning in any business district, residence district, or urban district.

2. **All Other Areas:** A signal of intention to turn right or left, other than when passing, must be given continuously during not less than the last three hundred feet (300') traveled by the vehicle before turning in areas other than those set forth in subsection B1 of this section.

C. Stopping Or Decrease In Speed: A person may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the operator of a vehicle immediately to the rear when there is opportunity to give the signal.

D. Placing Of Markers, Buttons And Signs: The council 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. (1975 Code § 10.20.120; amd. 2006 Code)

5-2-12: TURNING ON CURVE OR CREST OF GRADE¹: An operator of a vehicle may not turn the vehicle to proceed in the opposite direction:

- A. Unless the movement can be made safely and without interfering with other traffic; or
- B. Upon any curve or upon the approach to or near the crest of a grade where the vehicle cannot be seen by the operator of any other

1. MCA § 61-8-334.

vehicle approaching from either direction within five hundred feet (500'). (1975 Code § 10.20.130; amd. 2006 Code)

5-2-13: **STARTING PARKED VEHICLE¹:** No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. (1975 Code § 10.20.140)

5-2-14: **SIGNALS BY HAND AND ARM OR SIGNAL LAMPS²:**

- A. Any stop or turn signal, when required herein, shall be given either by means of the hand and arm or by a signal lamp or lamps, except as otherwise provided in subsection B of this section.
- B. Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty four inches (24"), or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet (14'). The latter measurement shall apply to any single vehicle, also to any combination of vehicles. (1975 Code § 10.20.160)

5-2-15: **METHOD OF GIVING HAND AND ARM SIGNALS³:**

- A. **Signals Given From Left Side Of Vehicle:** Except as provided in subsection B of this section, all signals required in this title that are given by hand and arm must be given from the left side of the vehicle by the operator of the vehicle in the following manner:
 1. **Left Turn:** For a left turn, the operator's hand and arm must be extended horizontally.
 2. **Right Turn:** For a right turn, the operator's hand and forearm must be extended upward.

1. MCA § 61-8-335.

2. MCA § 61-8-337.

3. MCA § 61-8-338.

3. Stop Or Decrease Speed: For a stop or a decrease in speed, the operator's hand and arm must be extended downward.

- B. Right Turn Signal By Person On Bicycle: The person operating a bicycle may signal a right turn by extending the right hand and arm horizontally. (1975 Code § 10.20.170; amd. 2006 Code)

5-2-16: **TWO VEHICLES ENTERING INTERSECTION AT SAME TIME¹:**

- A. Vehicle On Left To Yield: When two (2) or more vehicles enter or approach an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to all vehicles approaching from the right that are close enough to constitute an immediate hazard.
- B. Modification Of Rule: The right of way rule declared in subsection A of this section is modified at through highways and otherwise as hereinafter stated in this title. (1975 Code § 10.20.180)

5-2-17: **LEFT TURNS AT INTERSECTIONS²:** The operator of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction that is within the intersection or close enough to the intersection to constitute an immediate hazard. Once the operator has yielded and provided the operator is giving a signal when and as required by this chapter, the operator may make the left turn, and the operators of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicle making the left turn. The provisions of this section do not apply where it is otherwise directed by official traffic control devices. (1975 Code § 10.20.190; amd. 2006 Code)

5-2-18: **ENTERING THROUGH STREET OR STOP INTERSECTION³:** The driver of a vehicle shall stop as required by section 5-4-1 of this title at the entrance to a through street and shall yield the right of way to other vehicles which are approaching close enough on the through highway to constitute an immediate hazard. Once the operator

1. MCA § 61-8-339.

2. MCA § 61-8-340.

3. MCA § 61-8-341.

has yielded, the operator may proceed and the operators of all other vehicles approaching the intersection on the through highway shall yield the right of way to the vehicle proceeding into or across the through highway. (1975 Code § 10.20.200; amd. 2006 Code)

5-2-19: **APPROACHING STREET FROM PRIVATE ROAD, DRIVEWAY OR PUBLIC APPROACH RAMP¹:** The operator of a vehicle about to enter or cross a roadway from a private road, driveway, alley, or public approach ramp shall yield the right of way to all vehicles approaching on the roadway. (1975 Code § 10.20.210; amd. 2006 Code)

5-2-20: **APPROACHING YIELD SIGN²:** An operator of a vehicle approaching a yield sign is subject to the following provisions:

- A. **Slow And Stop If Necessary Before Entering Intersection:** The operator shall slow to a speed that is reasonable for existing conditions and, if required for safety, shall stop before entering the intersection.
- B. **Yield To Other Vehicle:** After slowing or stopping, the operator shall yield the right of way to any vehicle in the intersection or approaching on another roadway close enough to constitute an immediate hazard during the time that the operator is moving across or within the intersection or junction of roadways.
- C. **Yield To Pedestrians:** An operator of a vehicle shall yield the right of way to pedestrians within crosswalks at the intersection.
- D. **Prima Facie Evidence:** If an operator of a vehicle, after having driven past a yield sign, is involved in a collision with another vehicle at an intersection or junction of roadways or with a pedestrian in an adjacent crosswalk, the collision is considered prima facie evidence of the operator's failure to yield right of way. (1975 Code § 10.20.220; amd. 2006 Code)

1. MCA § 61-8-343.

2. MCA § 61-8-342.

5-2-21: OPERATION OF VEHICLES ON APPROACH OF POLICE VEHICLES OR AUTHORIZED EMERGENCY VEHICLES¹:

- A. **Approaching Emergency Vehicle:** Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of Montana Code Annotated section 61-9-402 or of a police vehicle properly and lawfully making use of an audible signal only, the operator of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle or police vehicle has passed, except when otherwise directed by a police officer or highway patrol officer.
- B. **Due Regard For Safety:** This section does not relieve the driver of an authorized emergency vehicle or police vehicle from the duty to drive with due regard for the safety of all persons using the highway.
- C. **Stationary Emergency Vehicle:** Upon approaching a stationary authorized emergency vehicle or police vehicle that is displaying visible signals of flashing or rotating amber, blue, red, or green lights, the operator of the approaching vehicle shall:
1. Reduce the vehicle's speed, proceed with caution, and, if possible considering safety and traffic conditions, move to a lane that is not adjacent to the lane in which the authorized emergency vehicle or police vehicle is located or move as far away from the authorized emergency vehicle or police vehicle as possible; or
 2. If changing lanes is not possible or is determined to be unsafe, reduce the vehicle's speed, proceed with caution, and maintain a reduced speed, appropriate to the road and the conditions, through the area where the authorized emergency vehicle or police vehicle is stopped. (1975 Code § 10.20.230; amd. 2006 Code)

5-2-22: SCHOOL BUSES:

- A. **Overtaking From Either Direction:** Upon overtaking from either direction a school bus that has stopped on the highway or street to receive or discharge school children, a driver of a motor vehicle:

1. MCA § 61-8-346.

1. Shall stop the motor vehicle not less than approximately fifteen feet (15') before reaching the school bus when there is in operation on the bus a visual flashing red signal as specified in Montana Code Annotated section 61-9-402; and
 2. May not proceed until the children have entered the school bus or have alighted and reached the side of the highway or street and until the school bus ceases operation of its visual flashing red signal.
- B. Meeting Or Overtaking From Either Direction: The driver of a motor vehicle shall slow to a rate of speed that is reasonable under the conditions existing at the point of operation and must be prepared to stop when meeting or overtaking from either direction a school bus that is preparing to stop on the highway or street to receive or discharge school children as indicated by flashing amber lights as specified in Montana Code Annotated section 61-9-402.
- C. Signs And Signals Required On Bus: Each bus used for the transportation of school children must bear upon the front and rear plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches (8") in height and, in addition, must be equipped with visual signals meeting the requirements of Montana Code Annotated section 61-9-402. Amber flashing lights must be actuated by the driver approximately one hundred fifty feet (150') in town and approximately five hundred feet (500') in other areas before the bus is stopped to receive or discharge school children on the highway or street. Red lights must be actuated by the driver of the school bus whenever, but only whenever, the school bus is stopped on the highway or street whether inside or outside the corporate limits of the town to receive or discharge school children. However, a school district board of trustees may, in its discretion, adopt a policy prohibiting the operation of amber or red lights when a school bus is stopped at the school site to receive or discharge school children and the receipt or discharge does not involve street crossing by the children. The lights may not be operated in violation of that policy.
- D. Exception: The requirements that a driver of a motor vehicle shall stop when a school bus receives or discharges school children under subsection A of this section and the requirements that amber and red lights must be actuated by a school bus driver under subsection C of this section do not apply when a school bus receives or discharges school children in a designated school bus pullout on a state highway. A designated school bus pullout must meet the following requirements:

1. The pullout must be located on a roadway separated by a physical barrier, such as a guardrail, raised median, drainage ditch, or irrigation ditch.
 2. The separate roadway must be designed, constructed, and signed specifically for use by school buses, with sufficient space for safe ingress and egress from the main traveled way.
 3. The pullout must be approved by the local affected school district, by a resolution of the district trustees, and by the district superintendent as a mandatory school bus stop for receiving and discharging school children.
- E. Use Of Bus For Other Than Transportation Of Children To School Or School Functions: When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or for school functions, all markings on the bus indicating "SCHOOL BUS" must be covered or concealed.
- F. Highway With Separate Roadways: The driver of a motor vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus that is on a different roadway or when upon a controlled access highway and the school bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.
- G. Report Of Violation:
1. A person who observes a violation of this section may prepare a written, in addition to an oral, report indicating that a violation has occurred. The report may contain information concerning the violation, including:
 - a. The time and approximate location at which the violation occurred;
 - b. The license plate number and color of the motor vehicle involved in the violation;
 - c. Identification of the motor vehicle as a passenger car, truck, bus, motorcycle, or other type of motor vehicle; and
 - d. A description of the person operating the motor vehicle when the violation occurred.

2. A report under subsection G1 of this section constitutes particularized suspicion under Montana Code Annotated subsection 46-5-401(1) that an operator of the vehicle committed a violation of this section.

