

Title 10

VEHICLES AND TRAFFIC

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Chapter 10.04

GENERAL PROVISIONS

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10.04.010 **Applicability of provisions.**

A. The provisions of this title and other traffic ordinances of the municipality shall be designated as the City of Laurel Municipal Traffic Code, and may be cited as such.

B. 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. (Prior code § 10.04.010)

10.04.020 **Definitions. (MCA § Title 61, Ch. 1)**

The following words and phrases when used in this title shall have the meanings respectively ascribed to them in this section.

“Authorized emergency vehicles” means vehicles of the fire department, fire patrol, police vehicles and such ambulances and emergency vehicles as are designated or authorized by an appropriate state agency.

“Bicycle” means every device propelled by human power which any person may ride, having two tandem wheels either of which is more than twenty inches in diameter.

“Bus” means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

“Business district” means the territory contiguous to and including a street when, within any six hundred feet along such a street, there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage or three hundred feet collectively on both sides of the street.

“Controlled access highway” means every 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 same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

“Crosswalk” means:

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on oppo-

site sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway;

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

“Double parking” means the standing of a vehicle upon a street alongside and parallel of another vehicle which is parked at the curb.

“Driver” means every person who drives or is in actual physical control of a vehicle.

“Emergency service vehicles” means emergency service vehicles of state, county or city municipal departments or public service vehicles, which, by the nature of their operation, cause a vehicular traffic hazard; or authorized tow cars.

“Intersection” means:

1. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two streets which 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;

2. Where a street includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event such intersecting street also includes two roadways thirty feet or more apart, then every crossing of two roadways of such streets shall be regarded as a separate intersection.

“Laned roadway” means a roadway

which is divided into two or more clearly marked lanes for vehicular traffic.

“Motorcycle” means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

“Motor-driven cycle” means every motorcycle, including every motor scooter, with a motor which produces not to exceed five horsepower, and every bicycle with motor attached.

“Motor vehicle” means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

“Official traffic-control devices” means all signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of the city, county or state, for the purpose of regulating, warning, or guiding traffic.

“Owner” means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof 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 lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed to be the owner for the purpose of this title.

“Park,” when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

"Pedestrian" means any person afoot.

"Person" means as defined in Section 1.04.020 of this code.

"Pole trailer" means every 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 by some pole or structural member to the towing vehicle.

"Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

"Police vehicle" means any vehicle used in the service of any law enforcement agency.

"Private road or driveway" means every 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.

"Railroad sign or signal" means any sign, signal or device erected by the authority of the city, county or state or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

"Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is improved with residences or residences and buildings in use for business.

"Right-of-way" means the privilege of the immediate use of the roadway.

"Roadway" means that portion of a street improved, designed, or ordinarily used for vehicular travel, exclusive of the

berm or shoulder. In the event a street includes two or more separate roadways, the term "Roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which 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.

"School bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

"Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Sidewalk" means that portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

"Stop — stop, stopping or standing" means:

1. Stop. When required means complete cessation from movement.

2. 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 patrolman, or traffic control sign or signal.

"Street or highway" means the entire

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width between the boundary lines of every street, highway and related structure as have been, or shall be, built and maintained with appropriated funds of the United States and which have been, or shall be, built and maintained with funds of the state of Montana, or the city, or which have been or shall be dedicated to public use or have been acquired by eminent domain.

“Through street” means 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.

“Traffic” means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highways for purposes of travel.

“Traffic-control signal” means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

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

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or traces. (Prior code § 10.04.020)

10.04.030 Compliance with provisions required. (MCA § 61-8-104)

It is unlawful for any person to do any act forbidden or fail to perform any act required in this title. (Prior code § 10.04.030)

10.04.040 Authority.

The chief of police and any policemen are 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 city, and may when necessary to protect the safety or welfare of the inhabitants of the city, temporarily divert or exclude all such traffic from any public highway within the city. (Prior code § 10.04.040)

10.04.050 Enforcement. (MCA §§ 61-8-105, 61-9-105)

A. No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer pertaining to the use of the streets by traffic.

B. Drivers of vehicles must at all times comply with directions given by whistle, voice, or hand by the chief of police or any police officers. (Prior code § 10.04.050)

10.04.060 Provisions applicable to public officers and employees. (MCA § 61-8-106)

A. The provisions of this title applicable to the drivers of vehicles upon the streets of the city 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 title with reference to authorized emergency vehicles.

B. Unless specifically made applicable, the provisions of this title, except those contained in Chapter 10.24, 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. (Prior code § 10.04.060)

10.04.070 Police and authorized emergency vehicles.
(MCA § 61-8-107)

A. 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 stated in this section.

B. 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;

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. The exemptions granted to a police vehicle or authorized emergency vehicle apply only when such vehicle is making use of an audible or visual signal, or both, meeting the requirements of Section 10.28.070.

D. 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. (Prior code § 10.04.070)

10.04.080 Animal-drawn vehicles.
(MCA § 61-8-108)

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. (Prior code § 10.04.080)

Chapter 10.08**TRAFFIC CONTROL DEVICES****Sections:**

- 10.08.010 Authority to place and maintain.**
- 10.08.020 Required obedience to traffic-control devices.**
- 10.08.030 Traffic signal interpretation.**
- 10.08.040 Pedestrian signal interpretation.**
- 10.08.050 Flashing signal interpretation.**
- 10.08.060 Display of unauthorized signs, signals or markings prohibited.**
- 10.08.070 Interference with signs or signals prohibited.**

10.08.010 Authority to place and maintain. (MCA § 61-8-203)

A. The chief of police, under the direction of the city council, shall place and maintain traffic control devices, conforming to the State Highway Commission's manual and specifications, upon all city streets as he or the council shall deem necessary to indicate and to carry out the provisions of this title, or to regulate, warn or guide traffic.

B. That in addition to the special ordinances specifically providing for stop signs at certain intersections, through streets, speed limits, parking limitations or other special traffic regulating matters, it is provided that the chief of police under the direction of the mayor and the council

shall cause signs to be posted in all areas where traffic is desired to be controlled, such signs to include stop signs at intersections, through street signs, regulated speed signs, caution signs and other signs necessary for the regulation of traffic.

C. In addition, the chief of police shall post signs where parking is limited or prohibited, indicating such limits or prohibitions. In such areas where parking is limited, the time specified is cumulative between the hours of eight a.m. and six p.m. of each day and no person may avoid the parking limitations by moving his vehicle from time to time within the limited area.

D. All traffic signs and parking limitations signs heretofore posted are approved.

E. Anyone violating the posted sign provisions of this title shall be guilty of a misdemeanor and the same shall be punishable as set forth in this code. (Prior code § 10.08.010)

10.08.020 Compliance with provisions required. (MCA § 61-8-201)

A. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this title, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

B. No provision of this title for which signs are required shall be enforced against the alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and suf-

efficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place. (Prior code § 10.08.020)

10.08.030 Traffic signal interpretation. (MCA § 61-8-207)

Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors shall be used and the terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

A. Green alone or "Go":

1. Vehicular traffic facing the signal may proceed straight through or turn left or right unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time such signal is exhibited;

2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalks.

B. Yellow alone or "Caution" when shown following the green or "Go" signal:

1. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited;

2. Pedestrians facing such signals are thereby advised that there is insufficient

time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

C. Red alone or "Stop":

1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone;

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

D. Red With Green Arrow:

1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within the crosswalk and to other traffic lawfully using the intersection;

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with vehicular traffic.

E. Red With Traffic Sign Legend—Right Turn On Red After Stop:

1. Vehicular traffic facing such signal and legend shall stop and then may cautiously enter the intersection only to make the turn indicated by the legend but shall yield the right-of-way to pedestrians lawfully within the crosswalk and to other traffic lawfully using the intersection;

2. No pedestrian facing such signal and legend shall enter the roadway until the green or "Go" is shown alone.

F. Traffic control signal at place other than intersection:

1. In the event an official traffic-con-

trol signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their very nature can have no application;

2. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. (Prior code § 10.08.030)

10.08.040 Pedestrian signal interpretation. (MCA § 61-8-208)

Whenever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place, such signals shall indicate as follows:

A. Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

B. Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing. (Prior code § 10.08.040)

10.08.050 Flashing signal interpretation. (MCA § 61-8-209)

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

A. Flashing Red—Stop Signal.

1. When a red lens is illuminated with

rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Chapter 10.56.

B. Flashing Yellow—Caution Signal. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. (Prior code § 10.08.050)

10.08.060 Display of unauthorized signs, signals or markings prohibited. (MCA § 61-8-210)

A. No person shall place, maintain, or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign, or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

B. No person shall place or maintain nor shall the city permit upon any street any traffic sign or signal bearing thereon any commercial advertising.

C. This section shall not be deemed to prohibit the erection upon private property adjacent to streets of signs giving use-

ful directional information and of a type that cannot be mistaken for official signs.

D. The prohibitions 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. Every such prohibited sign, signal or marking is declared to be a public nuisance and the city is empowered to remove the same or cause it to be removed without notice.

