

TITLE 5
MOTOR VEHICLES AND TRAFFIC

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CHAPTER 1

UNIFORM TRAFFIC ACT

SECTION:

- 5-1-1: Adoption
5-1-2: Application; Speed Limit
5-1-3: Amendments
5-1-4: Violations; Penalty

5-1-1: **ADOPTION:** The city hereby adopts by reference the uniform act regulating traffic on highways, as set forth as Montana Code Annotated title 61, chapter 8. Such act shall be known as the *BELGRADE TRAFFIC CODE*, and violations of the provisions thereof shall be prosecuted in the city court. (1983 Code § 10.02.010)

5-1-2: **APPLICATION; SPEED LIMIT:** All traffic within the city shall be governed and regulated by the provisions of said uniform act regulating traffic on highways as set forth in the statutes of Montana; provided, that the speed limit within the city limits shall be twenty five (25) miles per hour, unless otherwise posted or specified. (1983 Code § 10.02.020)

5-1-3: **AMENDMENTS:** The traffic code described in section 5-1-1 of this chapter shall be amended by the additions, deletions and modifications set forth in the various chapters of this title. (1983 Code § 10.02.030)

5-1-4: **VIOLATIONS; PENALTY:** Any person who shall violate a provision of this title shall, upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code, unless a more strict penalty is allowable under said uniform act regulating traffic on highways. (1983 Code § 10.02.040)

CHAPTER 2

SPEED LIMITS¹

SECTION:

- 5-2-1: Special Speed Zone
 5-2-2: Quaw And Heck Elementary Schools; Senior Citizen Center
 5-2-3: Speed Regulations

5-2-1: **SPECIAL SPEED ZONE:**

- A. Main Street: A twenty five (25) mile per hour special speed limit shall exist on Main Street in the city as indicated by variable message speed limit signs equipped with bouncing ball flashing beacons which portray a twenty five (25) mile per hour speed limit from seven thirty o'clock (7:30) A.M. to four thirty o'clock (4:30) P.M. on days or parts of days when school is in session and one week prior to the commencement of the school year. At other times the speed limit would revert back to thirty five (35) miles per hour.
- B. Boundaries: The boundaries of the special speed zone are from station 36 + 50 eastbound traffic to station 43 + 00 westbound traffic.
- C. Penalty: Penalties for violation of this special speed limit shall be those set forth in Montana Code Annotated title 61, chapter 8, part 3. (Ord. 99-3, 5-3-1999, eff. 7-7-1999; amd. 2009 Code)

5-2-2: **QUAW AND HECK ELEMENTARY SCHOOLS; SENIOR CITIZEN CENTER:**

- A. Elementary Schools: A twenty (20) mile per hour special speed limit shall exist as indicated by speed limit signs erected on Broadway Avenue in the school zone near the Quaw and Heck Elementary Schools.

1. See also section 5-1-2 of this title.

- B. Senior Citizen Center: A twenty five (25) mile per hour speed limit zone shall exist as indicated by speed limit signs erected on Broadway Avenue near the Belgrade Senior Citizens Center.
- C. Pedestrian Crosswalk: A pedestrian crosswalk for seniors at the intersection of Broadway Avenue and Cameron Avenue shall exist as indicated by striping and signs.
- D. Violation; Penalty: Penalties for violation of the special speed limits adopted herein shall be those set forth in Montana Code Annotated title 61, chapter 8, part 3. (Ord. 2007-4, 8-6-2007)

5-2-3: **SPEED REGULATIONS:**

- A. Basic Rule: Any person driving a vehicle on a street, avenue, or alley in the city shall drive the same 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 the amount and character of traffic, condition of brakes, weight of vehicle, grade and width of such street, avenue, or alley, condition of the surface, and freedom of obstruction to view ahead, and he shall drive it so as not to unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street, avenue, or alley¹.
- B. Special Speed Zones: Subject to the provisions of subsection A of this section, and except in those instances where a lower speed is specified in this chapter, it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not exceeding the following, but in any case when such speed would be unsafe, it shall not be lawful:
 - 1. School Speed Zone: There is hereby created in the city a school speed zone, the limits of which are more particularly described below and which are a part hereof, wherein it shall be unlawful for any operator of any vehicle to drive at a speed greater than fifteen (15) miles per hour between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M. on days or parts of days when school is in session:
 - a. All that part of Allison Avenue east from the centerline of that alley lying between and running parallel to Quaw Boulevard and