- H. Penalty: Violation of subsection A of this section is punishable, upon conviction, as provided in section 1-4-2 of this code. (1975 Code § 10.20.240; amd. 2006 Code)
- I. Unlawful Use Of Lights¹: It shall be unlawful to operate any flashing prewarning or warning signal light on any school bus except when any said school bus is preparing to stop or is stopped on a street for the purpose of permitting school children to board or alight from said school bus. (1975 Code § 10.20.250; amd. 2006 Code)

5-2-23: **LIMITATIONS ON BACKING²**: The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1975 Code § 10.20.260)

5-2-24: **OBSTRUCTING DRIVER'S VIEW OR CONTROL³**:

- A. Operation Of Vehicle: A person may not operate a vehicle, other than a bicycle, with more than three (3) people in the front seat or with any load or number of people in the front seat that would obstruct the view of the operator to the front or sides of the vehicle or that would interfere with the operator's control over the driving mechanism of the vehicle.
- B. Passenger Restrictions: A passenger in a vehicle may not ride in a position that interferes with the operator's view ahead or to the sides or that interferes with the operator's control over the driving mechanism of the vehicle. (1975 Code § 10.20.270; amd. 2006 Code)

1. MCA § 61-8-352.

2. MCA § 61-8-358.

3. MCA § 61-8-360.

5-2-25: **COASTING PROHIBITED¹**: The driver of a motor vehicle when traveling upon a downgrade may not coast with the transmission of the vehicle in neutral or with the clutch manually disengaged. (1975 Code § 10.20.280; amd. 2006 Code)

5-2-26: **FOLLOWING FIRE APPARATUS²**: The operator of a vehicle other than one on official business may not follow a fire apparatus traveling in response to a fire call closer than five hundred feet (500') or drive or stop the vehicle within five hundred feet (500') of where the fire apparatus has stopped in answer to a fire call. (1975 Code § 10.20.290; amd. 2006 Code)

5-2-27: **CROSSING FIRE HOSE³**: A vehicle may not be operated over an unprotected hose of a fire department when the hose is laid down on any roadway, private road, or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command. (1975 Code § 10.20.300; amd. 2006 Code)

5-2-28: **RIDING ON FENDERS OR RUNNING BOARDS⁴**: Any person driving a vehicle shall not permit passengers to ride on the fenders or running boards nor shall any passenger ride on the fenders or running boards of a vehicle. (1975 Code § 10.20.310)

5-2-29: **RIDING IN HOUSE TRAILERS⁵**: No person or persons may occupy a house trailer while it is being moved upon a public highway unless the trailer is of a semitrailer design where some part of its own weight and that of its cargo rests upon or is carried by its towing unit through the use of a fifth wheel type trailer hitch mounted on no less than a one-half ($\frac{1}{2}$) ton rated truck. (1975 Code § 10.20.320)

5-2-30: **OPENING AND CLOSING VEHICLE DOORS⁵**: A person may not open a door of a motor vehicle unless it is reasonably safe to do so without interfering with the movement of other

1. MCA § 61-8-362.

2. MCA § 61-8-363.

3. MCA § 61-8-364. See also subsection 4-1A-4B of this code.

4. MCA § 61-8-366.

5. MCA § 61-8-367.

traffic. A person may not leave a door open on a side of a vehicle adjacent to moving traffic for a period of time longer than is necessary to load or unload passengers. (1975 Code § 10.20.330; amd. 2006 Code)

5-2-31: **PENALTY:** Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 10.20.340)

CHAPTER 3
TRAFFIC CONTROL DEVICES¹

SECTION:

- 5-3-1: Placement
- 5-3-2: Required Obedience; Exceptions
- 5-3-3: Traffic Signal Legend
- 5-3-4: Pedestrian Control Signals
- 5-3-5: Flashing Signals
- 5-3-6: Display Of Unauthorized Signs, Signals Or Markings
- 5-3-7: Interference With Official Devices
- 5-3-8: Penalty

5-3-1: PLACEMENT²:

- A. **Compliance With State Manual:** The chief of police shall place and maintain traffic control devices, conforming to the state department of transportation's manual and specifications, upon all highways maintained by the town that the town considers necessary to carry out the provisions of this title and Montana Code Annotated title 61, chapter 9 or to regulate, warn, or guide traffic.
- B. **Highway Under Jurisdiction Of Department Of Transportation:**
 - 1. **State Permission Required:** The town may not place or maintain a traffic control device upon a highway under the jurisdiction of the department of transportation except with the department's permission.
 - 2. **Unauthorized Erection:** The unauthorized erection of a sign, marker, emblem, or other traffic control device on a highway under

1. Local authorities to place and maintain traffic control devices on highways under their jurisdiction, see MCA § 61-8-206. Town may place markers to designate turning areas, see MCA § 61-8-333.

2. MCA § 61-8-203.

the jurisdiction of the department of transportation by any other entity is a misdemeanor and is punishable as provided in Montana Code Annotated section 61-8-712.

3. Subject To Rules And Specifications Of Department: The erection or maintenance of a sign, marker, emblem, or traffic control device on a highway under the jurisdiction of the department of transportation is subject to the rules and specifications that the department adopts and publishes in the interest of public safety and convenience. (1975 Code § 10.08.010; amd. 2006 Code)

5-3-2: **REQUIRED OBEDIENCE; EXCEPTIONS¹:**

- A. **Obedience Required:** Unless otherwise directed by a peace officer, flag person, crossing guard, or public safety worker, the driver of a vehicle shall obey the instructions of an official traffic control device applicable to the driver's vehicle and placed in accordance with the provisions of this chapter. The driver of an authorized emergency vehicle, a police vehicle, or a highway patrol vehicle and the driver of a motor vehicle in a funeral procession are exempt from obedience to official traffic control devices and flag persons as provided in this chapter.
- B. **Requirement Not Enforced:** A provision of this chapter for which traffic control devices or flag persons are required may not be enforced against an alleged violator if at the time and place of the alleged violation an official traffic control device or flag person is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section of this chapter does not state that official traffic control devices or flag persons are required, the section is effective even though traffic control devices are not erected or in place.
- C. **Presumption Of Placement:** Official traffic control devices or flag persons that are placed or held in position substantially conforming to the requirements of this chapter and the requirements of the uniform system adopted by the department of transportation pursuant to Montana Code Annotated section 61-8-292 are presumed to have been placed by an official act or at the discretion of a lawful authority. (1975 Code § 10.08.020; amd. 2006 Code)

1. MCA § 61-8-201.

5-3-3: **TRAFFIC SIGNAL LEGEND¹**: Except for lane use control signals and special pedestrian control signals carrying a legend, whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows successively one at a time or in combination, only the colors green, red, and yellow may be used. The lights indicate and apply to drivers of vehicles and pedestrians as follows:

A. Green:

1. Circular Green Signal: Vehicular traffic facing a circular green signal may proceed straight through or turn left or right unless a traffic control device at the place prohibits either turn. However, vehicular traffic, including vehicles turning right or left, must yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

2. Green Arrow Signal: Vehicular traffic facing a green arrow signal shown alone or in combination with another indication may cautiously enter the intersection only to make either the movement indicated by the arrow or another movement that is permitted by another indication shown at the same time. Vehicular traffic making the movements permitted by this subsection must yield the right of way to pedestrians who are lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

3. Pedestrians: Unless otherwise directed by a pedestrian control signal as provided in section 5-3-4 of this chapter, a pedestrian facing a green signal, except when the only green signal is a turn arrow, may proceed in the direction of the green signal across the roadway within any marked or unmarked crosswalk. A driver of a vehicle shall yield the right of way to the pedestrian.

B. Yellow:

1. Vehicular Traffic: Vehicular traffic facing a steady circular yellow or yellow arrow signal is warned that the traffic movement permitted by the related green signal is being terminated or that a red signal will be exhibited immediately thereafter. Vehicular traffic may not enter the intersection when the red signal is exhibited after the yellow signal.

1. MCA § 61-8-207.

2. Pedestrians: Unless otherwise directed by a pedestrian control signal as provided in section 5-3-4 of this chapter, a pedestrian facing a steady circular yellow or yellow arrow signal is advised that there is insufficient time to cross the roadway before a red indication is shown.

C. Red:

1. Circular Red Signal: Vehicular traffic facing a steady circular red signal must stop at a marked stop line. If there is not a marked stop line, vehicular traffic must stop before entering the crosswalk on the near side of the intersection. If there is not a marked crosswalk, vehicular traffic must stop before entering the intersection and, except as provided in subsection C3 of this section, must remain standing until an indication to proceed is shown.

2. Red Arrow Signal: Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by the arrow and must stop at a marked stop line unless the traffic is entering the intersection to make a movement indicated by another signal. If there is not a marked stop line, vehicular traffic must stop before entering the crosswalk on the near side of the intersection. If there is not a marked crosswalk, vehicular traffic must stop before entering the intersection and must remain standing until an indication is shown that permits movement.

3. Absence Of Traffic Control Device Prohibiting Turn:

a. Except when a traffic control device is in place that prohibits a turn, vehicular traffic facing a steady circular red signal may cautiously enter the intersection to turn right or to turn left from a one-way street onto another one-way street after stopping as required under subsection C1 of this section. After stopping, the operator of a vehicle shall yield the right of way to any vehicle in the intersection or approaching the intersection close enough to constitute an immediate hazard during the time that the operator is moving within the intersection.

b. An operator of a vehicle entering an intersection as provided in subsection C3a of this section shall yield the right of way to pedestrians within the intersection or within an adjacent crosswalk.

4. Pedestrians: Unless otherwise directed by a pedestrian control signal as provided in section 5-3-4 of this chapter, a pedestrian

facing a steady circular red or red arrow signal alone may not enter the roadway.

- D. **Traffic Control Signal Located At Place Other Than Intersection:** If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions that by their very nature can have no application.
- E. **Sign Or Markings On Pavement:** A required stop must be made at a sign or marking on the pavement indicating where the stop must be made, but in the absence of any sign or marking, the stop must be made at the signal. (1975 Code § 10.08.030; amd. 2006 Code)

5-3-4: PEDESTRIAN CONTROL SIGNALS¹: Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" or symbols of a walking person or an upraised palm are in place, the signals indicate as follows:

- A. **Walk:** A pedestrian facing a "Walk" signal or a walking person symbol may proceed across the roadway in the direction of the signal and the operators of all vehicles shall yield the right of way to the pedestrian.
- B. **Don't Walk:** A pedestrian may not start to cross the roadway in the direction of a signal exhibiting a flashing or steady "Don't Walk" signal or upraised palm symbol, but a pedestrian who has partially completed crossing on the "Walk" signal or walking person symbol shall proceed to a sidewalk or safety island while the "Don't Walk" signal or upraised palm symbol is showing. An operator of a vehicle shall yield the right of way to a pedestrian who has partially completed crossing and is proceeding to the sidewalk or safety island.
- C. **Crossing Roadway:** A pedestrian may not start to cross a roadway in the direction of a steady "Don't Walk" signal or upraised palm symbol. (1975 Code § 10.08.040; amd. 2006 Code)

1. MCA § 61-8-208.

5-3-5: **FLASHING SIGNALS¹:**

- A. **Flashing Red Or Yellow Signals:** Whenever an illuminated flashing red or yellow signal is used in a traffic control device, it requires obedience by vehicular traffic as follows:
1. When a red lens is illuminated with rapid intermittent flashes, an operator of a vehicle shall stop at a marked stop line. If there is no marked stop line, an operator shall stop before entering the nearest crosswalk at an intersection. If there is no crosswalk, an operator shall stop at the point nearest the intersecting roadway where the operator has a view of approaching traffic. The right to proceed is subject to the rules applicable after making a stop at a stop sign, as provided in section 5-2-18 of this title.
 2. When a yellow lens is illuminated with rapid intermittent flashes, the operator of a vehicle may proceed through the intersection or past the flashing yellow signal only with caution.
- B. **Exception:** This section does not apply at railroad grade crossings. Conduct of an operator of a vehicle approaching a railroad grade crossing is governed by the provisions of Montana Code Annotated section 61-8-347. (1975 Code § 10.08.050; amd. 2006 Code)

5-3-6: **DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS²:**

- A. **Prohibited:** A person may not place, maintain, or display upon or in view of a highway any unauthorized sign, signal, marking, or device that purports to be or is an imitation of or resembles an official traffic control device, that attempts to direct the movement of traffic, or that hides from view or interferes with the effectiveness of any official traffic control device or flag person.
- B. **Commercial Advertising:** A person may not place or maintain and a public authority may not permit commercial advertising on an official traffic control device on a highway, except for business signs included as a part of official motorist service panels or roadside area information panels approved by the department of transportation.