F. Whoever shall violate this section shall, upon conviction thereof, be fined

not more than three hundred dollars. (Prior code § 10.08.060)

10.08.070 Interference with signs or signals prohibited. (MCA § 61-8-713)

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. (Prior code § 10.08.070)

Chapter 10.12

RULES OF THE ROAD

Sections:

- 10.12.010** Drive on right half of roadway—Exceptions when.
- 10.12.020** Passing vehicles in opposite directions.
- 10.12.030** Overtaking a vehicle proceeding in the same direction.
- 10.12.040** Overtaking and passing on right permitted when.
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- 10.12.090** Driving on laned roadways.
- 10.12.100** Following too closely prohibited.
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- 10.12.300** Crossing fire hose prohibited.
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- 10.12.330** Opening and closing vehicle doors.
- 10.12.340** Snowmobiles prohibited on city streets.
- 10.12.350** U-turns prohibited on certain city streets.
- 10.12.010** Drive on right half of roadway—Exceptions when. (MCA § 61-8-321)
- A. Upon all roadways of sufficient width, a vehicle shall be driven 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 such 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 marked lanes for traffic under the rules applicable thereon; or
 4. Upon a roadway designated and signposted for one-way traffic.
- B. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place, and under the conditions then existing, shall be driven 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. (Prior code § 10.20.010)

- 10.12.020** Passing vehicles going in opposite directions. (MCA § 61-8-322)

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 of the main-traveled portion of the roadway as nearly as possible. (Prior code § 10.20.020)

- 10.12.030** Overtaking a vehicle proceeding in the same direction. (MCA § 61-8-323)

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall 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 driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (Prior code § 10.20.030)

- 10.12.040** Overtaking and passing on right permitted when. (MCA § 61-8-324)

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

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1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway. (Prior code § 10.20.040)

10.12.050 Limitations on overtaking on the left. (MCA § 61-8-325(1))

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 of any vehicle approaching from the opposite direction. (Prior code § 10.20.050)

10.12.060 Driving on left side of roadway—Further limitations. (MCA § 61-8-325(2) and (3))

A. 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 of or traversing any intersection or railroad grade crossing;

3. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

B. The foregoing limitations shall not apply upon a one-way roadway. (Prior code § 10.20.060)

10.12.070 No-passing zones designated. (MCA § 61-8-326)

A. The council shall determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones and when such signs

or markings are in place and clearly visible to an observant person, every driver of a vehicle shall obey the directions thereof.

B. Where signs or markings are in a place to define a no-passing zone as set forth in subsection A of this section, no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length. (Prior code § 10.20.070)

10.12.080 One-way roadways and rotary traffic islands. (MCA § 61-8-327)

A. The council may designate any highway or any separate roadway for one-way traffic and shall erect appropriate signs giving notice thereof.

B. Upon a roadway designated and signposted for one-way traffic, a vehicle shall be driven only in the direction designated.

C. A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (Prior code § 10.20.080)

10.12.090 Driving on laned roadways. (MCA § 61-8-328)

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

A. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane

until the driver has first ascertained that such movement can be made with safety.

B. Upon a roadway which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

C. Official signs may be erected directing slow-moving 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 and drivers of vehicles shall obey the directions of every such sign. (Prior code § 10.20.090)

10.12.100 Following too closely prohibited. (MCA § 61-8-329(1))

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the street or highway. (Prior code § 10.20.100)

10.12.110 Driving on divided streets. (MCA § 61-8-330)

Whenever any street or highway has been divided into two roadways by leaving an intervening space or by physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only on the

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right-hand side of the roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier or section except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority. (Prior code § 10.20.110)

**10.12.120 Turning at intersections.
(MCA § 61-8-333)**

The driver of a vehicle intending to turn at an intersection shall do so as follows:

A. Right Turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.

B. Left Turn On Two-way Roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and, after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

C. Left Turns On Other Than Two-way Roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction

of travel of such vehicle and, after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

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. (Prior code § 10.20.120)

**10.12.130 Turning on curve or crest
of grade prohibited.
(MCA § 61-8-334)**

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet. (Prior code § 10.20.130)

**10.12.140 Starting parked vehicle.
(MCA § 61-8-335)**

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety. (Prior code § 10.20.140)

10.12.150 Turning movements and required signals. (MCA § 61-8-336)

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by Section 10.12.120, 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 and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

B. A signal of intention to turn right or left other than when passing, when required, shall be given continuously during not less than the last one hundred feet travelled by the vehicle before turning, in any business, residence, or urban district as defined in MCA §§ 61-8-408 — 61-8-410.

C. A signal of intention to turn right or left, other than when passing, when required shall be given continuously during not less than the last three hundred feet travelled by the vehicle before turning in areas other than those set forth in subsection B.

D. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal. (Prior code § 10.20.150)

10.12.160 Hand and arm signals or signal lamps. (MCA § 61-8-337)

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, 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. The latter measurement shall apply to any single vehicle, also to any combination of vehicles. (Prior code § 10.20.160)

10.12.170 Correct method of giving hand and arm signals. (MCA § 61-8-338)

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

A. Left turn: hand and arm extended horizontally;

B. Right turn: hand and arm extended upward;

C. Stop or decrease speed: hand and arm extended downward. (Prior code § 10.20.170)

10.12.180 Two vehicles entering an intersection at the same time—Right-of-way designated. (MCA § 61-8-339)

A. When two 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 the vehicle on the right.

B. The right-of-way rule declared in subsection A of this section is modified as through highways and otherwise as hereinafter stated in this title. (Prior code § 10.20.180)

10.12.190 Vehicle making left turn at intersection—Right-of-way designated. (MCA § 61-8-340)

The driver 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 which is within the intersection or so close thereto as to constitute an immediate hazard, but the driver, having so yielded and having given a signal when and as required by this title, may make such left turn and the drivers 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 shall not be applicable where drivers of vehicles are otherwise directed by appropriate signs or signals. (Prior code § 10.20.190)

10.12.200 Vehicle entering through street or stop intersection—Right-of-way designated. (MCA § 61-8-341)

A. The driver of a vehicle shall stop as required by Section 10.48.010 at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection from the through street or which are approaching so closely on the through street as to constitute an immediate hazard, but the driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on the through street shall yield the right-of-way to the vehicle so proceeding into or across the through street.

B. The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed. (Prior code § 10.20.200)

10.12.210 Vehicle approaching street from private road—Right-of-way designated. (MCA § 61-8-343)

The driver of a vehicle about to enter or cross a street from a private road, driveway or public approach ramp shall yield the right-of-way to all vehicles approaching on the street. (Prior code § 10.20.210)

10.12.220 Approaching "Yield" sign—Right-of-way designated. (MCA § 61-8-342)

When the intersection is designated by the city as a "yield" intersection, the driver of a vehicle approaching the "yield" sign shall slow to a speed of not more than fifteen miles per hour and yield right-of-way to all vehicles approaching from the right or the left on the intersecting roads, or streets, which are so close as to constitute an immediate hazard. If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a "yield" sign, such collision or interference shall be deemed evidence of the driver's failure to yield right-of-way. (Prior code § 10.20.220)

10.12.230 Operation of vehicles on approach of police or authorized emergency vehicles. (MCA § 61-8-346)

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirement of Section 10.28.070, or of a police vehicle properly and lawfully making use of an audible signal only, the driver 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 side edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the police vehicle or authorized emergency vehicle has passed, except when otherwise directed by a police officer or highway patrolman.

B. This section shall not operate to 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 using the highway. (Prior code § 10.20.230)

**10.12.240 School buses—
Overtaking and passing procedure. (MCA § 61-8-351)**

A. The driver of a vehicle upon a street, upon meeting or overtaking from either direction any school bus which has stopped on the street for the purpose of receiving or discharging any school children, shall stop the vehicle before reaching such school bus when there is in operation on the bus a visual flashing red signal as specified in Section 10.28.070 and the driver shall not proceed until such school bus resumes motion, and in addition the driver of a vehicle must slow and proceed with caution when meeting or overtaking from either direction any school bus which is preparing to stop on the street for the purpose of receiving or discharging any school children as indicated by flashing amber lights as specified in Section 10.28.070.

B. Every bus used for the transportation of school children shall bear, upon the front and rear thereof, plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of Section 10.28.070. Amber flashing lights shall be actuated by the driver approximately one hundred fifty feet before the bus is stopped to receive or discharge

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school children. Red lights shall be actuated by the driver of the school bus whenever, but only whenever, such vehicle is stopped on the street for the purpose of receiving or discharging school children.

C. When a school bus is being operated upon a street for purposes other than the actual transportation of children either to or from school, all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.

D. The driver of a vehicle upon a street with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such street and where pedestrians are not permitted to cross the roadway. (Prior code § 10.20.240)

**10.12.250 School bus signal—
Unlawful to use when.
(MCA § 61-8-352)**

It is unlawful to operate any flashing warning signal light on any school bus except when any school bus is preparing to stop or is stopped on a street for the purpose of permitting school children to board or alight from the school bus. (Prior code § 10.20.250)

**10.12.260 Backing limitations.
(MCA § 61-8-358)**

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. (Prior code § 10.20.260)

**10.12.270 Obstructing driver's view
or control of vehicle
prohibited. (MCA §
61-8-360)**

A. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle. (Prior code § 10.20.270)

**10.12.280 Coasting prohibited.
(MCA § 61-8-362)**

The driver of any motor vehicle, when traveling upon a down grade, shall not coast with the gears of such vehicle in neutral or with the clutch manually disengaged. (Prior code § 10.20.280)

**10.12.290 Following fire apparatus
prohibited. (MCA §
61-8-363)**

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (Prior code § 10.20.290)

10.12.300 Crossing fire hose prohibited. (MCA § 61-8-364)

No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street, or private driveway, to be used at any fire alarm or fire, without the consent of the fire department official in command. (Prior code § 10.20.300)

10.12.300 Riding on fenders or running boards prohibited. (MCA § 61-8-366)

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. (Prior code § 10.20.310)

10.12.320 Riding in house trailers prohibited when. (MCA § 61-8-367)

No person or persons shall 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 ton rated truck. (Prior code § 10.20.320)

10.12.330 Opening and closing vehicle doors. (MCA § 61-8-368)

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer

than necessary to load or unload passengers. (Prior code § 10.20.330)

10.12.340 Snowmobiles prohibited on city streets.

A. No person shall operate a snowmobile on the roadway or shoulder of any public road or highway or of any city street, except that operation of a snowmobile thereon is allowed only in the event that the road, highway or street is drifted or covered by snow to such an extent that travel thereon by other motor vehicles is impractical or impossible; or, in the event that the operator has received express permission in writing by the city council for operation on roads, highways or streets.