1. MCA § 61-6-303(1).

Weaver Street as now laid out and constructed to the east boundary line of Kennedy Street as now laid out and constructed.

b. All that part of Southview Avenue from the centerline of that alley lying between and running parallel to Quaw Boulevard and Weaver Street to the centerline of that alley lying between and running parallel to Kennedy Street and Davis Street.

c. All that part of Weaver Street from a point one-half ($\frac{1}{2}$) way between Park Avenue and Southview Avenue to a point one-half ($\frac{1}{2}$) way between Allison Avenue and Penwell Avenue, as now laid out and constructed.

d. All that part of Kennedy Street from a point one-half ($\frac{1}{2}$) way between Park and Southview Avenues to a point midway between Allison and Penwell Avenues as now laid out and constructed.

e. Hoffman Street from northern boundary south to Park Street.

f. Northern Middle School south to Park Street.

g. Northern Middle School to the middle of block 100 of Jackrabbit Lane.

h. All of Triple Crown Avenue.

2. School Crossing Zones: There are hereby created in the city school crossing zones, the limits of which are more particularly described and on file in the office of the director of finance, and it shall be unlawful for any operator of any vehicle between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M. seven (7) days a week to drive at a speed greater than fifteen (15) miles per hour when approaching within fifty feet (50') or in traversing said school crossing zones. Upon these crossings which have been signed or marked as school crossing zones, it shall be unlawful for the operator of any vehicle to fail to bring said vehicle to a complete stop when such crossing is occupied by a pedestrian.

3. Traffic Signals: The city manager is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at a speed slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof¹.

1. MCA §§ 61-8-303, 61-8-306, 61-8-310.

4. State Highway: The speed limit on the state highway shall be twenty five (25) miles per hour.

- C. Intent: It is the intent of the city council that the criminal offenses listed in this section be offenses involving legislative intent. Those offenses shall not require proof of any one of the mental states described in Montana Code Annotated subsections 45-2-101(35), (43) and (65). (2009 Code)

CHAPTER 3
TRUCK ROUTES

SECTION:

- 5-3-1: Definitions
- 5-3-2: Application
- 5-3-3: Exceptions
- 5-3-4: Routes Established
- 5-3-5: Maps Indicating Routes
- 5-3-6: Trucks To Weigh In
- 5-3-7: Violation; Penalty

5-3-1: **DEFINITIONS:** For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

DEVIATING TRUCK: A truck which leaves and departs from a truck route while traveling inside the city.

TRUCK: Any vehicle designed or operated for the transportation of property, and whose body weight or whose combined body and load weight exceeds eighteen thousand (18,000) pounds.

TRUCK ROUTE: A way over certain streets, as designated herein, over and along which trucks coming into, going out of and traveling within the city must operate. (1983 Code § 10.04.010)

5-3-2: **APPLICATION:** All trucks within the city shall be operated only over and along the truck routes established by this chapter. (1983 Code § 10.04.020)

5-3-3: EXCEPTIONS:

- A. **Operation On Street Of Destination:** The operation of trucks upon any street where necessary to the conduct of business at a destination point when an established truck route is not available; provided, that streets upon which such traffic is permitted are used only until reaching the intersection nearest the destination point.
- B. **Emergency Vehicles:** The operation of emergency vehicles upon any street in the city.
- C. **Public Utilities:** The operation of trucks owned by the city, public utilities, any contractor or materialman, while engaged in repair, maintenance, or construction of streets, street improvements, or street utilities within the city; provided, that streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point.
- D. **Detour Trucks:** The operation of trucks upon any officially established detour in any case where such trucks could lawfully be operated upon the street for which said detour is established.
- E. **Locally Owned And Operated Trucks:** The operation of loaded or unloaded trucks upon any street where such trucks are being driven to the owner's or operator's premises for storage; provided, that streets upon which such traffic is permitted are used only until reaching the intersection nearest the destination point. (Ord. 94-13, 11-7-1994)

5-3-4: ROUTES ESTABLISHED: The following truck routes are hereby established within the city:

- A. Broadway from Cameron on the north to Madison on the south;
- B. Madison from Colorado to Jackrabbit Lane;
- C. Main Street from the eastern city limits to the western city limits. (1983 Code § 10.04.040; amd. 2009 Code)

5-3-5: MAPS INDICATING ROUTES: The director of finance shall keep and maintain accurate maps setting out truck routes and

streets upon which truck traffic is permitted; the maps shall be available to the public. (1983 Code § 10.04.050)

5-3-6: **TRUCKS TO WEIGH IN:** The police department shall have the authority to require any person driving, or in control of any truck not proceeding over a truck route, or street on which truck traffic is permitted, to proceed to any public or private scale available for the purpose of weighing and determining whether this chapter has been complied with. (1983 Code § 10.04.060)

5-3-7: **VIOLATION; PENALTY:** Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code. (1983 Code § 10.04.070)

CHAPTER 4

**PARKING, U-TURNS, TURNING AND
PASSING RESTRICTIONS**

SECTION:

- 5-4- 1: Definition
- 5-4- 2: Parking Restricted
- 5-4- 3: Parking Prohibited In Specific Places
- 5-4- 4: Stopping, Standing, Or Parking Prohibited On Certain Streets
- 5-4- 5: Method Of Curbside Parking
- 5-4- 6: Parking Trucks In Officially Zoned Residential District
- 5-4- 7: Parking At Schools
- 5-4- 8: No Parking Areas
- 5-4- 9: Parking Time Limits
- 5-4-10: No Parking Of Certain Vehicles
- 5-4-11: Parking For Camping Purposes
- 5-4-12: Reserved Handicapped Parking
- 5-4-13: Emergency Declared
- 5-4-14: Removal; Impounding; Return Of Motor Vehicle
- 5-4-15: U-Turns
- 5-4-16: Left Turn Prohibited
- 5-4-17: Passing On Right Prohibited
- 5-4-18: Violation
- 5-4-19: Responsibility For Violation

5-4-1: **DEFINITION:** For purposes of this chapter, a "vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon the public highways. The term includes trailers, semitrailers, house trailers and motorcycles. The term does not include bicycles. (Ord. 86-2, 8-18-1986)

5-4-2: **PARKING RESTRICTED:**

- A. Prohibited Purposes For Parking On Street: No person shall park any vehicle, motor vehicle, or trailer upon any street, roadway, thoroughfare or alley; or on and in any other public place for the principal purpose of:

1. Displaying such vehicle or motor vehicle for sale;
 2. Greasing, maintaining or repairing such vehicle, except repairs that are necessitated by an emergency rendering the vehicle inoperable.
- B. Alleys: No person shall stop, stand, or park a vehicle within an alley for a period of time longer than is necessary for the reasonably expeditious loading or unloading of such vehicle. When such vehicles are loading or unloading within a public alley, ten feet (10') of the width of the alleyway shall be available at all times for the free movement of vehicular traffic. When such a vehicle is loading or unloading in an alley, the same shall not be parked in such a position as to block the driveway or entrance to any abutting property.
- C. Time Limitation; Declared Abandoned: A vehicle, motor vehicle, or trailer other than those belonging to the city left on a city street, alley, roadway or public property over five (5) days without being moved may be declared abandoned. After the vehicle has been declared abandoned, the city police shall place a five (5) day notice of intent to remove and impound the vehicle. The owner of a vehicle which has been removed and impounded will be responsible for moving and storage expenses arising from the transportation of said abandoned vehicle. (Ord. 86-2, 8-18-1986)

5-4-3: **PARKING PROHIBITED IN SPECIFIC PLACES:** No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police or traffic control officer, or highway patrolman in any of the following places:

- A. On a sidewalk.
- B. In front of a public or private driveway.
- C. Within an intersection or within fifteen feet (15') of an intersection.
- D. Within fifteen feet (15') of a fire hydrant.
- E. Within twenty feet (20') of a crosswalk at an intersection. (Ord. 82-1, 8-18-1986)