1. MCA § 61-8-209.

2. MCA § 61-8-210.

- C. **Directional Information:** This section does not prohibit the erection of signs upon private property adjacent to highways that give useful directional information and that are of a type that cannot be mistaken for official signs.
- D. **Schools:** The prohibition of this section shall not apply to portable "Caution" signs placed in the vicinity of schools at those times during which school children are going to and coming from school.
- E. **Declared Public Nuisance:** Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the town is hereby empowered to remove the same or cause it to be removed without notice.
- F. **Penalty:** Whoever shall violate this section shall, upon conviction thereof, be subject to penalty as provided in section 1-4-2 of this code. (1975 Code § 10.08.060; amd. 2006 Code)

5-3-7: INTERFERENCE WITH OFFICIAL DEVICES¹: No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any part thereof. (1975 Code § 10.08.070)

5-3-8: PENALTY: Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 10.08.080)

1. MCA § 61-8-713.

CHAPTER 4

STOPPING, STANDING AND PARKING

SECTION:

- 5-4- 1: Stop Signs, Stopping Required
- 5-4- 2: Emerging From Alley, Driveway Or Building; Stop Required
- 5-4- 3: Prohibited In Specified Places
- 5-4- 4: Parking At Curb
- 5-4- 5: Authority To Remove Illegally Stopped Vehicles
- 5-4- 6: Unattended Motor Vehicles
- 5-4- 7: Parking Time Limited On All Streets
- 5-4- 8: Parking On Private Property
- 5-4- 9: Parking Not To Obstruct Traffic
- 5-4-10: Parking In Alleys
- 5-4-11: Parking Large Vehicles
- 5-4-12: Parking Vehicles For Transport Of Flammable Liquids
Restricted
- 5-4-13: Passenger And Freight Loading Zones
- 5-4-14: Use Of Rear Entrance; Angle Parking Prohibited
- 5-4-15: Public Carrier Stands
- 5-4-16: Parking For Certain Purposes Prohibited
- 5-4-17: Penalty

5-4-1: **STOP SIGNS, STOPPING REQUIRED¹:**

- A. Authority To Designate Through Streets: The town council may designate through highways and erect stop signs at specified entrances to these highways or may designate an intersection as a stop intersection and erect stop signs at one or more entrances to that intersection.
- B. Specifications; Placement: The stop sign and its placement must conform to the sign manual adopted by the department of transportation.

1. MCA § 61-8-344.

- C. **Stop Required:** An operator of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, the operator shall stop at a clearly marked stop line. If there is not a clearly marked stop line, the operator shall stop at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by a police officer, highway patrol officer, or traffic control signal. (1975 Code § 10.24.010; amd. 2006 Code)

5-4-2: **EMERGING FROM ALLEY, DRIVEWAY OR BUILDING; STOP REQUIRED:** The operator of a vehicle within a business or residence district who is emerging from an alley, driveway, private road, or building shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across an alley, driveway, or private road and shall yield the right of way to pedestrians. Upon entering the roadway, the operator shall yield the right of way to all vehicles approaching on the roadway. (1975 Code § 10.24.020; amd. 2006 Code)

5-4-3: **PROHIBITED IN SPECIFIED PLACES¹:**

- A. **Prohibited Places:** A person may not stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer, highway patrol officer, or official traffic control device, in any of the following places:
1. On a sidewalk;
 2. In front of a public or private driveway;
 3. Within an intersection;
 4. Within fifteen feet (15') of a fire hydrant;
 5. On a crosswalk;
 6. Within twenty feet (20') of a crosswalk at an intersection;

1. MCA § 61-8-354. For impoundment of vehicles, see section 5-18-7 of this title.

7. Within thirty feet (30') upon the approach to any flashing beacon, stop sign, or official traffic control device located at the side of a roadway;
 8. Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless the local authorities indicate a different length by signs or markings;
 9. Within fifty feet (50') of the nearest rail of a railroad crossing;
 10. Within twenty feet (20') of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy five feet (75') of the entrance when properly signposted;
 11. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 14. At any place where official traffic control devices prohibit stopping.
- B. **Public Bus Stop:** A public bus stop may not be established in the areas described in subsections A1 through A3 and A5. Otherwise, this section does not prohibit the establishment of public bus stops and the regulation of their use by the authority having jurisdiction. A bus stop may only be established pursuant to a traffic and engineering study.
- C. **Moving Vehicle Prohibited:** A person may not move a vehicle not lawfully under the person's control into a prohibited area or an unlawful distance away from a curb. (1975 Code § 10.24.030; amd. 2006 Code)

5-4-4: PARKING AT CURB¹:

- A. **Method Of Parking:** Except as otherwise provided in this section, a vehicle that is stopped or parked upon a two-way roadway must be stopped or parked with the right hand wheels of the vehicle parallel to and within eighteen inches (18") of the right hand curb or as close as practicable to the right edge of the right hand shoulder.
- B. **Power To Permit Angle Parking:** The town may, by ordinance, permit angle parking on a roadway, except that angle parking may not be permitted on any federal aid or state highway unless the department of transportation determines that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- C. **Power To Prohibit Or Restrict:** The town may place official traffic control devices prohibiting or restricting the stopping, standing, or parking of vehicles on a highway where in its judgment the stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic. (1975 Code § 10.24.040; amd. 2006 Code)

5-4-5: AUTHORITY TO REMOVE ILLEGALLY STOPPED VEHICLES²:

- A. **Authority To Remove Or Require To Be Moved:** Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of sections 5-4-3 and 5-4-4 of this chapter, such officer is hereby authorized to move such vehicle or require the driver or other person in charge of the vehicle to move the same to a position off the paved or main traveled part of such highway.
- B. **Unattended Vehicle On Bridge, Roadway Or In Tunnel:** Whenever any police officer finds a vehicle unattended upon any bridge or roadway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer or highway patrol officer is hereby authorized to provide for the removal of such vehicle pursuant to Montana Code Annotated title 61, chapter 12, part 4, except that the time limits imposed in Montana Code Annotated section 61-12-491

1. MCA § 61-8-355.

2. MCA § 61-8-705. For impounding of vehicles, see section 5-18-5 of this title.

do not apply to removal under this subsection. (1975 Code § 10.24.050; amd. 2006 Code)

5-4-6: **UNATTENDED MOTOR VEHICLES¹:** No person driving, or in charge of, a motor vehicle shall permit it to stand unattended without first stopping the engine, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the roadway. (1975 Code § 10.24.060)

5-4-7: **PARKING TIME LIMITED ON ALL STREETS²:**

- A. Time Restriction: A vehicle may not be parked or left standing upon the right of way of a public highway for a period longer than forty eight (48) hours or upon a town street or state, county, or town property for a period longer than five (5) days.
- B. Abandonment: The abandonment of a vehicle, other than a bicycle, on a public highway, a town street, public property, or private property creates a prima facie presumption that the last registered owner of the vehicle is responsible for the abandonment and is liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less the amount realized if the vehicle is sold.
- C. Filing Of Theft Report: The filing of a theft report with the town law enforcement agency prior to the abandonment relieves the last registered owner of liability under subsection B of this section. (1975 Code § 10.24.070; amd. 2006 Code)

5-4-8: **PARKING ON PRIVATE PROPERTY:**

- A. Consent Required: No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof.
- B. No Parking Signs; Compliance Required: Whenever signs or markings have been erected on any lot or lot area, contiguous or adjacent to a street, thoroughfare, or alley, indicating that no

1. MCA § 61-8-357.

2. MCA § 61-8-356.

vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a street or alley into said lot or area for the purpose of standing or parking such vehicle, or for any person to stop, stand, or park any vehicle in such lot or lot area. (1975 Code § 10.24.080)

5-4-9: PARKING NOT TO OBSTRUCT TRAFFIC: No person shall park any vehicle upon street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for free movement of vehicular traffic. (1975 Code § 10.24.090)

5-4-10: PARKING IN ALLEYS:

- A. **Temporarily For Loading Or Unloading:** No person shall stop, stand or park any vehicle, whether occupied or not, within any alley in the business district at any time otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
- B. **Prohibited:** No person shall stop, stand or park any vehicle, whether occupied or not, within any alley in the town in such a manner as to prevent the free movement of vehicular traffic or in such a position as to block the driving entrance to any abutting property, except when engaged in loading or unloading. (1975 Code § 10.24.100)

5-4-11: PARKING LARGE VEHICLES: It shall be unlawful for any person to park a vehicle in the town that has a width greater than eighty four inches (84") or a total length exceeding twenty feet (20') including load. (1975 Code § 10.24.110)

5-4-12: PARKING VEHICLES FOR TRANSPORT OF FLAMMABLE LIQUIDS RESTRICTED: No tank, truck, tank trailer or like vehicle containing, or used for the transportation of gasoline, butane, fuel oil or other highly flammable liquid, shall be parked on any street, alley, public park or other public place, nor upon any private property in the town for a period longer than one hour. Provided, that this restriction upon parking shall not be construed as to prevent the delivery of such liquids to retail gas stations or to private residences or business property for so long

a period as is reasonably necessary to complete such delivery. (1975 Code § 10.24.120)

5-4-13: PASSENGER AND FREIGHT LOADING ZONES:

- A. Designation: The chief of police shall have authority to determine the location of passenger and freight loading zones and may erect and maintain, or cause to be maintained, appropriate signs indicating the same. (1975 Code § 10.24.130)
- B. Passenger Loading Zone: No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in a place marked as a passenger loading zone and then only for a period not to exceed three (3) minutes. (1975 Code § 10.24.140)
- C. Freight Loading Zone:
 - 1. No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick up and loading of materials in a place marked as a freight loading zone.
 - 2. The driver of a passenger vehicle may stop temporarily at a place marked as a freight loading zone for the purpose of, and while actually engaged in, loading or unloading passengers when such stopping does not cause interference with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone. (1975 Code § 10.24.150)

5-4-14: USE OF REAR ENTRANCE; ANGLE PARKING PROHIBITED:

- A. Use Of Rear Entrance: At every pick up and delivery point in the business district of the town where there is an accessible rear entrance, vehicles used for the transportation of merchandise and materials shall use such rear entrance.
- B. Angle Parking Prohibited: No person shall stand or park a vehicle at an angle to the curb for the purpose of loading or unloading, or for any purpose, when such vehicle so parked or standing extends into the street or roadway so as to impair the normal flow of traffic,

unless a special permit for such parking or standing is issued by the mayor to cover emergency conditions. (1975 Code § 10.24.160)