B. No snowmobile may be operated upon a public road, highway or street when permitted to do so hereunder unless it is equipped with at least one headlamp and one tail lamp, both of which shall be lighted at all times during such operation or use, and unless it is equipped with a suitable braking device which may be operated by either hand or foot.

C. The operator of a snowmobile upon a public road, highway or street by express permission of the city council shall have in his possession at all times driving such operation or use thereof a license to drive a motor vehicle under and pursuant to the laws of the state of Montana.

D. It is unlawful for any person to operate a snowmobile on public roads, highways or streets at a rate of speed greater than provided by law for motor vehicles; or, while under the influence of intoxicating liquor or narcotics or habit forming drugs; or, 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,

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if its operator by reason of age or mental or physical disability, is incapable of operating a snowmobile safely under the prevailing circumstances, all as prohibited for the operation of other motor vehicles under appropriate state law and city ordinance. (Ord. 817, 1985: prior code § 10.34.010)

10.12.350 U-turns prohibited on certain city streets.

A. It is declared unlawful for the driver of any motor vehicle to make a U-turn on any of the following-specified public streets or parts of public streets of the city:

**Streets on Which
U-Turns are
Prohibited**

	From	To
So. Fourth St. E.	First Ave. So.	So. Washington Ave.
So. Washington Ave.	E. Railroad St.	So. Fourth St. E.

B. Any person who shall violate the terms of this section shall, upon conviction thereof, be punished as set forth in Section 1.36.010 of this code. (Ord. 1079 §§ 1, 2, 1993)

Chapter 10.16

CARELESS DRIVING, RECKLESS DRIVING AND DRIVING WHILE INTOXICATED

Sections:

- 10.16.010** Persons under the influence of liquor or drugs—Criteria—Violation—Penalty.
- 10.16.020** Reckless driving—Criteria—Violation—Penalty.
- 10.16.030** Issuance of restricted probationary license when.
- 10.16.040** Careless driving prohibited.
- 10.16.010** Persons under the influence of liquor or drugs—Criteria—Violation—Penalty. (MCA §§ 61-8-401, 61-8-714)
- A. In any criminal prosecution for a violation of subsection B of this section relating to driving a vehicle while under the influence of alcohol, the amount of alcohol in the defendant's blood at the time alleged, as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance, shall give rise to the following presumptions:
1. If there was at the time 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of alcohol;
 2. If there was at the time in excess of

0.05 percent but less than 0.10 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

3. If there was at that time 0.10 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of alcohol;

4. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred cubic centimeters of blood.

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

C. It is unlawful and punishable as provided in subsection D of this section for any person who is under the influence of alcohol or any narcotic drug or any other drug to a degree which renders him incapable of safely driving a motor vehicle to drive or be in actual physical control of a motor vehicle within this city. The fact that any person charged with a violation of this subsection is or has been entitled to use such a drug under the laws of this state does not constitute a defense against any charge of violating this subsection.

D. A person convicted of a violation of this section may, in the discretion of the court, be punished by imprisonment for up to twenty-four hours, and shall be punished by a fine of not less than one hun-

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dred dollars or more than five hundred dollars. The jail sentence may not be suspended unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well being.

E. On a second conviction, he shall be punished by a fine of not less than three hundred dollars or more than five hundred dollars and by imprisonment for not less than seven days or more than thirty days. Three days of the jail sentence may not be suspended unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being.

F. On the third and subsequent conviction, he shall be punished by imprisonment for a term of not less than thirty days or more than one year, to which may be added, in the discretion of the court, a fine of not less than five hundred dollars or more than one thousand dollars. Notwithstanding any provision to the contrary providing for suspension of execution of a sentence imposed under these subsections D, E or F, the the imposition or execution of the first ten days of the jail sentence imposed for a third or subsequent offense that occurred within five years of the first offense may not be deferred or suspended.

G. In addition to the punishment provided in this section, regardless of disposition, the defendant shall complete an alcohol information course at an alcohol treatment program approved by the department of institutions, which may include alcohol or drug treatment, or both, if considered necessary by the counselor conducting the program. Each counselor providing such education or treatment

shall, at the commencement of the education or treatment, notify the court that the defendant has been enrolled in a course or treatment program. If the defendant fails to attend the course or the treatment program, the counselor shall notify the court of the failure.

H. For the purpose of determining the number of convictions under this section, "conviction" means a final conviction, as defined in MCA § 45-2-101, or a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated. An offender is considered to have been previously convicted for the purposes of this section if less than five years have elapsed between the commission of the present offense and a previous conviction. If there has been no additional conviction for an offense under this section for a period of five years after a prior conviction hereunder, then such prior offense shall be expunged from the defendant's record. (Prior code § 10.12.010)

**10.16.020 Reckless driving—
Criteria—Violation—
Penalty. (MCA §§
61-8-301, 61-8-715)**

A. A person commits the offense of reckless driving if he:

1. Operates any vehicle in wilful or wanton disregard for the safety of persons or property; or
2. Does so while fleeing or attempting to flee from or elude a peace officer who is lawfully in pursuit and whose vehicle is at the time in compliance with the requirements of MCA Section 32-21-132.

B. A person convicted of reckless driv-

ing under subsection (A)(1) of this section shall be punished upon a first conviction by imprisonment for a period of not more than ninety days, or by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten days nor more than six months, or by a fine of not less than fifty dollars nor more than five hundred dollars, or by both such fine and imprisonment.

C. A person convicted of reckless driving under subsection (A)(2) of this section shall be punished by imprisonment in the county or city jail for not less than ten days or more than six months to which may be added at the discretion of the court a fine of not less than three hundred dollars or more than five hundred dollars. On a second or subsequent conviction, he shall be punished by imprisonment for a term of not less than thirty days or more than one year to which may be added at the discretion of the court a fine of not less than five hundred dollars or more than one thousand dollars. (Prior code § 10.12.020)

**10.16.030 Issuance of restricted probationary license when.
(MCA § 61-11-101(2))**

The court may also recommend that the division of motor vehicles of the department of justice issue a restricted probationary license in lieu of the suspension required in MCA § 61-5-208(2) on the condition that the individual attend a driver improvement school or an alcohol treatment program if one is available. The division shall issue a restricted probationary license unless the person is not entitled to a Montana operator's or chauffeur's license. (Prior code § 10.12.030)

**10.16.040 Careless driving prohibited.
(MCA § 61-8-302)**

A person operating or driving a vehicle of any character on a public highway of this city shall drive it in a careful and prudent manner 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 or highway. (Prior code § 10.12.040)

Chapter 10.20

SPEED RESTRICTIONS

Sections:

- 10.20.010** **Speed limit.**
- 10.20.020** **Exceptions.**
- 10.20.030** **Minimum speed limitations.**
- 10.20.040** **Permission to hold speed contest when.**
- 10.20.050** **Requirements for charging violations.**

10.20.010 **Speed limit. (MCA §§ 61-8-303, 61-8-306)**

A. A person operating or driving a vehicle of any character on a public highway of this city shall drive it in a careful and prudent manner, and at a rate of speed no greater than is reasonable or proper under the condition 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 highway, condition of 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 or highway.

B. Where no special hazard exists that requires a lower speed for compliance with subsection A of this section, the following speeds limits shall apply to streets or ways of the state open to the public within the city.

1. Fifteen miles per hour in any of the following zones:

a. School Zone. For purposes of this section, a school zone shall mean a street, road, alley or way of the state open to the public approaching, adjacent to, near and/or beyond

a public, private or parochial school building or grounds.

i. Notice. Notice of limits set pursuant to this section shall become effective when: (1) signs are erected giving notice of the school zone, the authorized speed limit and the days and hours when the lower limit is effective; or (2) when signs are erected giving notice of the school zone, the authorized speed limit and which indicate the days and hours the lower limit is effective by an electronic flasher operated by a time clock. No notice of the end of the school zone is necessary under this part,

ii. Driver's Record. All violations of this section shall be written as a violation of this part pursuant to MCA § 61-8-310, subject to reporting procedures applicable under MCA § 61-8-310, and a conviction or bond forfeiture for violation of this part shall be reported on the driver's Montana certified driving record,

b. City alleys,

c. Construction Zones. All work or construction zones with speed restrictions posted as required herein. The limits prescribed herein shall not apply to construction zones not posted with speed limit signs or construction zones posted with speed limits other than those prescribed herein;

2. Twenty-five miles per hour in any business or residential district;

3. City residents may petition the city for a review of city speed limits imposed by this section. Upon good cause appearing, the city public works director shall institute a traffic study at petitioner's cost, and if good cause appears for a change of the present speed limit, the city public works director shall recommend such change to the city council;

4. Reserved;

5. Reserved;

6. Reserved;

7. Reserved.
(Ord. 05-6, 2005; Ord. 02-46, 2002; prior
code § 10.16.010)

10.20.020 Exceptions.

A. A speed limit imposed pursuant to the
Federal Aid Highway Act of 1973 is an ex-
ception to the basic rule of Section 10.20.010.

B. The provisions of such act shall not apply to public streets for which a speed limit is lower than that required by federal law. (Prior code § 10.16.020)

**10.20.030 Minimum speed limitations.
(MCA § 61-8-311)**

A. No person shall drive a motor vehicle at such slow speed as 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. Police officers are authorized to enforce this provision by directions to drivers, and in the event of apparent wilful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver shall be a misdemeanor, except that inability to comply with such order will not be construed as wilful disobedience.