- F. Within twenty feet (20') of a crosswalk at an intersection. (Ord. 86-1, 8-18-1986; amd. 2009 Code)
- G. Within thirty feet (30') of the approach to any traffic signal, stop sign, or other traffic control device located at the side of a roadway.
- H. 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.
- I. Within fifty feet (50') of the nearest rail of a railroad crossing. (Ord. 86-1, 9-18-1986)
- J. 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 said entrance when properly signposted. (Ord. 86-1, 9-18-1986; amd. 2009 Code)
- K. Alongside or opposite any street excavation or construction when stopping or parking would obstruct the flow of traffic; or leave less than twenty feet (20') of available roadway for the free movement of traffic.
- L. On the roadway side of any vehicle stopped or parked at the edge of a curb, roadway or street.
- M. Upon any bridge or elevated structure within the city.
- N. At any place where official signs prohibit stopping. (Ord. 86-2, 8-18-1986)
- O. From the northwest corner of the intersection of Main Street and Kennedy Avenue west for a distance of fifty seven feet (57') along the north side of main street.
- P. From Thunder Road to Missoula Avenue on either side of Jackrabbit Lane.
- Q. From Dakota Street to Boundary Street on either side of Madison Avenue.
- R. From the west boundary of the intersection of Jackrabbit Lane and Amsterdam Road a distance of seven hundred feet (700') along Amsterdam Road.

- S. From the east boundary of the intersection of Jackrabbit Lane and Alaska Frontage Road a distance of seven hundred feet (700') east along Alaska Frontage Road.
- T. From the west boundary of the intersection of Broadway and Missoula west along both sides of Missoula to the alley between Broadway and Weaver. (Ord. 2005-12, 11-7-2005)

5-4-4: **STOPPING, STANDING, OR PARKING PROHIBITED ON CERTAIN STREETS:**

- A. **Application Of Section:** The provisions of this section prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.
- B. **Regulations Not Exclusive:** The provisions of this section imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.
- C. **Parking Time Limited On Certain Streets:** When signs are erected in each block to give notice thereof, no person shall park a vehicle for ten (10) minutes at any time within the district or upon any of the streets described and on file in the office of the director of finance.
- D. **City Manager May Make Additional Parking Regulations:** The city manager is authorized to make and enforce such regulations, relative to parking in front of buildings in which a considerable number of persons have assembled or are expected to assemble, as may seem necessary to assure rapid and safe exit of the assemblage from such building.
- E. **Parking Signs Required:** Whenever, by this title or any other city ordinance, any parking time is imposed or parking is prohibited on designated streets or public parking lots, it shall be the duty of the city manager to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

- F. **Owner Responsible For Illegal Parking:** If any vehicle is found upon a street or highway in violation of any ordinances, rules or regulations controlling stopping, standing, or parking of vehicles and the identity of the operator cannot be determined, the owner or person in whose name such vehicle is registered, shall be prima facie responsible for such violation.
- G. **Parking In City Parking Lot:** Parking in city parking lot shall be limited to seventy two (72) consecutive hours. The owner of any vehicle violating this provision is in violation of this section. Vehicles remaining in city parking lot in excess of seventy two (72) hours are subject to the provisions of chapter 5 of this title.
- H. **Handicapped Parking:** Parking spaces designated by the city manager shall be designated as handicapped parking spaces, subject to provisions of Montana Code Annotated sections 49-4-301 through 49-4-307. Spaces must be properly signed to be a legal handicapped zone. (Ord. 96-4, 7-1-1996; amd. 2009 Code)

5-4-5: METHOD OF CURBSIDE PARKING:

- A. **Parallel Parking:** Except as otherwise provided in this section, a vehicle parked upon any public street or thoroughfare shall be parked or stopped with the right hand wheels of the vehicle parallel to and within eighteen inches (18") of the right hand curb, or right hand pavement edge or street boundary, as long as such vehicle is facing the same direction as the traffic flow upon such street.
- B. **Angle Parking:** Angle parking is permitted only where appropriate signs or markers are placed showing the propriety of angle parking. (Ord. 86-2, 8-18-1986)

5-4-6: PARKING TRUCKS IN OFFICIALLY ZONED RESIDENTIAL DISTRICT:

- A. **Parking Prohibited:** No person shall stand or park any truck, truck tractor, trailer, semitrailer, bus, or any vehicle exceeding the GVW limit of eighteen thousand (18,000) pounds on the side of any street which is adjacent to an officially zoned residential district for any purpose or period of time other than for the expeditious loading or unloading of such vehicles. An "officially zoned residential district" is defined as any land area within the city which has been zoned R-1,