5-4-15: PUBLIC CARRIER STANDS:

- A. **Designation:** The council may establish bus stops and taxicab stands and stands for other passenger common carrier motor vehicles on such public streets and in such places as they shall determine to be necessary or convenient for the public. Every such bus stop, taxicab stand, or other stand shall be designated by appropriate signs. (1975 Code § 10.24.170)
- B. **Parking Of Buses Regulated:** The driver of a bus shall not park upon any street in the business district at any place other than at a bus stop, except when temporarily stopping in accordance with traffic control signals and other stopping or parking regulations. (1975 Code § 10.24.180)
- C. **Use Of Bus And Taxicab Stands Restricted:** No person shall stop, stand or park a vehicle other than a bus in a bus stop or stand, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed. However, the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. (1975 Code § 10.24.190)

5-4-16: PARKING FOR CERTAIN PURPOSES PROHIBITED: No person shall park a vehicle upon any street, roadway or public parking lot for the principal purpose of:

- A. Displaying such vehicle for sale;
- B. Displaying advertising;
- C. Washing, greasing, or repairing such vehicle, except for repairs necessitated by an emergency;
- D. Selling merchandise or tickets, or soliciting subscriptions. (1975 Code § 10.24.200)

5-4-17: **PENALTY:** Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 10.24.210)

CHAPTER 5
SPEED LIMITS¹

SECTION:

- 5-5-1: Speed Restrictions; Basic Rule
 5-5-2: Minimum Speed Regulations
 5-5-3: Speed Limits On Certain Streets
 5-5-4: Permission To Hold Speed Contest
 5-5-5: Charging Violations
 5-5-6: Penalty

5-5-1: SPEED RESTRICTIONS; BASIC RULE²:

- A. **Basic Rule:** Every person operating or driving a vehicle of any character on a street within the town shall drive it in a careful and prudent manner, and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account amount and character of traffic, condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to view ahead, and shall drive so as not to unduly or unreasonably endanger the life, limb, property, or other rights of any person entitled to the use of the street or highway.
- B. **Excessive Speed Prohibited:** Where no special hazard exists that requires lower speed for compliance with subsection A of this section, the speed of a vehicle not in excess of the limits specified in subsection C of this section or section 5-5-3 of this chapter, shall be lawful, but any speed in excess of the limits specified in subsection C of this section or section 5-5-3 of this chapter shall be unlawful.

1. MCA § 61-8-310. For power of municipalities to regulate speed of motor vehicles within their limits, see MCA §§ 7-14-4103, 61-12-101, 61-8-310.

2. MCA § 61-8-303.

- C. **Speed Limits Imposed:** The following speed limits apply to streets in the town:
1. Twenty five (25) miles per hour in any urban district;
 2. Fifteen (15) miles per hour in all school zones as allowed by Montana Code Annotated subsection 61-8-310(d).
- D. **Reduced Speed Required:** The driver of every vehicle shall comply with the requirements of subsection A of this section, drive at an appropriate reduced speed 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 hazard exists with respect to pedestrians or other traffic by reason of weather or highway condition. (1975 Code § 10.16.010; amd. 2006 Code)

5-5-2: MINIMUM SPEED REGULATIONS¹:

- A. **Driving Too Slow Prohibited:** A person may not drive a motor vehicle at a speed slow enough to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
- B. **Power To Declare Minimum Speed Limit:** If the town council determines on the basis of an engineering and traffic investigation that slow speeds on any part of a highway impede the normal and reasonable movement of traffic, the commission or the local authority may set a minimum speed limit below which a person may not operate a vehicle except when necessary for safe operation or in compliance with law. (1975 Code § 10.16.020; amd. 2006 Code)

5-5-3: SPEED LIMITS ON CERTAIN STREETS²:

- A. **Signs Erected; Excess Speed Prohibited:** The speed limits prescribed in section 5-5-1 of this chapter are changed on the following streets to the limits specified in subsection B of this section. When signs are erected and giving notice of a speed limit,

1. MCA § 61-8-311.

2. MCA § 61-8-310.

no person shall drive a vehicle at a speed in excess of the posted limit.

B. Specific Speed Limits:

| <u>Street Name</u> | <u>Maximum Speed</u> | <u>From</u> | <u>To</u> |
|--------------------|----------------------|-------------------------------|------------------------------------|
| Clifton Street | 25 | Southwic | Missoula Avenue |
| Cole Avenue | 25 | Cummins | |
| Cole Avenue | 15 | Highway 93 | Cummins |
| Cummins | 25 | Cole Avenue | Kerlee |
| Hale Avenue | 25 | Welcome Way | (cul-de-sac) |
| Hill Drive | 25 | Southwic | Kerlee |
| Hopkins | 25 | Tanner Avenue | Hale Avenue |
| James Street | 25 | Tanner Avenue | Missoula Avenue |
| Karen Court | 25 | Warren Lane | (cul-de-sac) |
| Kerlee | 25 | Cummins | Hill Drive |
| Marshall Street | 25 | 3 blocks south of Southwic | 1 block north to Waldo Street |
| Miles Avenue | 25 | Montana Rail Line (tracks) | Hopkins Street |
| Mill Street | 25 | South cul-de-sac | Missoula Avenue |
| Missoula Avenue | 25 | Water Street | Hopkins Street |
| School Drive | 15 | Highway 93 | Cole Avenue |
| Southwic Avenue | 25 | Water Street | Violet Street |
| Sunrise Drive | 25 | Welcome Way | Welcome Way |
| Tanner Avenue | 25 | Montana Rail Line (tracks) | Hopkins Street |
| Tin Cup Road | 25 | Highway 93 | Town boundary |
| Violet Street | 25 | Southwic | Missoula Avenue |
| Waldo Street | 25 | Highway 93 | 2 blocks east of Marshal Avenue |
| Warren Lane | 25 | Highway 93 | Water Street |
| Water Street | 25 | Town boundary | Missoula Avenue |
| Welcome Way | 25 | Cole Avenue | Hopkins Street |

(Ord. 110, 3-25-1997)

- C. Penalty: Any person violating a provision of this section shall, upon conviction thereof, be punishable with fines and penalties equal to that of the bond schedule set by the courts of limited jurisdiction currently being used by the city court. (Ord. 108, 12-10-1996)

5-5-4: **PERMISSION TO HOLD SPEED CONTEST¹:** No race or contest for speed shall be held and no person shall engage in or aid or abet in any motor vehicle speed contest or exhibition of speed on

1. MCA § 61-8-308.

a public street without written permission of the chief of police and unless the same is fully and efficiently patrolled for the entire distance over which such race or contest for speed is to be held. (1975 Code § 10.16.030)

5-5-5: **CHARGING VIOLATIONS¹**: In every charge of violation of any speed regulation in this traffic code, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed applicable within the district or at the location. (1975 Code § 10.16.040)

5-5-6: **PENALTY**: Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 10.16.050)

1. MCA § 61-8-701.

CHAPTER 6
STOP SIGNS

SECTION:

5-6-1: Locations

5-6-1: **LOCATIONS:** Stop signs shall be erected at the following intersections:

| <u>Intersection</u> | <u>Stop In Favor Of Traffic On</u> |
|---|------------------------------------|
| Brand Gulch (Parmenter Drive) at Main | Main |
| Cole Avenue at Main | Main |
| Cole Avenue at Welcome Way | Cole Avenue |
| Cummins Street at Cole Avenue | Cole |
| East Missoula Avenue at Marshall Street | (4-Way Stop) |
| Hill Drive at West Miles Avenue | West Miles Avenue |
| Hill Drive at West Missoula Avenue | (4-Way Stop) |
| Hill Drive at West Southwic Avenue | West Southwic Avenue |
| Hill Drive at West Tanner Avenue | West Tanner Avenue |
| Hopkins at Hale Avenue | Hale |
| Miles Avenue at Main | Main |
| Missoula Avenue at Main | Main |
| School Drive at Cole Avenue | Cole |
| School Drive at Main | Main |
| Southwic Avenue at Main | Main |
| Tanner Avenue at Main | Main |
| Tin Cup Road at Main | Main |
| Waldo Street at Main | Main |
| Warren Lane at South Water Street | Water Street |
| West Missoula Avenue at Hopkins | West Missoula Avenue |

(Ord. 134, 9-22-2003)

Amended
ORD # 145
2/26/2008

CHAPTER 7

RESTRICTED PARKING

SECTION:

- 5-7-1: Limitations On Parking
 5-7-2: Two-Hour Parking
 5-7-3: Penalty

5-7-1: **LIMITATIONS ON PARKING¹:** The parking of motor vehicles on particular streets or parts of streets within the town is controlled by the regulations of this chapter and other ordinances of the town. When appropriate signs are erected giving indication of such regulations, no driver of a vehicle shall disobey the direction of any such sign. (1975 Code § 10.68.010)

5-7-2: **TWO-HOUR PARKING:** The parking of vehicles on Main Street between Missoula Avenue and Southwic Avenue is restricted to two (2) hours between the hours of eight thirty o'clock (8:30) A.M. and five thirty o'clock (5:30) P.M. (Ord. 119, 3-10-1998)

5-7-3: **PENALTY:** Any person violating a provision of this chapter shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 10.68.040)

1. For use of signs by town to regulate parking, see section 5-4-4 of this title.

CHAPTER 8

PROCESSIONS AND PARADES¹

SECTION:

- 5-8-1: Identification Of Funeral Procession
- 5-8-2: Driving Through Funeral Or Other Procession
- 5-8-3: Drivers In A Procession
- 5-8-4: Parade And Procession Routes
- 5-8-5: Permits For Processions
- 5-8-6: Penalty

5-8-1: IDENTIFICATION OF FUNERAL PROCESSION²:

- A. **Amber Oscillating Lamp Required:** A funeral escort vehicle or a funeral lead vehicle must be equipped with at least one lighted rotating or oscillating lamp exhibiting an amber light or lens visible under normal atmospheric conditions for a distance of five hundred feet (500') from the front of the vehicle.
- B. **Light To Be Used During Procession Only:** A funeral escort vehicle or a funeral lead vehicle may illuminate a rotating or oscillating amber light only when the vehicle is in use in a funeral procession. (1975 Code § 10.36.010; amd. 2006 Code)

5-8-2: DRIVING THROUGH FUNERAL OR OTHER PROCESSION³: The driver of a vehicle that is not part of a funeral procession may not:

- A. Drive between the vehicles forming a funeral procession while they are in motion except when:

1. Town may regulate or prohibit processions or assemblages on highways, see MCA § 61-12-101(3).

2. MCA § 61-8-381.

3. MCA § 61-8-380.

1. Authorized to do so by a police officer; or
 2. Driving an authorized emergency vehicle emitting an audible or visible signal.
- B. Join a funeral procession to secure the right of way granted by Montana Code Annotated section 61-8-380;
 - C. Pass a funeral procession on a multiple lane highway on the funeral procession's right side unless the funeral procession is in the farthest left lane;
 - D. Enter an intersection, even if the driver is facing a green traffic control signal, when a funeral procession being conducted in compliance with Montana Code Annotated sections 61-8-379 through 61-8-384 proceeding through a red traffic control signal at that intersection as permitted by Montana Code Annotated section 61-8-379, unless the driver can do so without crossing the path of the funeral procession. If the red signal changes to green while the funeral procession is within the intersection, the driver of a vehicle facing a green signal may proceed subject to the right of way of a vehicle participating in a funeral procession. (1975 Code § 10.36.020; amd. 2006 Code)

5-8-3: DRIVERS IN A PROCESSION¹:

- A. **Following Distance:** A vehicle in a funeral procession shall follow the preceding vehicle in the funeral procession as closely as is practicable and safe.
- B. **Authority:** An ordinance, law, or regulation requiring that motor vehicles be operated to allow sufficient space between them to enable another vehicle to enter and occupy that space without danger does not apply to vehicles in a funeral procession.
- C. **Speed:** The driver of a motor vehicle in a funeral procession may not drive the vehicle at a speed:
 1. Greater than fifty five (55) miles per hour on a highway where the posted speed limit is fifty five (55) miles per hour or more; or

1. MCA § 61-8-382.

2. Five (5) miles per hour below the posted speed limit on other streets or roads.

D. **Lights Illuminated:** A vehicle being operated in a funeral procession must have its headlights and taillights illuminated.