B. Whenever the council determines, on the basis of an engineering and traffic investigation, that slow speeds on any part of a street consistently impede the normal and reasonable movement of traffic, the council may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law. (Prior code § 10.16.030)

**10.20.040 Permission to hold speed
contest when. (MCA § 61-8-
308)**

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 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. (Prior code § 10.16.040)

**10.20.050 Requirements for charging
violations.**

In every charge of violation of any speed regulation in this title, 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. (Prior code § 10.16.050)

Chapter 10.24

PEDESTRIANS

Sections:

- 10.24.010 Traffic regulations applicable.**
- 10.24.020 Drivers to yield right-of-way.**
- 10.24.030 Pedestrians to yield right-of-way when.**
- 10.24.040 Pedestrians to use right half of crosswalk.**
- 10.24.050 Provisions for walking along roadway.**
- 10.24.060 Soliciting rides or business prohibited when.**
- 10.24.070 Exercise of due care by drivers required.**
- 10.24.080 Pedestrian intoxication prohibited.**

10.24.010 Traffic regulations applicable. (MCA § 61-8-501)

At intersections or other areas where traffic-control signals are emplaced, pedestrians shall be subject to such signals as provided in Sections 10.08.030 and 10.08.040. At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter. (Prior code § 10.28.010)

10.24.020 Drivers to yield right-of-way. (MCA § 61-8-502)

A. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the

half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions stated in 10.24.030(B).

B. Whenever any vehicle is stopped at a marked crosswalk, or at any unmarked crosswalk at an intersection, to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

C. It is unlawful for any person to drive a motor vehicle through a column of school children crossing a street or highway or past a member of the school safety patrol while the member of the school safety patrol is directing the movement of children across a street or highway and while the school safety patrol is holding his official signal in the stop position. (Prior code § 10.28.020)

10.24.030 Pedestrians to yield right-of-way when. (MCA § 61-8-503)

A. 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 on the roadway.

B. 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 at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk. (Prior code § 10.28.030)

10.24.040 Pedestrians to use right half of crosswalk. (MCA § 61-8-505)

Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (Prior code § 10.28.040)

10.24.050 Provisions for walking along roadway. (MCA § 61-8-506)

A. Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon the highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. (Prior code § 10.28.050)

10.24.060 Soliciting rides or business prohibited when. (MCA § 61-8-507)

A. No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

B. No person shall stand on, or in proximity to, a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (Prior code § 10.28.060)

10.24.070 Exercise of due care by drivers required. (MCA § 61-8-504)

Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. (Prior code § 10.28.070)

10.24.080 Pedestrian intoxication prohibited. (MCA § 61-8-508)

No person shall walk upon or along a city street under the influence of intoxicating liquor. (Prior code § 10.28.080)

Chapter 10.28

REQUIRED EQUIPMENT

Sections:

- 10.28.010 Lighted lamps required when.
- 10.28.020 Mufflers required.
- 10.28.030 Tire standards—Permits required for farm machinery on city streets.
- 10.28.040 Windshield requirements.
- 10.28.050 Mirrors required.
- 10.28.060 Horns and warning devices required—Standards.
- 10.28.070 Authorized emergency vehicles, school buses, etc.—Audible and visual signal requirements.
- 10.28.080 Brakes required.

10.28.010 Lighted lamps required when. (MCA § 61-9-201)

A. Every vehicle driven upon a street within this city at any time from a half hour after sunset to a half 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 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. State law with respect to lighting

equipment required by MCA Title 61, Chapter 9, Part 2, shall be enforced within the city by all police officers. (Prior code § 10.44.010)

10.28.020 Mufflers required. (MCA § 61-9-403)

A. 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.

B. No person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle upon a street within the city.

C. 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. (Prior code § 10.44.020)

10.28.030 Tire standards—Permits required for farm machinery on city streets. (MCA § 61-9-406)

A. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

B. 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. 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 protu-

berances which will not injure the street, and except also that it shall be permissible to use tire chains of reasonable proportions or pneumatic tires, the traction surfaces of which have been embedded with material such as wood, wire, plastic or metal, which shall in no instance protrude more than one-sixteenth of an inch 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 the first day of October and the last day of May of each year, except that one such tire may be used for a spare in case of tire failure.

D. The city may, in its discretion, issue special permits authorizing the operation upon a street of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon the street would otherwise be prohibited. (Prior code § 10.44.030)

**10.28.040 Windshield requirements.
(MCA § 61-9-405)**

A. No person shall drive any motor vehicle with any sign, poster, or transparent material upon the front windshield, side wings, or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

B. The windshield on every motor vehicle shall be equipped with a device for clearing rain, snow or other moisture from the windshield, which device shall be so

constructed as to be controlled or operated by the driver of the vehicle.

C. Every windshield wiper upon a motor vehicle shall be maintained in good working order. (Prior code § 10.44.040)

**10.28.050 Mirrors required. (MCA
§ 61-9-404)**

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 to the rear of such motor vehicle. (Prior code § 10.44.050)

**10.28.060 Horns and warning
devices required—
Standards. (MCA §
61-9-401)**

A. Every motor vehicle, when operated upon a street within the city, shall 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, but no horn or other warning device shall 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 his horn but shall not otherwise use such horn when upon a street.

B. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

C. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

D. Any 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 and of a type approved by the Montana Highway Patrol Board, but such siren shall not be used except when such 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 said latter events, the driver of such vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof. (Prior code § 10.44.060)

**10.28.070 Authorized emergency vehicles, school buses, etc.—Audible and visual signal requirements.
(MCA § 61-9-402)**

A. A police vehicle shall be equipped with a siren capable of giving an audible signal and may, but need not, be equipped with alternately flashing or rotating red or blue lights as specified herein. The use of signal equipment described herein shall impose upon the drivers of other vehicles, the obligation to yield right-of-way and/or to stop and to proceed past such signal or light only with caution and at a speed which is no greater than is reasonable and proper under the conditions existing at the point of operation.

B. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by the Revised Codes of Montana, be equipped with a siren, and an alternately

flashing or rotating red light as specified in this section.

C. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by the Revised Codes of Montana, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

D. Every bus used for the transportation of school children shall, in addition to any other equipment and distinctive markings required by the Revised Codes of Montana, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, displaying to the front two red and two amber alternating flashing lights and to the rear two red and two amber alternating flashing lights. These lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight. The warning lights shall be of a type, and located on each bus, as prescribed by the state board of education and approved by the supervisor of the state highway patrol.

E. Police vehicles and authorized emergency vehicles may, and emergency service vehicles shall, in addition to any other equipment and distinctive markings required by this act be equipped with alternately flashing or rotating amber lights as specified herein. The use of signal equipment described herein shall impose upon the drivers of other vehicles the ob-

ligation to yield right-of-way and/or to stop and to proceed past such signal or light only with caution and at a speed which is no greater than is reasonable and proper under the conditions existing at the point of operation.

F. Blue, red and amber lights required in subsections A, B, and C of this section shall be mounted as high and as widely spaced laterally as practicable and capable of displaying to the front two alternately flashing lights of the specified color located at the same level and to the rear two alternately flashing lights of the specified color located at the same level or as an alternative, one rotating light of the spec-

ified color, mounted as high as is practicable which shall be both visible front and rear. These lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight. The use of blue lights as required in subsection A of this section shall be restricted to police vehicles as defined in Section 10.04.020 of this chapter. (Prior code § 10.44.070)

10.28.080 Brakes required.

Every motor vehicle shall be equipped with brakes in compliance with MCA Title 61, Chapter 9, Part 3. (Prior code § 10.44.080)

Chapter 10.32

MOTORCYCLES

Sections:

- 10.32.010** **Definitions.**
- 10.32.020** **Applicability of general traffic laws.**
- 10.32.030** **Regulations for operation.**
- 10.32.040** **Driving in traffic lanes.**
- 10.32.050** **Protective head gear required.**

10.32.010 **Definitions.**

The term "motorcycle" when used in this chapter, shall mean and include motor-driven cycles, as that term is defined in Section 10.04.020. (Prior code § 10.32.210)

10.32.020 **Applicability of general traffic laws. (MCA § 61-8-359(8))**

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 title and other traffic ordinances of this city, 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. (Prior code § 10.32.220)

10.32.030 **Regulations for operation. (MCA § 61-8-359(1)—(5))**

A. A person operating a motorcycle on public streets or highways shall ride only upon the permanent and regular seat attached thereto, and such operator shall

not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle 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 persons, or upon another seat firmly attached to the rear or side of the operator.

B. No passenger shall be carried in a position that will interfere with the operation of the motorcycle or the view of the operator.

C. No person operating a motorcycle shall carry any packages, bundles, or articles which would interfere with the operation of the vehicle in a safe and prudent manner.

D. "Side saddle" riding on a motorcycle is prohibited.

E. Motorcycles are to be operated with lights on at all times when operated on any public highway or street. (Prior code § 10.32.230)

10.32.040 **Driving in traffic lanes. (MCA § 61-8-359(6) and (7))**

A. Not more than two motorcycles shall be operated side by side in a single traffic lane.

B. All motor vehicles, including motorcycles, are entitled to the full use of a traffic lane, and no vehicle shall be driven or operated in such a manner as to deprive any other vehicle of the full use of a traffic lane, except that motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single traffic lane. (Prior code § 10.32.240)

**10.32.050 Protective head gear
required. (MCA §
61-9-417)**

Every operator or passenger of any motorcycle under the age of eighteen years, shall wear protective head gear while operating a motorcycle within the city limits. (Prior code § 10.32.250)

10.36.010

Chapter 10.36

BICYCLES

Sections:

- 10.36.010** **Applicability of provisions.**
- 10.36.020** **Traffic laws applicable.**
- 10.36.030** **Dismounting to make turn required when.**
- 10.36.040** **Approved manner of riding.**
- 10.36.050** **Clinging to vehicles prohibited.**
- 10.36.060** **Regulations for riding on roadways and bicycle paths.**
- 10.36.070** **Carrying packages prohibited when.**
- 10.36.080** **Parking allowed where.**
- 10.36.090** **Riding on sidewalks.**
- 10.36.100** **Lamps and other required equipment.**
- 10.36.110** **Registration required.**

- 10.36.010** **Applicability of provisions. (MCA § 61-8-601(2))**

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. (Prior code § 10.32.010)

- 10.36.020** **Traffic laws applicable. (MCA § 61-8-602)**

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

title, except as to those provisions of this title which, by their very nature, can have no application. (Prior code § 10.32.020)

- 10.36.030** **Dismounting to make turn required when.**

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 a bicycle to make any such turn, in which event he shall then obey the regulations applicable to pedestrians. (Prior code § 10.32.030)

- 10.36.040** **Approved manner of riding. (MCA § 61-8-603)**

A. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (Prior code § 10.32.040)

- 10.36.050** **Clinging to vehicles prohibited. (MCA § 61-8-604)**

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. (Prior code § 10.32.050)

- 10.36.060** **Regulations for riding on roadways and bicycle paths. (MCA § 61-8-605)**

A. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable,

exercising due care when passing a standing vehicle or one proceeding in the same direction.