R-2, R-3, R-4, R-2-D or R-2-M. (Ord. 86-2, 8-18-1986; amd. 2009 Code)

- B. Exception: The provisions of this section shall not apply to the operator of a truck, truck tractor, trailer, semitrailer, bus, or any other vehicle exceeding the GVW limit of eighteen thousand (18,000) pounds, while such vehicle is actively being used in connection with the construction or repair of buildings, service calls, or the moving of household goods, and shall not be applicable to the operator of a bus while such vehicle is parked in a designated bus stop. (Ord. 86-2, 8-18-1986)

5-4-7: PARKING AT SCHOOLS:

- A. Authority To Erect Signs: The chief of police is hereby authorized to erect or direct the erection of signs indicating no parking upon that side of any street adjacent to any school property, when such parking would, in his opinion, interfere with traffic or create a hazardous pedestrian safety situation.
- B. Parking Prohibited: When official signs are erected indicating no parking upon that side of a street adjacent to school property, no person shall park a vehicle in any such designated place. (Ord. 86-2, 8-18-1986)

5-4-8: NO PARKING AREAS:

- A. Authority To Designate: The chief of police and the city manager are hereby authorized to determine and designate places in which the stopping, standing, or parking of vehicles would create a hazardous condition or could cause unusual delay to traffic.
- B. Erection Of Signs: Such places shall be indicated by the erection of no parking signs and/or by causing the adjacent curb to be painted red.
- C. Prohibited: When official signs are erected and/or red curbs are painted at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place. (Ord. 86-2, 8-18-1986)
- D. Area Designated: A no parking area is hereby established for any vehicles on the south side of Park Avenue between Hoffman Street

and Grogan Street at any time; and the city manager and chief of police shall establish said no parking area by causing no parking signs to be prominently constructed and established in the area. (Ord. 95-15, 2-5-1996)

5-4-9: **PARKING TIME LIMITS:** Whenever signs are erected at the direction of the chief of police and city manager pursuant to a resolution of the city council which prohibits parking, establishes time limits in certain parking zones, or in any way limits or restricts parking, no person shall stop, stand, or park in violation of the provisions indicated by such signs. (Ord. 86-2, 8-18-1986)

5-4-10: **NO PARKING OF CERTAIN VEHICLES:** It shall be unlawful at any time to park a motor vehicle giving off an offensive or disagreeable odor, or any tank truck, tank trailer, or like vehicle containing or used for the transportation of gasoline, butane, fuel oil, or other highly toxic or flammable substance to be parked on any street, alley, park, or other public place or upon any private property in the city where it would create a hazard to life or adjacent property for a period longer than thirty (30) minutes; however, this restriction shall not be construed to prevent the delivery of such liquid to retail gas stations or to private residences or business or business property, but only for so long as is reasonably necessary to complete such delivery. (Ord. 86-2, 8-18-1986)

5-4-11: **PARKING FOR CAMPING PURPOSES:** It shall be unlawful for any person to park any motor vehicle for camping purposes on or within any public street or alleyway within the city, or within one-half ($\frac{1}{2}$) mile of the city limits upon any public street or alleyway, except in an authorized tourists' park, or upon special authorization by the chief of police or city manager. (Ord. 86-2, 8-18-1986)

5-4-12: **RESERVED HANDICAPPED PARKING:** Whenever a particular parking space has been designated and reserved for the handicapped, no person shall park in said space unless he has, visibly displayed on his vehicle, a valid handicapped parking permit or license plate, issued by a municipality, the state of Montana or any other state, or the veterans administration. (Ord. 86-2, 8-18-1986; amd. 2009 Code)

5-4-13: EMERGENCY DECLARED:

- A. **Power To Declare Parking Prohibition:** Whenever the city manager determines that parking motor vehicles on city streets should be prohibited or restricted for street cleaning, snow removal or other emergency purposes, the mayor, chief of police or city manager shall put into effect a parking prohibition on designated streets, as necessary, by declaring it in a manner prescribed hereunder. The prohibition or restriction shall remain in effect until terminated by announcement by the mayor, chief of police or city manager as may be set forth in any notice given hereunder, except that any street area which has been cleared of snow, ice or other debris for the length of an entire block shall be automatically excluded therefrom.
- B. **Parking Prohibited:** While the prohibition or restriction is in effect, no person shall park any motor vehicle or allow any motor vehicle to remain parked on any street to which the prohibition applies.
- C. **Notice:** The city manager shall cause each declaration made by his/her pursuant to this chapter to be publicly announced by means of radio broadcasts from stations with a normal operating range covering the city, and as he/she may cause such declaration to be further announced in newspapers of general circulation in the city when feasible. Each announcement shall describe the action taken by the city manager, including the time it became or will become effective, and shall specify the streets or areas affected. A parking prohibition shall not go into effect until at least eight (8) hours after notice thereof has been first announced or the first publication thereof has been made in a newspaper of general circulation in the city. (Ord. 86-2, 8-18-1986)