E. **Turn Signals:** The turn signals must be flashing simultaneously as warning lights on a vehicle that:

1. Is the first vehicle in a funeral procession; or

2. The driver has reason to believe is the last vehicle in a funeral procession. (1975 Code § 10.36.030; amd. 2006 Code)

5-8-4: **PARADE AND PROCESSION ROUTES:** The chief of police is empowered to designate routes for parades and other processions on the public highways and to police the same, and to adopt and enforce such measures as, in his judgment, are necessary to keep the highway to be traveled upon free from obstruction. (1975 Code § 10.36.040)

5-8-5: **PERMITS FOR PROCESSIONS:** With the exception of funeral processions and parades of the armed forces of the United States or the military forces of this state, no procession or parade shall be conducted on the streets and thoroughfares of the town unless a permit therefor has been issued by the town. The persons or groups to whom such permits are issued shall only occupy, march, or proceed along any street in accordance with the terms of the permit and such regulations as are set forth in this chapter which may be applicable. (1975 Code § 10.36.050)

5-8-6: **PENALTY:** Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 10.36.060)

CHAPTER 9

BICYCLES AND MOTORCYCLES

SECTION:

- 5-9-1: Bicycles
- 5-9-1- 1: Effect Of Regulations
- 5-9-1- 2: Traffic Laws Apply
- 5-9-1- 3: Dismounting To Make Turn
- 5-9-1- 4: Manner Of Riding
- 5-9-1- 5: Clinging To Vehicles
- 5-9-1- 6: Riding On Roadways And Bicycle Paths
- 5-9-1- 7: Carrying Packages
- 5-9-1- 8: Parking
- 5-9-1- 9: Riding On Sidewalks
- 5-9-1-10: Lamps And Other Equipment
- 5-9-2: Motorcycles
- 5-9-2- 1: Motor Driven Cycles
- 5-9-2- 2: Traffic Laws Apply
- 5-9-2- 3: Manner Of Riding
- 5-9-3: Penalty

5-9-1: **BICYCLES¹:**

5-9-1-1: **EFFECT OF REGULATIONS²:** The regulations of this chapter applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein. (1975 Code § 10.32.010)

1. Town may regulate the operation of bicycles and require the registration and licensing of same, see MCA § 61-12-101(8). For right of way for bicycles, see MCA § 61-8-320.

2. MCA § 61-8-601.

5-9-1-2: **TRAFFIC LAWS APPLY¹:** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this traffic code, except as to those provisions of this traffic code which, by their very nature, can have no application. (1975 Code § 10.32.020)

5-9-1-3: **DISMOUNTING TO MAKE TURN:** Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event he shall then obey the regulations applicable to pedestrians. (1975 Code § 10.32.030)

5-9-1-4: **MANNER OF RIDING²:**

A. **Astride A Permanent, Regular Seat:** A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

B. **Number Of Persons:** No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (1975 Code § 10.32.040)

5-9-1-5: **CLINGING TO VEHICLES³:** No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway. (1975 Code § 10.32.050)

5-9-1-6: **RIDING ON ROADWAYS AND BICYCLE PATHS:**

A. **Definitions:** As used in this section:

LANED ROADWAY: A roadway that is divided into two (2) or more clearly marked lanes for vehicular traffic.

1. MCA § 10.32.020.
2. MCA § 61-8-603.
3. MCA § 61-8-604.

ROADWAY: That portion of a highway improved, designed, or ordinarily used for vehicular travel, including the paved shoulder.

- B. **Operation On Roadway:** A person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the right side of the roadway as practicable except when:
1. Overtaking and passing another vehicle proceeding in the same direction;
 2. Preparing for a left turn at an intersection or into a private road or driveway; or
 3. Necessary to avoid a condition that makes it unsafe to continue along the right side of the roadway, including, but not limited to, a fixed or moving object, parked or moving vehicle, pedestrian, animal, surface hazard, or a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.
- C. **Single File:** Persons riding bicycles upon a roadway shall ride in single file except when:
1. Riding on paths or parts of roadways set aside for the exclusive use of bicycles;
 2. Overtaking and passing another bicycle;
 3. Riding on a paved shoulder or in a parking lane, in which case the persons may ride two (2) abreast; or
 4. Riding within a single lane on a laned roadway with at least two (2) lanes in each direction, in which case the persons may ride two (2) abreast if they do not impede the normal and reasonable movement of traffic more than they would otherwise impede traffic by riding single file and in accordance with the provisions of this chapter.
- D. **Exclusion:** A "bicycle", as defined in Montana Code Annotated subsection 61-8-102(2)(b)(ii), is excluded from the provisions of subsection B of this section. (1975 Code § 10.32.060; amd. 2006 Code)

5-9-1-7: **CARRYING PACKAGES¹:** No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars. (1975 Code § 10.32.070)

5-9-1-8: **PARKING:** No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building, in such manner as to afford the least obstruction to pedestrian traffic. No person shall park a bicycle against a glass window at any time. (1975 Code § 10.32.080)

5-9-1-9: **RIDING ON SIDEWALKS²:**

- A. **Prohibited In Business District:** No person shall ride a bicycle upon any sidewalk within the business district.
- B. **Yield To Pedestrians:** A person operating a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing any pedestrian.
- C. **Riding Prohibited By Official Traffic Control Device:** A person may not ride a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk where the use of a bicycle is prohibited by official traffic control devices.
- D. **Same Rights And Duties As Pedestrians:** Except as provided in subsections A and B of this section, a person operating a vehicle by human power upon and along a sidewalk or across a roadway upon and along a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances. (1975 Code § 10.32.090; amd. 2006 Code)

5-9-1-10: **LAMPS AND OTHER EQUIPMENT:**

- A. **Headlight; Taillight Required:** Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet (500') to the

1. MCA § 61-8-606.

2. MCA § 61-8-608.

front. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to rear facing reflectors required by this section.

- B. **Pedal Reflectors Required:** Every bicycle when in use at nighttime shall be equipped with an essentially colorless front facing reflector, essentially colorless or amber pedal reflectors, and a red rear facing reflector. Pedal reflectors shall be mounted on the front and back of each pedal.
- C. **Retroflective Sidewalls Or Reflectors Required:** Every bicycle when in use at nighttime shall be equipped with either tires with retroflective sidewalls or reflectors mounted on the spokes of each wheel. Spoke mounted reflectors shall be within seventy six millimeters (76 mm) (3") of the inside of the rim and shall be visible on each side of the wheel. The reflectors on the front wheel shall be essentially colorless or amber and the reflectors on the rear wheel shall be amber or red.
- D. **Types Of Reflectors:** Reflectors required by this section shall be of a type approved by the division of motor vehicles.
- E. **Brake:** Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.
- F. **Fluorescent Orange Flag:** Every bicycle is encouraged to be equipped with a flag clearly visible from the rear and suspended not less than six feet (6') above the roadway when the bicycle is standing upright. The flag shall be fluorescent orange in color. (1975 Code § 10.32.100)

5-9-2: MOTORCYCLES¹:

5-9-2-1: MOTOR DRIVEN CYCLES: The term "motorcycle", when used in this chapter, shall include "motor driven cycle", as that term is defined in section 5-1-3 of this title. (1975 Code § 10.32.210)

1. MCA § 61-8-359.

5-9-2-2: TRAFFIC LAWS APPLY: Every person riding a motorcycle upon a street or roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the provisions of this traffic code and other traffic ordinances of this town, except as to special regulations in this chapter and except as to those provisions of laws which, by their nature, can have no such application. (1975 Code § 10.32.220)

5-9-2-3: MANNER OF RIDING¹:

- A. **Permanent Regular Seat Required; Number Of Persons:** A person operating a motorcycle or quadricycle on public streets or highways may ride only upon the permanent and regular seat attached to the motorcycle or quadricycle. The operator may not carry any other person, and another person may not ride on a motorcycle or quadricycle unless the motorcycle or quadricycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons or upon another seat firmly attached to the rear or side of the operator.
- B. **Position Of Passenger:** A passenger may not be carried in a position that will interfere with the operation of the motorcycle or quadricycle or the view of the operator.
- C. **Carrying Packages, Bundles Or Articles:** A person operating a motorcycle or quadricycle may not carry any packages, bundles, or articles that would prevent the operator from keeping both hands on the handlebars or that would interfere with the operation of the vehicle in a safe and prudent manner.
- D. **Riding Sidesaddle:** A person may ride upon a motorcycle or quadricycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle or quadricycle.
- E. **Lights Required On:** Except as provided in subsections E1 and E2 of this section, motorcycles and quadricycles must be operated with lights on at all times when operated on any public roadway. A motorcycle or quadricycle may be operated without lights from one-half ($\frac{1}{2}$) hour before sunrise to one-half ($\frac{1}{2}$) hour after sunset if:

1. MCA § 61-8-359.

1. The motorcycle is registered under Montana Code Annotated section 61-3-411 as a collector's item and if persons and vehicles are clearly discernible at a distance of five hundred feet (500'); or
 2. The motorcycle or quadricycle is being driven to the nearest repair facility for headlamp repair.
- F. Riding Side By Side: No more than two (2) motorcycles may be operated side by side in a single traffic lane.
- G. Use Of Traffic Lane: All motor vehicles, including motorcycles and quadricycles, are entitled to the full use of a traffic lane, and a vehicle may not be driven or operated in a manner that deprives any other vehicle of the full use of a traffic lane; except that, motorcycles may, with the consent of both drivers, be operated no more than two (2) abreast in a single traffic lane.
- H. Rights And Duties: Every person riding a motorcycle or quadricycle upon a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a motor vehicle except for those provisions which, by their nature, can have no application. (1975 Code § 10.32.230; amd. 2006 Code)

5-9-3: **PENALTY:** Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 10.32.250)