B. Persons riding bicycles upon a roadway shall ride in single file except on paths or parts of roadways set aside for the exclusive use of bicycles. A person riding a bicycle may overtake and pass another bicycle when safe to do so and when other traffic is not obstructed by so doing.

C. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

D. Mopeds are excluded from the provisions of A and B. Moped is defined in MCA Section 61-1-123(2). (Prior code § 10.32.060)

10.36.070 Carrying packages prohibited when. (MCA § 61-8-606)

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. (Prior code § 10.32.070)

10.36.080 Parking allowed where.

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. (Prior code § 10.32.080)

10.36.090 Riding on sidewalks.

A. No person shall ride a bicycle upon any sidewalk within the business district.

B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give

audible signal before overtaking and passing such pedestrian. (Prior code § 10.32.090)

10.36.100 Lamps and other required equipment. (MCA § 61-8-607)

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

B. 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. Every bicycle when in use at nighttime shall be equipped with either tires with retro-reflective sidewalls or reflectors mounted on the spokes of each wheel. Spoke-mounted reflectors shall be within seventy-six millimeters (three inches) 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. Reflectors required by this section shall be of a type approved by the division of motor vehicles.

E. 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. Every bicycle is encouraged to be equipped with a flag clearly visible from the rear and suspended not less than six feet above the roadway when the bicycle is stand-

10.36.100

ing upright. The flag shall be fluorescent orange in color. (Prior code § 10.32.100)

10.36.110 Registration required.

All bicycles within the city must be registered by their owners with the city clerk-treasurer and which time pay the sum established annually by city council resolution after a public hearing for licensing and registering the bicycle. (Ord. 06-04 (part), 2006; Ord. 97-2 § 4 (part), 1997; prior code § 10.32.110)

Chapter 10.40**FUNERAL PROCESSIONS****Sections:**

- 10.40.010 Identification required.**
- 10.40.020 Driving through prohibited.**
- 10.40.030 Driver etiquette.**

10.40.010 Identification required.

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other conspicuous marking as may be required by the chief of police. (Prior code § 10.36.010)

10.40.020 Driving through prohibited.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other procession while they are in motion and when such vehicles are conspicuously marked as required by this chapter; provided, that the foregoing provision shall not apply to intersections where traffic is controlled by traffic-control signals or police officers. (Prior code § 10.36.020)

10.40.030 Driver etiquette.

Each driver in a funeral or other procession shall drive as near to the righthand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe. (Prior code § 10.36.030)

Chapter 10.44

**TRUCK ROUTES, LOAD LIMITS AND
FREIGHT LOADING ZONES***

Sections:

- 10.44.010 General.**
- 10.44.020 Definitions.**
- 10.44.030 Vehicles required to use truck routes.**
- 10.44.040 Truck traffic originating outside of city.**
- 10.44.050 Truck traffic originating inside the city.**
- 10.44.060 Trucks prohibited on restricted streets.**
- 10.44.070 Exceptions.**
- 10.44.080 Special permits.**
- 10.44.090 Permit fee.**
- 10.44.100 Revocation of special permits.**
- 10.44.110 Penalties for violation.**
- 10.44.120 Posting of signs.**
- 10.44.130 Evidence of points of origin and destination.**
- 10.44.140 Enforcement.**
- 10.44.150 Truck parking.**
- 10.44.160 Parking in freight loading zones prohibited.**
- 10.44.170 Liability for street damage.**
- 10.44.180 Owner and driver of vehicle jointly liable.**
- 10.44.190 Civil action.**
- 10.44.200 City court hearing.**
- 10.44.210 Repeal of conflicting ordinances.**

* Prior history: Prior code §§ 10.51.010, 10.51.015 and 10.70.020 as amended by Ords. 823 and 06-13.

10.44.010 General.

Vehicles with a combined base and total load weight equal to or exceeding twelve thousand pounds shall not utilize any roadway within the city limits for travel and/or access through the city unless the city has designated such roadway truck route or alternative truck route. (Ord. 07-12 (part), 2007)

10.44.020 Definitions.

For the purposes of this chapter the following terms and phrases shall have the following meanings:

“Alternative truck route” means roadways not designed as truck routes only for purposes of delivering or receiving goods and services to a specific destination along nontruck routes. If travel along a nontruck route is necessary for the above permissible purpose, then vehicles must use the nearest intersection for entering and exiting restricted roadways.

“Available route” means a street, roadway or highway dedicated for and open to public motor vehicle travel.

“City” means the city of Laurel, Montana.

“Destination” or “destinations” means either a single delivery or several deliveries within multiple delivery zones.

“Direct route” means the most feasible route from the closest unrestricted street consistent with the intent to limit the use of streets in the residence districts of the city by commercial vehicles.

“Gross vehicle weight” means the sum of all axle loads of a vehicle, including any trailers or trailers connected to a vehicle.

“Local delivery” means the delivery of goods, wares and services from one point within the city of Laurel to another point within the city of Laurel. From the point of origination to the point of termination, the delivery shall use the most direct route.

“Local service” means limiting the authorized use of city streets or avenues to those trucks which have either point of origin or destination for immediate business purposes within the corporate limits of the city.

“Person” means any person, firm, partnership, association, corporation, company or organization of any kind.

“Restricted street” means all streets in the city except through truck routes and local truck routes as herein established.

“Truck” is any vehicle designed or operated for transportation of materials whose combined base and total load weight is equal to or exceeds twelve thousand pounds; excepted herefrom are unloaded agricultural vehicles if used for the sole purpose of passenger transportation when such vehicles emit no noxious or offensive odors.

“Truck route” means a way over certain streets, established by resolution of the city council, over and along which trucks coming into, going out of and traveling within the city must operate. (Ord. 07-12 (part), 2007)

10.44.030 Vehicles required to use truck routes.

Those streets and parts of streets established by resolution of the city council are declared to be truck routes for the movement of vehicles whose combined base and total load weight is equal to or exceeds twelve thousand pounds or as herein described:

- A. Trucks of three or more axles that are more than twelve thousand pounds;
- B. Truck tractors;
- C. Trailers and semi-trailers, designated or used for commercial purposes, excluding camping trailers, trailer coaches and utility trailers, where the primary use of the vehicle is noncommercial;

D. Any vehicle transporting hazardous materials for commercial purposes that is regulated by the Montana Vehicle Code or other lawful authority; or

E. Any other motor truck not specified that is regulated by the Montana Public Utilities Commission or the Interstate Commerce Commission.

F. This section excludes passenger vehicles for hire, as well as pickup trucks with or without campers or camper shells. (Ord. 07-12 (part), 2007)

10.44.040 Truck traffic originating outside of city.

A. No truck shall enter, leave or travel through the city unless traveling on a designated truck route.

B. All trucks entering the city for destinations outside the city shall operate on a through truck route.

C. All trucks entering the city for destinations in the city shall proceed on a truck route and shall only deviate from the truck route to make a local delivery(ies) by the shortest and most direct route. A truck may go directly to the next destination within the city by the shortest and most direct route without returning to the truck route if it will result in a shorter distance being traveled on restricted streets. (Ord. 07-12 (part), 2007)

10.44.050 Truck traffic originating inside the city.

A. If any portion of a truck’s trip is outside the city, even though its origin is inside the city, it shall be considered as an outside origin trip upon re-entry into the city.

B. All trucks on a trip originating in the city and traveling in the city for destinations outside the city, shall proceed by the shortest

and most direct route to the nearest truck route.

C. All trucks on a trip originating in the city and traveling entirely within the city for destinations within the city, shall proceed by the shortest and most direct route to the nearest truck route and shall deviate only by the shortest and most direct route between each destination and the nearest truck route except that a truck may go directly to the next destination by the shortest and most direct route without returning to the nearest truck route if it will result in a shorter distance being traveled on restricted streets. (Ord. 07-12 (part), 2007)

10.44.060 Trucks prohibited on restricted streets.

A. All streets or parts of streets in the city of Laurel other than those designated as truck routes are hereby designated as restricted streets.

B. When appropriate signs are erected, as hereinafter provided, no person shall operate, drive, cause or permit to be operated or driven, any truck, as defined in this chapter, on any restricted street, except as hereinafter provided. (Ord. 07-12 (part), 2007)

10.44.070 Exceptions.

This chapter shall not prohibit:

A. The operation of trucks upon any street where necessary to the conduct of business at a designation point; provided, streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point.

B. The operation of emergency vehicles upon any street in the city.

C. The operation of trucks owned or operated by the city or contractors of the city while engaged in the repair, maintenance or con-

struction of streets, street improvements or street utilities within the city.

D. The operation of trucks upon any officially established detour in any case where such trucks could be lawfully operated upon the street for which such detour is established.

E. The operation of 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 until reaching the intersection nearest the destination point.

F. Truck travel off designated truck routes pursuant to a special permit issued by the mayor or his/her designee pursuant to this chapter. (Ord. 07-12 (part), 2007)

10.44.080 Special permits.

The mayor or his/her designee, may upon application in writing by the truck driver/owner, and for good cause being shown therefore, may issue a special permit in writing authorizing the applicant to operate or move a truck upon any public street, avenue or alley in the jurisdiction of the city. However, the city may at its sole discretion, attach any conditions to the permit as are necessary to reasonably protect the public safety and property.