5-4-14: REMOVAL; IMPOUNDING; RETURN OF MOTOR VEHICLE: Motor vehicles parked in violation of any section of this chapter may be removed and impounded by any police officer or highway patrolman in accordance with chapter 5 of this title. (Ord. 86-2, 8-18-1986)

5-4-15: U-TURNS: The operator of any motor vehicle shall be prohibited from making a U-turn in the right of way of any of the following areas:

- A. From Thunder Road to Missoula Avenue on either side of Jackrabbit Lane.
- B. From Dakota Street to Boundary Street on either side of Madison Avenue.
- C. From the west boundary of the intersection of Jackrabbit Lane and Amsterdam Road a distance of seven hundred feet (700') west along Amsterdam Road.
- D. From the east boundary of the intersection of Jackrabbit Lane and Alaska Frontage Road a distance of seven hundred feet (700') east along Alaska Frontage Road. (Ord. 2005-12, 11-7-2005)

5-4-16: **LEFT TURN PROHIBITED:** The operator of any motor vehicle shall be prohibited from turning left from the westbound lane of traffic on Amsterdam Road from the west boundary of the intersection of Jackrabbit Lane and Amsterdam Road west for a distance of seven hundred feet (700'). (Ord. 2005-12, 11-7-2005)

5-4-17: **PASSING ON RIGHT PROHIBITED:** The operator of any motor vehicle shall be prohibited from passing any other motor vehicle on the right in the eastbound lane of Amsterdam Road from the west boundary of the intersection of Jackrabbit Lane and Amsterdam Road west for a distance of seven hundred feet (700'). (Ord. 2005-12, 11-7-2005)

5-4-18: **VIOLATION:** Any person violating any preceding sections of this chapter, upon conviction, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 86-2, 8-18-1986; amd. 2009 Code)

5-4-19: **RESPONSIBILITY FOR VIOLATION:** For any violation of this chapter, the registered owner of the vehicle at the time of the violation shall be personally responsible. It shall be no defense to such charge that the vehicle was illegally parked by another unless it is shown that at such time the vehicle was being used without the consent of the owner. (Ord. 86-2, 8-18-1986)

CHAPTER 5

ABANDONED VEHICLES

SECTION:

- 5-5-1: Unlawful To Leave On Private Or Public Property
- 5-5-2: Notice To Owner
- 5-5-3: Removal By City; Costs
- 5-5-4: Authority Of City Manager
- 5-5-5: Penalty

5-5-1: UNLAWFUL TO LEAVE ON PRIVATE OR PUBLIC PROPERTY: It shall be unlawful to park, store, leave, or permit parking or storing of any motor vehicle or machinery of any type or part thereof, for a period of time in excess of five (5) days which is abandoned, wrecked, partially dismantled, unlicensed or inoperative, whether attended or not, upon any private or public property within the city limits, unless the same is completely enclosed within a building. (Ord. 2002-7, 11-4-2002)

5-5-2: NOTICE TO OWNER:

- A. **Written Notice:** The chief of police, or his designee, shall give written notice to the registered or known owner of any motor vehicle, machinery, or part thereof which is in violation of this chapter, or to give such notice to the owner or lessee of private land upon which said motor vehicle, machinery, or part thereof is situated, giving notice that said vehicle, machinery, or part thereof violates this chapter and demanding that said motor vehicle, machinery, or part thereof be removed from the city limits, or completely enclosed within a building within five (5) days from the time of serving the notice. Said notice may be given by personal service, or by posting on the property and by mailing a copy of the notice by United States certified mail, return receipt requested. No notice shall be required for a second or subsequent violation of this chapter by the same registered or known owner of any motor vehicle, machinery, or part thereof, or owner or lessee of private land upon which said motor

vehicle, machinery or part thereof is situated for the same motor vehicle, machinery, or part thereof.