CHAPTER 10
PEDESTRIANS

SECTION:

- 5-10-1: Subject To Traffic Regulations
- 5-10-2: Drivers To Yield Right Of Way; School Children
- 5-10-3: Crossing Other Than At Crosswalk
- 5-10-4: To Use Right Half Of Crosswalk
- 5-10-5: Walking Along Roadway
- 5-10-6: Soliciting Rides Or Business
- 5-10-7: Drivers To Exercise Due Care
- 5-10-8: Penalty

5-10-1: SUBJECT TO TRAFFIC REGULATIONS¹:

- A. **Obedience Required:** A pedestrian shall obey the instructions of any traffic control device that is specifically applicable to the pedestrian unless otherwise directed by a police officer.
- B. **Subject To Traffic Control Signals:** Pedestrians are subject to traffic control signals and pedestrian control signals at intersections as provided in Montana Code Annotated sections 61-8-207 and 61-8-208.
- C. **Privileges At All Other Places:** At all other places, pedestrians are accorded the privileges and are subject to the restrictions provided in this title.
- D. **Crosswalks:** The town council may, by ordinance, prohibit pedestrians from crossing a roadway within the town except in a marked crosswalk or in an unmarked crosswalk at an intersection.
- E. **Wheelchairs:** Except as provided in Montana Code Annotated subsection 61-8-506(3) and except when provisions by their nature

1. MCA § 61-8-501.

can have no application, a person operating a manually or mechanically propelled wheelchair or other low powered, mechanically propelled vehicle designed specifically for use by a physically disabled person is accorded the privileges and is subject to the restrictions applicable to pedestrians provided in this chapter. (1975 Code § 10.28.010; amd. 2006 Code)

5-10-2: DRIVERS TO YIELD RIGHT OF WAY; SCHOOL CHILDREN¹:

- A. **Absence Of Traffic Control Signals:** Except as provided in subsection B of this section, when traffic control signals are not in place or not in operation, the operator of a vehicle shall yield the right of way, slowing down or stopping if necessary, to a pedestrian crossing the roadway within a marked crosswalk or within an unmarked crosswalk at an intersection, but a pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the operator to yield. This provision does not apply under the conditions provided in Montana Code Annotated section 61-8-503(2).
- B. **Right Hand Turn Allowed:** When a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the operator of a vehicle may make a right hand turn if the pedestrian is in the opposite half of the roadway and is not in danger.
- C. **Vehicle Stopped For Pedestrian; Vehicle Approaching From Rear:** When a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.
- D. **School Children:** A person may not operate a vehicle through a column of school children crossing a roadway or past a school crossing guard while the crossing guard is directing the movement of children across a roadway and while the crossing guard is holding an official sign in the stop position. (1975 Code § 10.28.020; amd. 2006 Code)

1. MCA § 61-8-502.

5-10-3: CROSSING OTHER THAN AT CROSSWALK¹:

- A. **Pedestrian To Yield:** Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.
- B. **Pedestrian Tunnel Or Overhead Pedestrian Crossing:** Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.
- C. **Between Adjacent Intersections:** Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk. (1975 Code § 10.28.030)

5-10-4: TO USE RIGHT HALF OF CROSSWALK²: Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (1975 Code § 10.28.040)

5-10-5: WALKING ALONG ROADWAY³:

- A. **Sidewalks Provided:** Where sidewalks are provided and their use is practicable, a pedestrian may not walk along and upon an adjacent roadway.
- B. **No Sidewalks Provided:** Where sidewalks are not provided, a pedestrian, other than an intoxicated pedestrian referred to in Montana Code Annotated section 61-8-5008, who is walking along and upon a highway may walk only on the shoulder, as far as practicable from the edge of the roadway.
- C. **Wheelchairs Or Other Vehicles For Physically Disabled:** A person using a wheelchair or other vehicle designed specifically for use by a physically disabled person shall use sidewalks if use of sidewalks is practicable. If use of sidewalks is unsafe or not practicable, the person may use the wheelchair or other vehicle on a highway, as far

1. MCA § 61-8-503.

2. MCA § 61-8-505.

3. MCA § 61-8-506.

as practicable from the center of the roadway. (1975 Code § 10.28.050; amd. 2006 Code)

5-10-6: SOLICITING RIDES OR BUSINESS¹:

- A. **Soliciting Ride:** A person may not stand on a roadway for the purpose of soliciting a ride.
- B. **Soliciting Employment, Business, Or Contributions:** A person may not stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of a vehicle unless the solicitation is authorized by the town council. (1975 Code § 10.28.060; amd. 2006 Code)

5-10-7: DRIVERS TO EXERCISE DUE CARE²: Notwithstanding the foregoing provisions of this chapter, an operator of a vehicle shall exercise due care to avoid colliding with a pedestrian or with a person propelling a human powered vehicle or using an assistive mobility device upon a roadway, shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing a child or an obviously confused, incapacitated, or intoxicated person upon a roadway. (1975 Code § 10.28.070; amd. 2006 Code)

5-10-8: PENALTY: Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 10.28.080)

1. MCA § 61-8-507.

2. MCA § 61-8-504.

CHAPTER 11
SNOWMOBILES

SECTION:

- 5-11- 1: Definitions
- 5-11- 2: Effect Of Regulations
- 5-11- 3: State Registration Required
- 5-11- 4: Operation
- 5-11- 5: Unlawful Operation
- 5-11- 6: Operation On Private Property
- 5-11- 7: Curfew
- 5-11- 8: Riding On Streets, Roadways And Snowmobile Paths
- 5-11- 9: Yield Right Of Way
- 5-11-10: Clinging To Vehicles
- 5-11-11: Parking
- 5-11-12: Riding On Sidewalks
- 5-11-13: Violation; Penalty

5-11-1: **DEFINITIONS:** As used in this chapter, the following terms shall have the meanings indicated herein, unless the context otherwise clearly requires that another meaning be intended:

OPERATOR: Includes each person who operates or is in actual physical control of the operation of a snowmobile.

OWNER: Includes each person, other than a lienholder or person having a security interest in a snowmobile, that holds a certificate of title to a snowmobile and is entitled to the use or possession of the snowmobile.

PERSON: An individual, partnership, association, corporation, and any other body or group of persons, regardless of the degree of formal organization.

ROADWAY: Only those portions of a highway, road, or street improved, designed, or ordinarily used for travel or parking of motor vehicles.

SNOWMOBILE: A self-propelled vehicle of an overall width of forty eight inches (48") or less, excluding accessories, designed primarily for travel on snow or ice, that may be steered by skis or runners and that is not otherwise registered or licensed under the laws of the state of Montana. (Ord., 2-8-1993; amd. 2006 Code)

5-11-2: EFFECT OF REGULATIONS:

- A. **Compliance Required:** It is a violation of this chapter for any person to do any act forbidden or fail to perform any act required by this chapter.
- B. **Child Or Ward:** The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.
- C. **Applicability:** These regulations applicable to snowmobiles shall apply whenever a snowmobile is operated upon any street, or upon any public path set aside for the execution of snowmobiles, subject to those exceptions stated herein. (Ord., 2-8-1993)

5-11-3: STATE REGISTRATION REQUIRED¹: The owner of a snowmobile shall register such vehicle with the registrar of motor vehicles of the state of Montana and shall further comply with all provisions of the 1969 snowmobile act. The owner shall display, in a conspicuous place on such registered vehicle, the registered number. (Ord., 2-8-1993)

5-11-4: OPERATION¹:

- A. **Controlled Access Highway Or Facility:** A person may not operate a snowmobile upon a controlled access highway or facility at any time. Snowmobile operation is permitted on the roadway or shoulder of

1. MCA § 23-2-631.

any public road or highway, state highway, county road, or town street located within the boundaries of the town only in the event that:

1. The street, road, or highway is drifted or covered by snow to the extent that travel on the street, road, or highway by other motor vehicles is impractical or impossible;
 2. The operator has received permission or is otherwise authorized for that travel by the town in the case of town streets, the board of county commissioners for county roads, or the state highway patrol for all other highways; or
 3. Operation has been authorized on town streets by a town ordinance.
- B. **Crossing Street Or Highway:** A snowmobile may make a direct crossing of a street or highway whenever the crossing is necessary to get to another authorized area of operation. The crossing must be made at an angle of approximately ninety degrees (90°) to the direction of traffic at a place where no obstruction prevents a quick and safe crossing. The snowmobile must make a complete stop before entering upon any part of the trafficway, and the operator shall yield the right of way to all oncoming traffic.
- C. **Lights; Brake:** A snowmobile may not be operated upon a public street or highway when permitted to do so by Montana Code Annotated sections 23-2-601 through 23-2-644 unless equipped with at least one headlamp and one taillamp, which must be lighted at all times during operation, and unless equipped with a suitable braking device operable by either hand or foot.
- D. **Additional Requirements:**
1. Unless operation is otherwise allowed under subsection D2 or D3 of this section, the operator of a snowmobile who operates the snowmobile upon a public roadway, street, or highway, when allowed to do so under the provisions of Montana Code Annotated sections 23-2-601 through 23-2-644, must have in possession a license to drive a motor vehicle as required by the laws of the state of Montana.
 2. The operator of a snowmobile may operate the snowmobile upon a public roadway, street, or highway when allowed to do so under

the provisions of Montana Code Annotated sections 23-2-601 through 23-2-644, if the operator:

a. Has in possession a certificate showing the successful completion of a Montana approved snowmobile safety education course; and

b. Is in the physical presence and under the supervision of a person who is eighteen (18) years of age or older.

3. An operator who crosses a street, road, or highway, who operates a snowmobile upon a street, road, or highway that is drifted or covered with snow to the extent that travel on the street, road, or highway by other motor vehicles is impractical or impossible, or who operates a snowmobile in any other areas of the state where operation is lawfully permitted is not required to apply for or possess a driver's license under the laws of the state of Montana. (Ord., 2-8-1993; amd. 2006 Code)

5-11-5: UNLAWFUL OPERATION¹:

A. Prohibited: It is unlawful for a person to operate a snowmobile on a public street, public highway, established snowmobile trail, public snowmobile area on public lands or waters, or lands or waters under easement or lease for snowmobiling and adjacent snowmobiling areas on private lands or waters where public snowmobiling is permitted:

1. Speed: At a rate of speed greater than provided by law for motor vehicles, unless travel on the street, highway, or trail has been closed to motor vehicle traffic or unless drifting snow or snow cover has rendered travel by motor vehicles impractical or impossible;

2. Careless Or Reckless Manner: In a careless or reckless manner so as to endanger the person or property of another or to cause injury or damage to either; or

3. Physical Or Mental Disability: If that person by reason of age or mental or physical disability is incapable of operating the snowmobile safely under the prevailing circumstances.