The mayor or his/her designee shall inspect the public street and shall determine the pavement condition index (PCI) of such street, avenue or alley requested to be traveled upon to determine whether the street, avenue or alley at issue would withstand the repetitive passage of heavy-loaded trucks.

The mayor or his/her designee shall request a bond be posted, if deemed necessary, sufficient to cover the extent of anticipated prospective damages that may be caused to the street, avenue or alley in the jurisdiction of the city.

The mayor's decision may be appealed to the city's board of appeals, that shall be heard at a specially called meeting. The person(s) appealing the mayor's decision shall prepare a written appeal and deliver it to the mayor. The mayor shall forward the written appeal to the board of appeals for consideration and hearing. The board of appeals shall schedule a meeting to hear the appeal no later than ten working days after receipt of the appeal. The city shall notify the applicant of the meeting date, time and location.

The board of appeals, upon reviewing and hearing the appeal, may affirm, deny or modify the decision of the mayor. The board of appeals' decision shall be rendered no later than five working days after the meeting. The board of appeals' decision is final. (Ord. 07-12 (part), 2007)

10.44.090 Permit fee.

The city shall establish and collect a fee for the special permit through resolution of the city council. Permits may be issued for any reasonable period of time not exceeding one year. The fee shall be collected by the city clerk-treasurer as a condition of the issuance of any special permit. (Ord. 07-12 (part), 2007)

10.44.100 Revocation of special permits.

The mayor or his/her designee may revoke any special permit granted pursuant to this chapter upon reasonable cause being shown that:

- A. The permittee violated permit conditions or provisions; or
- B. Public safety and/or property are endangered by the continuation of the permit.
- C. The city shall provide permittee notice of revocation in writing by the mayor or

his/her designee by certified mail or hand delivery. (Ord. 07-12 (part), 2007)

10.44.110 Penalties for violation.

Any person, violating the provisions of this chapter or the terms or conditions of a special permit issued pursuant to this chapter, shall be liable for an infraction and upon first conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars. Upon a second conviction, the violator may be assessed a fine of not less than one hundred dollars nor more than two hundred dollars. Upon a third or subsequent conviction a violator shall be fined not less than two hundred dollars or up to a maximum of five hundred dollars. For the purposes of determining the number of convictions, the city court may include as prior convictions violations of this chapter by operators of trucks owned by the same person, partnership or corporation, regardless of the identity of the drivers involved in each violation. (Ord. 07-12 (part), 2007)

10.44.120 Posting of signs.

The city shall cause all truck routes except highways that are part of the National System of Interstate and Defense Highways and state highways to be posted with signs identifying them as truck routes. Signs designating a truck route must specify the maximum axle weight permitted on the truck route and, by means of an arrow, shall specify the exact course of the truck route. A street, road or highway is not a truck route, or part thereof, unless posted as such, or unless the highway is a state highway or part of the National System of Interstate and Defense highways. (Ord. 07-12 (part), 2007)

10.44.130 Evidence of points of origin and destination.

Any person operating a truck upon a street, road, highway or portion thereof that is not a truck route shall have in his or her possession a log book, delivery slip or other evidence of his or her points of origin and destination to justify the presence of his or her truck upon such street, road or highway. Failure to produce such evidence upon the request of a police officer shall constitute a violation of this chapter. (Ord. 07-12 (part), 2007)

10.44.140 Enforcement.

The city shall keep and maintain accurate maps setting forth the truck routes and streets upon which truck traffic is permitted. The maps shall be kept on file and made available to the public at city hall and the police department. The chief of police or his or her designee shall have the authority to require any person driving or in control of a truck to proceed to any public or private scale available for the purpose of weighing and determining whether this chapter has been complied with. Upon such weighing, if it is determined that the truck so weighed is in excess of the load limit, then the cost of such weighing shall be immediately due and payable by the operator of the truck, and the truck may be lawfully detained by the police department until such charge has been paid. In the event that the weight of such truck is not in excess of the load limit, any charges for weighing shall be paid by the city. Any charge for weighing under the terms of this section shall be in addition to any fine imposed for a violation of this section. (Ord. 07-12 (part), 2007)

10.44.150 Truck parking.

It is unlawful and constitutes a public offense for any person to park a truck as defined

above on any street or avenue within the city, and outside of that area which may from time to time by the city ordinance be designated as the central business district, except for an emergency or for loading and unloading purposes. (Ord. 07-12 (part), 2007)

10.44.160 Parking in freight loading zones prohibited.

A. No person shall stop, stand, or park any vehicle within a freight loading zone described in Section 10.48.030 for any purpose or period of time other than and while actually engaged in expeditious loading and unloading, or pickup and loading of materials.

B. The driver of any vehicle may stop temporarily in a freight loading zone for the purpose of, and while actually engaged in, loading or unloading passengers when such stopping does not interfere with the use of the freight loading zone by any vehicle used for the pickup, delivery or transportation of materials.

C. This section does not alter, affect, or amend any of the provisions of Section 10.48.130 or 10.48.150 of this title. (Ord. 07-12 (part), 2007)

10.44.170 Liability for street damage.

Applicability. Any person driving any vehicle, object or contrivance upon any street or street structure shall be liable for all damages which the street or structure may sustain as a result of any illegal operation, driving or moving any vehicle, object or contrivance, or as a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight in this chapter except as provided by special permit. (Ord. 07-12 (part), 2007)

10.44.180 Owner and driver of vehicle jointly liable.

Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving any vehicle, object or contrivance with express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any damages caused by the driving of such vehicle, object or contrivance upon the city streets or avenues or other city rights-of-way. (Ord. 07-12 (part), 2007)

10.44.190 Civil action.

Damages to city streets may be recovered in a civil action in the appropriate court of competent jurisdiction brought by the city against the owner and/or driver of the vehicle, object or contrivance. (Ord. 07-12 (part), 2007)

10.44.200 City court hearing.

In any hearing in city court, unless credible evidence is produced demonstrating such immediate business purposes such as a bill of lading or routing schedule, the operation of such truck on a prohibited street or avenue shall be prima facie evidence of such violation of this chapter. (Ord. 07-12 (part), 2007)

10.44.210 Repeal of conflicting ordinances.

All ordinances and resolutions and parts thereof in conflict thereof are repealed. (Ord. 07-12 (part), 2007)

Chapter 10.48

STOPPING, STANDING AND
PARKING

Sections:

- 10.48.010 Stop signs—Authority to place and manner of placement—Required stopping.
- 10.48.020 Stop before emerging from alley, driveway, or building required.
- 10.48.030 Prohibited in certain areas.
- 10.48.040 Parking at curb—Placement of signs.
- 10.48.050 Authority of officers to remove illegally stopped vehicles.
- 10.48.060 Unattended motor vehicles.
- 10.48.070 Parking time limits applicable to all streets.
- 10.48.080 Parking on private property regulated.
- 10.48.090 Parking not to obstruct traffic.
- 10.48.095 Requiring permits for loading and unloading.
- 10.48.100 Parking in alleys prohibited when.
- 10.48.110 Parking of large vehicles prohibited.
- 10.48.120 Parking of vehicles for transport of flammable liquids restricted.
- 10.48.130 Passenger and freight loading zones to be designated.

- 10.48.140 Passenger loading zone—Restrictions.
- 10.48.150 Freight loading zone—Restrictions.
- 10.48.160 Use of rear entrance when—Angle parking prohibited.
- 10.48.170 Public carrier stands designated.
- 10.48.180 Bus parking regulated.
- 10.48.190 Bus and taxicab stand use restricted.
- 10.48.200 Parking for certain purposes prohibited.
- 10.48.210 Reserved parking designated.

- 10.48.010 Stop signs—Authority to place and manner of placement—Required stopping. (MCA § 61-8-344)

A. The city may designate through streets and erect stop signs at specified entrances hereto or may designate any intersection as a stop intersection and erect like signs at one or more entrances to such intersection.

B. Every sign shall bear the word "Stop" in letters not less than eight inches in height and such sign shall at nighttime be rendered luminous by steady or flashing internal illumination, or by a fixed flood-light projected on the face of the sign, or by efficient reflecting elements on the face of the sign.

C. Every stop sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as close as practicable to the nearest line of the roadway.

D. Every driver 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 shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by a police officer or traffic-control signal. (Prior code § 10.24.010)

10.48.020 Stop before emerging from alley, driveway, or building required. (MCA § 61-8-345)

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk area extending across an alleyway or driveway and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway. (Prior code § 10.24.020)

10.48.030 Prohibited in certain areas. (MCA § 61-8-354)

A. No person shall 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 or 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 of a fire hydrant;
5. On a crosswalk;

6. Within twenty feet of a crosswalk at an intersection;

7. Within thirty feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;

8. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone;

9. Within fifty feet of the nearest rail of a railroad crossing;

10. Within twenty feet 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 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 signs prohibit stopping.

B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful. (Prior code § 10.24.030)

**10.48.040 Parking at curb—
Placement of signs.
(MCA § 61-8-355)**

A. Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent

curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within eighteen inches of the right hand curb.

B. The chief of police under the direction of the mayor and the council shall cause signs to be posted in all areas where traffic is desired to be controlled, such signs to include stop signs at intersections, through street signs, speed limit signs, caution signs and other signs necessary for the regulation of traffic. This provision is in addition to the ordinance specifically providing for the regulation of traffic on certain streets.

C. The chief of police shall post signs where parking is limited or prohibited, indicating such limitations or prohibitions, and including such parking places established by this code which are or may be limited to exclusive use by handicapped persons whose vehicles bear and display the handicapped insignia approved by the Montana Department of Social and Rehabilitation Services. In such areas where parking is limited, the time of day during which the limits apply shall be from eight a.m. until six p.m. of each day. Where such posted limitations restrict the length of time of parking, the time restriction specified shall be measured consecutively between the hours; provided, however, that no person may attempt to avoid the time restrictions so posted by moving his vehicle from time to time within the restricted area as defined by this code. The provisions of this subsection shall be in addition to those providing for parking limitations on certain streets (see Chapter 10.52 of this code).