- B. Service: Service shall be deemed given if the chief of police, or his designee, shall cause a copy of the notice to be posted on the vehicle, machinery or part thereof, or in a prominent location on the land upon which said motor vehicle, machinery, or part thereof is situated, and shall mail a copy of the notice by United States certified mail, return receipt requested, addressed to the last known address of the owner of the vehicle, machinery or part thereof, and to the owner or individual in possession of the property upon which the vehicle, machinery or part thereof is located, if different from the owner of the vehicle, machinery or part thereof. If the last known address cannot be determined after reasonable search and inquiry, posting of said notice as set forth above shall be deemed proper and sufficient notice and mailing of said notice shall not be required.
- C. Notice Deemed Given: Notice shall be deemed to have been given on the day of personal service or three (3) days after mailing and posting of said notice. (Ord. 2002-7, 11-4-2002)

5-5-3: **REMOVAL BY CITY; COSTS:** In the event that any of the aforesaid persons, whether an individual, firm, or corporation, fails, neglects, or refuses to remove the abandoned, wrecked, partially dismantled, unlicensed or inoperative vehicle, machinery, or part thereof, or house the same in a building as provided in section 5-5-1 of this chapter, after the required notice, the city, its agent or contractor, may remove the vehicle, machinery, or part thereof, and the cost of removal and storage shall be assessed against the owner of such vehicle, machinery, or part thereof, or the owner of the private property or lessee or other known person in possession of private property upon which such vehicle, machinery, or part thereof is located. Ownership of any vehicle, machinery or part thereof removed by the city, its agent or contractor shall, upon removal, be vested in the city, its agent or contractor, as applicable. (Ord. 2002-7, 11-4-2002)

5-5-4: **AUTHORITY OF CITY MANAGER:** The city manager is authorized to enter into a written contract or agreement with a duly licensed junk dealer for the removal of abandoned, wrecked, partially dismantled, unlicensed or inoperative vehicle, machinery, or part thereof wherein the consideration for the services of said junk dealer shall be the vehicle, machinery, or part thereof at no expense to the city. Said junk dealer, before entering into a contract with the city or being appointed its

agent or contractor in reference to section 5-5-3 of this chapter and this section, shall furnish evidence of public liability insurance to adequately protect such agent or contractor and the city deemed reasonable in the opinion of the city manager. In the event a qualified and suitable junk dealer is not available to contract with or act as the city agent or contractor as provided herein, the city manager is authorized to contract with the lowest responsible bidder to provide for the removal of abandoned, wrecked, partially dismantled, unlicensed or inoperative vehicles, machinery, or parts thereof under section 5-5-3 of this chapter. (Ord. 2002-7, 11-4-2002)

5-5-5: PENALTY:

- A. In the event that any of the aforesaid persons, whether an individual, firm, or corporation, fails, neglects, or refuses to remove the abandoned, wrecked, partially dismantled, unlicensed or inoperative vehicles, machinery, or parts thereof, or house same in the building as provided in section 5-5-1 of this chapter after the required notice, said person, firm, or corporation shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter are committed, continued, or permitted, and, upon conviction of any of such violation, such persons shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not exceeding three hundred dollars (\$300.00), or by imprisonment not to exceed ninety (90) days, or by both fine and imprisonment for each offense.
- B. It is the intent of the city council that the criminal offenses listed in this chapter be offenses involving legislative intent. Those offenses shall not require proof of any one of the mental states described in Montana Code Annotated subsections 45-2-101(33), (37) and 58. (Ord. 2002-7, 11-4-2002)

CHAPTER 6

TRAINS

SECTION:

- 5-6-1: Purpose
5-6-2: Train Blocking Street

5-6-1: **PURPOSE:** The purpose of this chapter is to provide for maximum safety of vehicular and pedestrian traffic within the city by regulating railroad trains operating within the city. (Ord. 92-1, 4-20-1992)

5-6-2: **TRAIN BLOCKING STREET:** It is unlawful for the directing officer, engineer, conductor or any 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 municipality over which said railroad crosses for a period of time longer than ten (10) minutes. (Ord. 92-1, 4-20-1992)