1. MCA § 23-2-632.

- B. **Allowing Operation Prohibited:** It is unlawful to permit the operation of a snowmobile in violation of subsection A of this section by a person who by reason of age or physical or mental disability is incapable of operating the snowmobile safely under the prevailing circumstances. (Ord., 2-8-1993; amd. 2006 Code)
- C. **Muffler:** Without a muffler in good working order and in constant operation which prevents excessive or unusual noise and annoying smoke.
- D. **Rigid Type Hitch:** To pull any sled or trailer or any other object without a "rigid type" hitch. (Ord., 2-8-1993)

5-11-6: **OPERATION ON PRIVATE PROPERTY:** Snowmobiles will not be operated on private property without the permission of the owner, and at no time shall they be operated on sidewalks or posted areas. (Ord., 2-8-1993)

5-11-7: **CURFEW:** No snowmobiling shall be done after the hour of ten o'clock (10:00) P.M. within the town, except in going to or returning from an evening ride. (Ord., 2-8-1993)

5-11-8: **RIDING ON STREETS, ROADWAYS AND SNOWMOBILE PATHS:**

- A. **Use Of Right Hand Side Of Roadway:** Every person operating a snowmobile upon a street or roadway shall ride as near to the right hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- B. **Single File:** Persons riding snowmobiles upon a street or roadway shall not ride more than single file except on paths or parts of roadways set aside for the exclusive use of snowmobiles. (Ord., 2-8-1993)

5-11-9: **YIELD RIGHT OF WAY:** Emerging from an alley, driveway or building, snowmobile operators shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on said sidewalk or sidewalk area,

and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway. (Ord., 2-8-1993)

5-11-10: **CLINGING TO VEHICLES:** No person riding upon any snowmobile shall attach the same or himself to any vehicle upon the street or roadway. (Ord., 2-8-1993)

5-11-11: **PARKING:** No person shall park a snowmobile upon a street other than upon the roadway against the curb or upon the sidewalk in such a manner as to afford the least obstruction to pedestrian traffic. (Ord., 2-8-1993)

5-11-12: **RIDING ON SIDEWALKS:** No person shall ride a snowmobile upon any sidewalk. (Ord., 2-8-1993)

5-11-13: **VIOLATION; PENALTY:**

- A. Violation of any section of this chapter shall be a misdemeanor and punishable by fine or imprisonment or both.
- B. For careless or reckless operation of a snowmobile, or for the operation of a snowmobile while under the influence of intoxicants or narcotics, upon conviction, such person shall be subject to penalty as provided in section 1-4-2 of this code. (Ord., 2-8-1993; amd. 2006 Code)

CHAPTER 12

RAILROADS AND RAILROAD CROSSINGS¹

SECTION:

- 5-12-1: Stopping For Train Approaching Railroad Crossing
- 5-12-2: Stop Signs Erected At Dangerous Crossings
- 5-12-3: Moving Heavy Equipment Across Railroad Grade Crossings
- 5-12-4: Railroad Trains Blocking Streets
- 5-12-5: Penalty

5-12-1: STOPPING FOR TRAIN APPROACHING RAILROAD CROSSING:

- A. Stop Required: When a person operating a vehicle approaches a railroad crossing under any of the circumstances stated in this section, the operator of the vehicle shall stop as close as practicable but not less than fifteen feet (15') from the nearest rail of the railroad and may not proceed until the operator can do so safely. These requirements apply when:
1. A clearly visible electric or mechanical signal device gives warning of the presence or immediate approach of a railroad train;
 2. A crossing gate is lowered or when a flag person gives a signal of the approach or passage of a railroad train;
 3. A railroad train approaching within approximately one thousand five hundred feet (1,500') of the crossing emits a signal audible from that distance, except at crossings within quiet zones established under Montana Code Annotated section 69-14-620, indicating that the train is an immediate hazard because of its speed or nearness to the crossing; or

1. Power of town to require construction, etc., of railroad crossings, see MCA § 7-14-4302. For town regulation of crossings, speed of trains, etc., see MCA § 7-14-4301.

4. An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

- B. **Driving Around Barricades Prohibited:** A person may not operate a vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while the gate or barrier is closed or is being opened or closed. (1975 Code § 10.40.010; amd. 2006 Code)

5-12-2: STOP SIGNS ERECTED AT DANGEROUS CROSSINGS¹:

- A. **Power To Designate And Erect Signs:** The town may designate particularly dangerous highway grade crossings of railroads and erect stop signs thereat.
- B. **Stop Signs Erected:** When stop signs are erected at dangerous railroad crossings, the driver of any vehicle shall stop within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of such railroad and shall proceed only upon exercising due care. (1975 Code § 10.40.020)

5-12-3: MOVING HEAVY EQUIPMENT ACROSS RAILROAD GRADE CROSSINGS²:

- A. **Compliance Required:** A person shall comply with the provisions of this section before operating or moving upon or across the tracks at a railroad grade crossing any crawler type tractor, steam shovel, derrick, roller, or any equipment or structure that has:
1. A normal operating speed of ten (10) or less miles an hour; or
 2. A vertical body or load clearance measured above the surface of the roadway of:
 - a. Less than one-half inch ($\frac{1}{2}$ ") for each foot of the distance between any two (2) adjacent axles; or
 - b. At least nine inches (9").

1. MCA § 61-8-348.

2. MCA § 61-8-350.

- B. **Notice Of Intended Crossing:** Notice of an intended crossing must be given to a representative of the railroad and reasonable time must be given to the railroad to provide proper protection at the crossing.
- C. **Action Before Crossing:** Before making a crossing, the person operating or moving the vehicle or equipment shall first stop the vehicle or equipment as close as practicable but not less than fifteen feet (15') from the nearest rail of the railroad and while stopped shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train. The person may not proceed until the crossing can be made safely.
- D. **Crossing Prohibited:** A crossing may not be made when warning is given by automatic signal, crossing gates, a flag person, or other official traffic control device of the immediate approach of a railroad train or car. If a flag person is provided by the railroad, movement over the crossing must be under the flag person's direction. (1975 Code § 10.40.030; amd. 2006 Code)

5-12-4: **RAILROAD TRAINS BLOCKING STREETS:** It is unlawful for the directing officer, the engineer, conductor, or other person in charge of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street in the town over which said railroad crosses for a period of time longer than ten (10) minutes. (1975 Code § 10.40.040)

5-12-5: **PENALTY:** Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 10.40.050)

CHAPTER 13
EQUIPMENT

SECTION:

- 5-13-1: Lighted Lamps
- 5-13-2: Mufflers
- 5-13-3: Tire Equipment
- 5-13-4: Windshields
- 5-13-5: Mirrors
- 5-13-6: Horns And Warning Devices
- 5-13-7: Audible And Visual Signals
- 5-13-8: Penalty

5-13-1: **LIGHTED LAMPS¹:**

- A. Display Required: Every vehicle driven upon a street within this town at any time from one-half ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) hour before sunrise and at any other time when due to insufficient light, or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet (500') ahead shall display lighted lamps and illuminating devices. A failure on the part of a driver of a moving vehicle to display lighted lamps at such times shall constitute a violation of this section.
- B. Enforcement Of State Law: State law with respect to lighting equipment required by Montana Code Annotated sections 61-9-201 through 61-9-229 shall be enforced within the town by all police officers. (1975 Code § 10.44.010)

5-13-2: **MUFFLERS²:**

- A. Required: Every motor vehicle shall, at all times, be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

1. MCA § 61-9-201.

2. MCA § 61-9-403.

- B. **Cutout, Bypass, Or Similar Device:** No person shall use a muffler cutout, bypass, or similar device upon a motor vehicle upon a street within the town.
- C. **Prevention Of Excessive Fumes Or Smoke:** The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. (1975 Code § 10.44.020)

5-13-3: TIRE EQUIPMENT¹:

- A. **Solid Rubber Tires:** Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch (1") thick above the edge of the flange of the entire periphery.
- B. **Metal Tires:** No person shall operate or move on any street any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.
- C. **Projections On Periphery:** No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the street. It is also permissible to use tire chains of reasonable proportions or pneumatic tires, the traction surfaces of which have been embedded with materials such as wood, wire, plastic or metal, which shall in no instance protrude more than one-sixteenth of an inch ($\frac{1}{16}$ ") beyond the tire tread, upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. The use of pneumatic tires embedded as herein provided shall be permitted only between October 1 and May 31 of each year, except that one such tire may be used for a spare in case of tire failure. School buses equipped with such embedded pneumatic tires may operate from August 15 through the following June 15.
- D. **Special Permit Required:** The town may, in its discretion, issue special permits authorizing the operation upon a street of farm tractors or other farm machinery, or of traction engines or tractors having movable tracks with transverse corrugations upon the

1. MCA § 61-9-406.

periphery of such movable tracks, the operation of which upon the street would otherwise be prohibited.

- E. Violation: A person violating this section is guilty of a misdemeanor. (1975 Code § 10.44.030)

5-13-4: WINDSHIELDS¹:

- A. Definitions: As used in this section, the following definitions apply:

GLASS-PLASTIC GLAZING MATERIAL: A laminate of one or more layers of glass and one or more layers of plastic in which a plastic surface of the glazing faces inward when the glazing is installed in a vehicle.

LIGHT TRANSMISSION: The ratio of the amount of total light, expressed in percentages, that is allowed to pass through the sunscreening or transparent material to the amount of total light falling on the motor vehicle window.

LUMINOUS REFLECTANCE: The ratio of the amount of total light, expressed in percentages, that is reflected outward by the sunscreening or transparent material to the amount of total light falling on the motor vehicle window.

MULTI-PURPOSE VEHICLE: A motor vehicle designed to carry ten (10) or fewer passengers that is constructed on a truck chassis or with special features for occasional off road use.

PICKUP COVER: A camper having a roof and sides but without a floor designed to be mounted on and removable from the cargo area of a pickup truck by the user.

SLIDE IN CAMPER: A camper having a roof, floor, and sides designed to be mounted on and removable from the cargo area of a truck by the user.

1. MCA § 61-9-405.

**SUNSCREEN-
ING MATERIAL:** A film, material, tint, or device applied to motor vehicle windows for the purpose of reducing the effects of the sun.

- B. **Windshield Required:** A motor vehicle, except a motorcycle, quadricycle, motor driven cycle, or farm tractor, must be equipped with a front windshield meeting the requirements of Montana Code Annotated section 61-9-408, unless the driver wears safety glasses, goggles, or face shields at all times during the operation of the motor vehicle.
- C. **Prohibited:** A person may not drive a motor vehicle with:
1. A sign, poster, substance, or other nontransparent material upon the front windshield, side wings, or side or rear windows of the vehicle that materially obstructs, obscures, or impairs the driver's clear view of the highway or an intersecting highway; or
 2. A windshield that is shattered or in such a defective condition that it materially impairs or obstructs the driver's clear view.
- D. **Windshield Wipers Required:** The windshield on a motor vehicle must be equipped with a device for clearing rain, snow, or other moisture from the windshield. The device must be maintained in good working order.
- E. **Tinting Standards:** A person may not operate a motor vehicle that is required to be registered in this state upon a highway if:
1. The windshield has sunscreening material that is not clear and transparent below the AS-1 line or if it has a sunscreening material that is red, yellow, or amber in color above the AS-1 line;
 2. The front side windows have sunscreening or other transparent material that has a luminous reflectance of more than thirty five percent (35%) or has light transmission of less than twenty four percent (24%);
 3. The rear window or side windows behind the front seat have sunscreening or other transparent material that has a luminous reflectance of more than thirty five percent (35%) or has light transmission of less than fourteen percent (14%), except for the rear window or side windows behind the front seat on a multipurpose vehicle, van, or bus; or

4. The windows of a camper, motor home, pickup cover, slide in camper, or other motor vehicle do not meet the standards for safety glazing material specified by federal law in 49 CFR 571.205.