D. 1. Any person actually engaged in

ongoing construction, repair, or renovation of any building may apply to the city police chief for a special parking permit. Such application shall state the name and address of the applicant; the number of vehicles actually required for purposes of such construction, repair, or renovation; the make, model and license number of each necessary vehicle; the specific dates, not to exceed two weeks in total duration, of the performance of the work; and the name and address of the owner of the building on which such work is performed. The application shall be accompanied by a payment of a ten dollar fee for each vehicle for which a special permit is requested.

2. Upon receipt of the application with all required information and the required fee, the chief of police shall determine if the parking of each such vehicle is reasonably necessary for the performance of the described construction, repair, or renovation at the location stated. The chief of police may issue a special parking permit for each such vehicle of the applicant, which permit shall be displayed inside the windshield of the vehicle, on the dash next adjacent to the curb. The permit shall be face up and so situated as to be easily read from outside the vehicle. The permit shall be signed by the applicant and by the owner or proprietor of the building where the work is being performed. The permit shall bear the date of issuance and the date of expiration which shall not be later than two weeks from the date of issuance. During the period such permit is in effect, and provided the permit is properly displayed in the vehicle, such vehicle shall not be subject to citations for violating the posted

parking limitations during the hours of eight a.m. to six p.m.

3. Applicants may apply for subsequent permits at the expiration of each permit by completing the same application, paying the same fee, and establishing that each such vehicle continues to be reasonably necessary to performance of the work.

E. Anyone violating the posted sign provisions permitted by this section, or violating the provisions of subsection D of this section relating to applications, issuance and display of special parking permits, shall be guilty of a misdemeanor which shall be punishable as set forth in Section 1.36.010. (Ord. 827, 1986; prior code § 10.24.040)

10.48.050 Authority of officers to remove illegally stopped vehicles. (MCA § 61-8-705)

A. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of Sections 10.48.030 and 10.48.040, the officer is authorized to move the 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-travelled part of the highway.

B. 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, the officer is authorized to provide for the removal of the vehicle pursuant to MCA Title 61, Ch. 12, Part 4, except that the time limits imposed in MCA Section 61-

12-401 do not apply to removal. (Prior code § 10.24.050)

10.48.060 Unattended motor vehicles. (MCA § 61-8-357)

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. (Prior code § 10.24.060)

10.48.070 Parking time limits applicable to all streets. (MCA § 61-8-356)

A. No person shall park a vehicle for longer than five consecutive days at any time upon a street or highway within the city.

B. If the vehicle is moved after the five days, it shall not be reparked anywhere within one hundred fifty foot radius of the previous parking place.

C. Any vehicle parked longer than five consecutive days on a street in the city shall be removed and sold as an abandoned vehicle in accordance with the provisions of MCA Sections 61-8-356 and 61-12-401—408. (Prior code § 10.24.070)

10.48.080 Parking on private property regulated.

A. No person shall stand or park a vehicle on any private lot area without the express or implied consent of the owner thereof.

B. 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 vehicles are permitted to stand or park thereon, it is unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a street or alley into the lot or area for the purpose of standing or parking the vehicle, or, for any person to stop, stand or park any vehicle in the lot or lot area.

C. No person shall store a vehicle over twenty-seven feet in length on any private property within the city where any portion of the vehicle is closer than ten feet to the property line or obstructs the view of motorists backing from their driveways or the view of motorists already on a street. (Prior code § 10.24.080)

10.48.090 Parking not to obstruct traffic.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic. (Prior code § 10.24.090)

10.48.095 Requiring permits for loading or unloading.

The city clerk-treasurer is authorized to issue special permits to allow the stopping or backing of a vehicle to the curb, for purposes of loading or unloading merchandise, or materials, or passengers in business district alleys, in designated loading zones, or in any residential district, and subject to the terms and conditions of such permit. Application for a loading permit shall be made on the forms and in accordance with the procedure prescribed by the city clerk-treasurer. A fee of fifty dollars for the

permit shall be charged. Such a permit may be issued to holders of business licenses, governmental entities, educational or non-profit organizations, the privileges therein stated and authorized herein. Every such permit shall be annual, and shall expire at midnight on the last day of June. (Ord. 97-2 § 4 (part), 1997; Ord. 1028, 1992)

10.48.100 Parking in alleys prohibited when.

A. 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. No person shall stop, stand or park any vehicle, whether occupied or not, within any alley in the city 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.

C. Persons or organizations subject to the requirements of Section 10.48.095 of this code shall at all times display conspicuously within or upon the vehicle a duly issued loading permit whenever stopping, standing or parking in alleys in the business district while loading or unloading. (Ord. 1029, 1992; prior code § 10.24.100)

10.48.110 Parking of large vehicles prohibited.

It is unlawful for any person to park a vehicle in the city that has a width greater than one hundred and four inches, or a total length exceeding thirty-four feet including load. (Ord. 1067, 1993; prior code § 10.24.110)

10.48.120 Parking of 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 city 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. (Prior code § 10.24.120)

10.48.130 Passenger and freight loading zones to be designated.

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. (Prior code § 10.24.130)

10.48.140 Passenger loading zone—Restrictions.

A. 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 of time not to exceed fifteen minutes.

B. The following described parking areas are designated as passenger loading zones, and shall be marked as such by the chief of police:

C. Any person, business or organization using or desiring to use a designated passenger loading zone shall obtain a special loading permit pursuant to Section 10.48.095 of this code and conspicuously display the permit within or upon any vehicle used for such purpose, at all times. (Ord. 1066, 1993; Ord. 1031, 1992; prior code § 10.24.140)

10.48.150 Freight loading zone—Restrictions.

A. 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.

B. 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.

C. Any person, business or organization using or desiring to use a designated freight loading zone shall obtain a special loading permit pursuant to Section 10.48.095 of this code and shall conspicuously display the permit within or upon any vehicle used for such purposes, at all times. (Ord. 1030, 1992; prior code § 10.24.150)

10.48.160 Use of rear entrance when—Angle parking prohibited.

A. At every pick-up and delivery point in the business district of the city where

there is an accessible rear entrance, vehicles used for the transportation of merchandise and materials shall use such rear entrance.

B. 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. (Prior code § 10.24.160)

10.48.170 Public carrier stands designated.

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. (Prior code § 10.24.170)

10.48.180 Bus parking regulated.

The driver of a bus shall not park upon any street in the business district at any place other than a bus stop except when temporarily stopping in accordance with traffic control signals and other stopping or parking regulations. (Prior code § 10.24.180)

10.48.190 Bus and taxicab stand use 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. (Prior code § 10.24.190)

10.48.200 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. (Prior code § 10.24.200)

10.48.210 Reserved parking designated.

The council may designate and reserve space in front of or adjacent to schools, churches, theaters, hotels and other public buildings, to be used at stated times by patrons, guests or occupants of the premises, and upon written application the council may designate and reserve space in the front or rear of such premises to be used at stated times by the occupant in the transaction of his business for loading and unloading. (Prior code § 10.24.210)

Chapter 10.52

PARKING RESTRICTIONS IN CERTAIN DESIGNATED AREAS

Sections:

10.52.010 Parking limitations on certain streets.

10.52.015 Reserved.

10.52.020 Reserved parking at city hall and the city's fire, ambulance and police building "FAP Building"—Parking by non-city employees prohibited.

10.52.030 Parking prohibited at all times where.

10.52.040 Two-hour parking.

10.52.050 Three-hour parking.

10.52.060 Four-hour parking.

10.52.070 Handicapped parking.

10.52.080 Owner responsible for vehicle.

10.52.090 Violation—Penalty.

10.52.010 Parking limitations on certain streets.

The parking of motor vehicles on particular streets or parts of streets within the city is controlled by the ordinances set forth in this chapter and by other ordinances of the city. When appropriate signs are erected, giving indication of such regulations, no driver of a vehicle shall disobey the direction of any such sign. The parking limitations and rules set forth in Sections 10.52.020, 10.52.040, 10.52.050 and 10.52.060 of this chapter, establishing reserved parking at city hall, two-hour parking districts, three-hour parking districts and four-hour parking districts, respectively, shall be enforced between the hours of seven a.m. and six p.m. on Monday

through Friday of each week, inclusive, excluding legal holidays. (Ord. 1077, 1993; prior code § 10.68.010)

10.52.015 Reserved.

Editor's note—Ord. No. O08-06, adopted July 15, 2008, deleted 10.52.015, which pertained to parking on the east side of the middle school and derived from Ord. 98-4, § 1, adopted in 1998.

10.52.020 Reserved parking at city hall and the city's fire, ambulance and police building "FAP Building"—Parking by non-city employees prohibited.

A. The following described parking spaces are reserved for the exclusive use of city employees working at city hall between the hours of seven a.m. and six p.m., Monday through Friday, inclusive. Parking of vehicles by all other persons is prohibited in the following designated areas:

1. Reserved parking spaces located on the west side of the alley adjacent to Laurel City Hall, said alley running from West First Street to West Third Street, in the middle of the block between First Avenue and Second Avenue, and spaces as posted for City Hall employees.