- F. **Applicability:** Except as provided in subsection G of this section, subsection E of this section applies to all vehicles that are equipped with tinted windows, including windows with less than one hundred percent (100%) light transmission to which additional sunscreening material has been applied.
- G. **Exception:** Subsection E of this section does not apply to a multipurpose vehicle that is equipped with tinted windows that were installed by the manufacturer of the vehicle or to a hearse, ambulance, government vehicle, or any other vehicle to which a currently valid certificate of waiver is affixed as specified under Montana Code Annotated section 61-9-428. A certificate of waiver must be issued by the state department of transportation for a vehicle that was registered in this state on October 1, 1991, and was equipped with a suncreening device or other material prohibited under subsection E of this section on October 1, 1991. (1975 Code § 10.44.040; amd. 2006 Code)

5-13-5: **MIRRORS¹:** Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the street for a distance of at least two hundred feet (200') to the rear of such motor vehicle. (1975 Code § 10.44.050)

5-13-6: **HORNS AND WARNING DEVICES²:**

- A. **Horn Required:** A motor vehicle when operated upon a highway must be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200'). A horn or other warning device may not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to ensure safe operation give audible warning with the horn but may not otherwise use the horn when upon a highway.

1. MCA § 61-9-404.

2. MCA § 61-9-401.

- B. **Siren, Whistle Or Bell:** A vehicle may not be equipped with and a person may not use upon a vehicle a siren, whistle, or bell, except as otherwise permitted in this section.
- C. **Security Alarm Signal Device:** A vehicle may be equipped with a security alarm signal device that cannot be used by the driver as an ordinary warning signal while the vehicle is in motion.
- D. **Authorized Emergency Vehicle:** An authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet (500') and of a type approved by the state. The siren may not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which event the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of the vehicle's approach. (1975 Code § 10.44.060; amd. 2006 Code)

5-13-7: AUDIBLE AND VISUAL SIGNALS¹:

- A. **Police Siren And Lights:** A police vehicle must be equipped with a siren capable of giving an audible signal and may be equipped with alternately flashing or rotating red or blue lights as specified in this section.
- B. **Emergency Vehicles:** An authorized emergency vehicle must be equipped:
 1. **Siren And Lights:** With a siren and an alternately flashing or rotating red light as specified in this section; and
 2. **Signal Lamps:** With signal lamps mounted as high and as widely spaced laterally as practicable that are capable of displaying to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level. These lights must have sufficient intensity to be visible at five hundred feet (500') in normal sunlight.
- C. **Buses:** A bus used for the transportation of school children must be equipped with signal lamps mounted as high and as widely spaced

1. MCA § 61-9-402.

laterally as practicable, displaying to the front two (2) red and two (2) amber alternating flashing lights and to the rear two (2) red and two (2) amber alternating flashing lights. These lights must have sufficient intensity to be visible at five hundred feet (500') in normal sunlight. The warning lights must be as prescribed by the board of public education and approved by the state department of transportation.

- D. **Rotating Amber Lights:** A police vehicle and an authorized emergency vehicle may, and an emergency service vehicle must, be equipped with alternately flashing or rotating amber lights as specified in this section.
- E. **Other Vehicles To Yield Right Of Way:** The use of signal equipment as described in this section imposes upon the operators of other vehicles the obligation to yield right of way or to stop and to proceed past the signal or light only with caution and at a speed that is no greater than is reasonable and proper under the conditions existing at the point of operation subject to the provisions of Montana Code Annotated sections 61-8-298 and 61-8-393.
- F. **Liability Of Operator:** An employee, agent, or representative of the state or a political subdivision of the state or of a fire department who is operating a police vehicle, an authorized emergency vehicle, or an emergency service vehicle and using signal equipment in rendering assistance at a highway crash scene or in response to any other hazard on the roadway that presents an immediate hazard or an emergency or life threatening situation is not liable, except for wilful misconduct, bad faith, or gross negligence, for injuries, costs, damages, expenses, or other liabilities resulting from a motorist operating a vehicle in violation of subsection E of this section.
- G. **Blue, Red, And Amber Lights:** Blue, red, and amber lights required in this section must be mounted as high as and as widely spaced laterally as practicable and capable of displaying to the front two (2) alternately flashing lights of the specified color located at the same level and to the rear two (2) alternately flashing lights of the specified color located at the same level or one rotating light of the specified color, mounted as high as is practicable and visible from both the front and the rear. These lights must have sufficient intensity to be visible at five hundred feet (500') in normal sunlight. Except as provided in Montana Code Annotated subsection 61-9-204(6), only "police vehicles" as defined in Montana Code Annotated section 61-8-192 may display blue lights, lenses, or globes.

- H. **Flashing Green Signal Lamp:** A police vehicle and authorized emergency vehicle may be equipped with a flashing signal lamp that is green in color, visible from three hundred sixty degrees (360°), and attached to the exterior roof of the vehicle for purposes of designation as the on scene command and control vehicle in an emergency or disaster. The green light must have sufficient intensity to be visible at five hundred feet (500') in normal sunlight. Only the on scene command and control vehicle may display green lights, lenses, or globes.
- I. **Flashing Headlamps Or Backup Lights:** Only a police vehicle or an authorized emergency vehicle may be equipped with the means to flash or alternate its headlamps or its backup lights. (1975 Code § 10.44.070; amd. 2006 Code)

5-13-8: **PENALTY:** Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 10.44.080)

CHAPTER 14
RECKLESS DRIVING

SECTION:

5-14-1: Reckless Driving

5-14-1: **RECKLESS DRIVING¹:**

- A. **Offense Enumerated:** Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.
- B. **Penalty:** Every person convicted of reckless driving shall, upon conviction, be subject to penalty as provided in section 1-4-2 of this code. (1975 Code § 10.12.020; amd. 2006 Code)

1. MCA § 61-8-301.

CHAPTER 15
ENFORCEMENT

SECTION:

- 5-15-1: Procedure Upon Arrest
- 5-15-2: Failure To Obey Notice
- 5-15-3: Notice On Illegally Parked Vehicle
- 5-15-4: Failure To Comply With Notice
- 5-15-5: Authority To Impound Vehicles
- 5-15-6: Penalty

5-15-1: **PROCEDURE UPON ARREST:** Except when authorized or directed under state law to immediately take a person arrested for a violation of any traffic law before a magistrate, any police officer upon making an arrest for violation of the traffic ordinances of this town shall take the name, address and operator's license number of the alleged violator and license plate number of the motor vehicle involved and shall issue to him, in writing, on a form provided by the town a notice to answer to the charge against him at a place and at a time at least forty eight (48) hours after such arrest to be specified in the notice. The officer, upon receiving the written promise of the alleged violator to answer as specified in the notice, shall release such person from custody. (1975 Code § 10.48.010)

5-15-2: **FAILURE TO OBEY NOTICE:** Any person who violates his written promise to appear, given to an officer upon an arrest for any alleged traffic violation, is guilty of a misdemeanor regardless of the disposition of the charge of which he was originally arrested. Upon such failure to appear, a complaint may be entered against such person and a warrant of arrest issued. (1975 Code § 10.48.020)

5-15-3: **NOTICE ON ILLEGALLY PARKED VEHICLE:** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this title or other ordinance

of the town, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle, a notice in writing, on a form provided by the town clerk-treasurer, for the driver to answer to the charge against him within a specified time at least forty eight (48) hours later, during the hours and at a place specified in the notice. The officer shall send one copy of such notice to the chief of police and one copy to the city court. (1975 Code § 10.48.030)

5-15-4: FAILURE TO COMPLY WITH NOTICE:

- A. **Letter To Owner Of Vehicle:** If a user of a motor vehicle charged with the violation of any restriction on stopping, standing or parking under this traffic code does not appear in response to a notice affixed to such motor vehicle within the time specified in the notice, the chief of police shall send to the owner of the motor vehicle to which the notice was affixed a letter informing him of the violation and requiring him or the aforesaid user of the vehicle to appear and answer the charge specified in the notice. The letter shall declare that in the event such letter is disregarded for a period of five (5) days, a complaint will be filed and warrant of arrest issued.
- B. **Failure To Appear And Answer:** The failure of the owner or the said user of the motor vehicle to appear and answer within five (5) days of receipt of the letter shall constitute a misdemeanor, regardless of the disposition of the original charges. (1975 Code § 10.48.040)

5-15-5: AUTHORITY TO IMPOUND VEHICLES:

- A. **Authority To Remove:** Members of the police department are hereby authorized to remove a vehicle from a street, highway or public parking lot to the nearest garage or other place of safety, or to a garage designated or maintained by the town under the following circumstances:
 - 1. When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.
 - 2. When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are, by reason of physical injury, incapacitated

to such an extent as to be unable to provide for its custody or removal.

3. When any vehicle is left unattended upon a street or highway and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

4. When any vehicle is parked illegally in a parking meter zone for an interval of more than six (6) hours.

- B. **Notice Of Impoundment:** Whenever an officer removes a vehicle from a street or other locality as authorized in this section and the officer knows, or is able to ascertain from the registration records in the vehicle, the name and address of the owner thereof, the officer shall within a reasonable time make every reasonable effort to ascertain the identity of and to locate the owner of the vehicle and to give, or cause to be given, notice, in writing, to the owner of the fact of such removal and the reasons therefor and of the place to which said vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.
- C. **Unknown Owner:** Whenever an officer removes a vehicle from a street or other locality under authority of this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore required, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send, or cause to be sent, written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and name of the garage or place where the vehicle is stored.
- D. **Redemption Of Vehicle:** Before the owner or person entitled to possession of any vehicle removed and impounded, as provided herein, shall be permitted to remove the same from the custody of the town, he shall furnish evidence of his identity and ownership of the vehicle, or right of possession thereto, shall sign a receipt for the vehicle, and shall pay any towing charges incurred by the town in towing said vehicle, and shall pay such charges for the storage of the vehicle as shall have been incurred by the town.

- E. **Payment Of Fees And Charges:** The payment of such fees and charges, as provided herein, shall not operate to relieve the owner or operator of such vehicle from liability from any fine or penalty for the violation of any law or ordinance on account of which such vehicle was removed and impounded.
- F. **Abandoned Vehicle:** Any vehicle left or parked on any street for five (5) consecutive days or longer shall be removed and sold in accordance with section 5-4-7 of this title and Montana Code Annotated section 61-8-356. (1975 Code § 10.48.050)

5-15-6: **PENALTY:** Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 10.48.090)

REFUSAL TO SUBMIT TO ALCOHOL OR DRUG TEST
ORD # 148
3/9/2010