B. The following described parking spaces are reserved at all times for the exclusive use of city ambulance employees and volunteer attendants when responding to an emergency call for assistance at the city's FAP building. Parking of vehicles by all other persons is prohibited in the following designated areas:

1. Two reserved parking spaces on West 2nd Street, near the intersection of West 2nd Street and 3rd Avenue and two reserved parking spaces on 3rd Avenue near the intersection of 3rd Avenue and West 2nd Street. All four reserved spaces shall be adjacent to the FAP building and posted with appropriate signs pursuant to Section

10.48.040(C). (Ord. 977, 1990: prior code § 10.68.015)
(Ord. O10-05, 1-18-2011)

10.52.030 Parking prohibited at all times where.

Parking of vehicles is prohibited at all times on the following streets or parts of streets: (to be designated). (Prior code § 10.68.020)

10.52.040 Two-hour parking.

A. The two-hour parking district shall encompass the area from 2nd Avenue to Colorado Avenue and from Main Street to 1st Street.

B. No person shall park any vehicle on the following streets or parts of streets for longer than two hours:

Street on Which Parking is Limited	From	To	Side of Street on Which Parking is Limited to Two Hours
East Main Street	1st Avenue	East Side of Colorado	Both Sides
West Main Street	1st Avenue	4th Avenue	North Side
Colorado Avenue	Main Street	E. 1st Street	Both Sides
Montana Avenue	Main Street	E. 1st Street	Both Sides
1st Avenue	Main Street	3rd Street	Both Sides

E. 1st Street	1st Avenue	Alley between 1st Avenue and Montana Avenue	North Side
E. 1st Street	1st Avenue	Colorado Avenue	South Side
W. 1st Street	1st Avenue	2nd Avenue	Both Sides
W. 1st Street	2nd Avenue	3rd Avenue	North Side
W. 3rd Street	1st Avenue	Alley between 1st Avenue and 2nd Avenue on	(1/2 block only) South Side

(Ord. 1046A, 1992; Ord. 1046, 1992; prior code § 10.68.030)

10.52.050 Three-hour parking.

A. The three-hour parking district shall encompass the area from east of Colorado Avenue to Washington Avenue and from Main Street to 1st Street as specified below.

B. No person shall park any vehicle on the following streets or parts of streets for longer than three hours:

Street on Which Parking is Limited to Two Hours	From	To	Side of Street on Which Parking is Limited
E. Main Street	East of Colorado Avenue	Washington Avenue	South Side
E. Main Street	Colorado Avenue	Wyoming Avenue	North Side
Pennsylvania Avenue	Main Street	1st Street	Both Sides
E. 1st Street	Colorado Avenue	Pennsylvania Avenue	Both Sides

(Ord. 1047, 1992; prior code § 10.68.035)

10.52.060 Four-hour parking.

A. No person shall park a vehicle in the city parking lot located at the corner of West First Street and Second Avenue, across from City Hall, as posted, for longer than four hours, between the hours of eight a.m. and six p.m., Monday through Friday, inclusive.

B. No person shall park a vehicle on the following streets or parts of streets for longer than four hours, between the hours of

eight a.m. and six p.m., Monday through Friday, inclusive, on the following streets:

1. South Washington Avenue from SE Fourth Street to East Railroad Street on both sides of the street;

2. SE Fourth Street from First Ave. South to South Washington Avenue on both sides of the street. (Ord. 1076, 1993; Ord. 940, 1988; prior code § 10.68.010)

10.52.070 Handicapped parking.

Handicapped parking spaces shall be established by the chief of police and appropriately posted in the places listed below. The spaces shall be limited to exclusive use of persons whose vehicles bear and display the handicapped insignia approved by the Montana Department of Family Services. The chief of police shall have the authority and discretion to determine and post the exact location of each particular parking space listed below, within the stated areas:

A. One space on the east side of city hall in the alley between First Avenue and Second Avenue;

B. One space at the northeast corner of the city parking lot located at the intersection of First Street West and Second Avenue;

C. At the city safety complex, on the northeast corner of the intersection of First Street West and Third Avenue;

D. On the south side of the Laurel Public Library parking lot at 720 Third Avenue;

E. Two spaces on the south side of South Fourth Street, west of the alley between 8th Avenue South and West Avenue. (Ord. 957, 1989; Ord. 948, 1988; Ord. 828, 1986; prior code § 10.68.025)

10.52.080 Owner responsible for vehicle.

A. Every person in whose name a vehicle is registered or licensed shall be legally responsible and subject to citation for any parking of such vehicle in violation of any of the provisions of this chapter.

B. It shall be no defense to such charge that such vehicle was illegally parked by another unless it is shown that, at such time, the vehicle was being used without the consent of the registered (licensed) owner thereof.

C. The express legislative purpose hereunder is to impose absolute liability upon the registered or licensed owners of vehicles for any violations of any of the provisions of this chapter, pursuant to MCA Section 45-2-104. (Prior code § 10.68.039)

10.52.090 Violation—Penalty.

Any person violating a provision of this chapter for which another penalty has not been specifically provided shall, upon conviction thereof, be punished by a fine of not less than five dollars nor more than five hundred dollars. (Prior code § 10.68.040)

Chapter 10.56

**RAILROADS AND RAILROAD
CROSSINGS**

Sections:

- 10.56.010 Stopping for approaching train required.**
- 10.56.020 Stop signs erected at dangerous crossings.**
- 10.56.030 Moving heavy equipment across—Compliance with procedure required.**
- 10.56.040 Trains blocking streets prohibited.**
- 10.56.050 Certain vehicles to stop at all crossings.**

10.56.010 Stopping for approaching train required. (MCA § 61-8-347)

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail or the railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
3. A railroad train approaching within approximately one thousand five hundred

feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

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

B. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. (Prior code § 10.40.010)

10.56.020 Stop signs erected at dangerous crossings. (MCA § 61-8-348)

A. The city may designate particularly dangerous highway grade crossings of railroads and erect stop signs thereat.

B. When stop signs are erected at dangerous railroad crossings, the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of the railroad and shall proceed only upon exercising due care. (Prior code § 10.40.020)

10.56.030 Moving heavy equipment across—Compliance with procedure required. (MCA § 61-8-350)

A. No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level sur-

face of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

B. Notice of any such intended crossing shall be given to a station agent of the railroad and reasonable time shall be given to such railroad to provide proper protection at such crossing.

C. Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same, not less than fifteen feet nor more than fifty feet, from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

D. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction. (Prior code § 10.40.030)

10.56.040 Trains blocking streets prohibited.

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 city over which the railroad

crosses for a period of time longer than ten minutes. (Prior code § 10.40.040)

10.56.050 Certain vehicles to stop at all crossings. (MCA § 61-8-349(2))

A. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying school children, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossings and the driver shall not shift gears while crossing the track or tracks.

B. No stop need be made at any such crossing where a police officer or traffic control signal directs traffic to proceed.

C. This section shall not apply at street-railway grade crossings within a business or residence district. (Prior code § 10.40.050)

Chapter 10.60**CLOSED STREETS DESIGNATED****Sections:**

- 10.60.010** Designated.
10.60.020 Signs designating
required.

10.60.010 Designated.

The following portions of the public streets of the city are closed to all unauthorized pedestrian or vehicular traffic:

A. South 7th Avenue from the alleys in Blocks 2 and 3, to South 1st Street, and namely South 1st Street from South 8th Avenue between Blocks 3 and 4, to an alley in Block 2, West Laurel Subdivision, Laurel, Yellowstone County, Montana;

B. That portion of South 1st Street lying south of Block 1, West Laurel Subdivision, between 5th Avenue and 6th Avenue, Laurel, Yellowstone County, Montana. (Ord. 812, 1985: prior code § 10.54.010)

10.60.020 Signs designating
required.

There shall be placed at the entrances and exits to closed portions of streets appropriate signs indicating that no unauthorized pedestrian or vehicular traffic is allowed. (Prior code § 10.54.020)

Chapter 10.64

TRAFFIC CODE ENFORCEMENT PROCEDURES

Sections:

- 10.64.010** Arrest procedure.
- 10.64.020** Failure to obey notice a misdemeanor.
- 10.64.030** Notice on illegally parked vehicle—Specifications.
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10.64.010 Arrest procedure.

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 city 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 city a notice to answer to the charge against him at a place and at a time at least forty-eight hours after the arrest to be specified in the notice. The officer, upon receiv-

ing the written promise of the alleged violator to answer as specified in the notice, shall release the person from custody. (Prior code § 10.48.010)

10.64.020 Failure to obey notice a misdemeanor.

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, the complaint may be entered against such person and a warrant of arrest issued. (Prior code § 10.48.020)

10.64.030 Notice on illegally parked vehicle—Specifications.

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 city, the officer finding the 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 the vehicle a notice in writing, on a form provided by the city clerk-treasurer, for the driver to answer to the charge against him within a specified time at least forty-eight 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. (Ord. 97-2 § 4 (part), 1997; prior code § 10.48.030)

10.64.040 Failure to comply with notice—Issuance of warrant when.

A. If a user of a motor vehicle charged with the violation of any restriction on stopping, standing or parking under this title does not appear in response to a notice affixed to the 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 the letter is disregarded for a period of five days, a complaint will be filed and a warrant of arrest issued.

B. The failure of the owner or the user of the motor vehicle to appear and answer within five days of receipt of the letter shall constitute a misdemeanor, regardless of the disposition of the original charges. (Prior code § 10.48.040)

10.64.050 Authority to impound vehicles—Conditions—Notice.

A. Members of the police department are 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 city under the circumstances hereinafter enumerated.

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 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 hours.

B. 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 the 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. 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 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 the name of the garage where the vehicle is stored.

D. 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 city, 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 city in towing the vehicle, and shall pay such charges for the storage of the vehicle as shall have been incurred by the city.

E. The payment of the 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 the vehicle was removed and impounded.

F. Any vehicle left or parked on any street for five consecutive days or longer shall be removed and sold in accordance with Section 10.48.070 and MCA Sections 61-8-356 and 61-12-401—408. (Prior code § 10.48.050)

10.64.060 Jurisdiction over cases involving minors— Penalties.

A. The city court shall have concurrent original jurisdiction in proceedings con-

cerning the unlawful operation within the city of motor vehicles by children under the age of eighteen years. Whenever, after a hearing before the court, it shall be found that a child under the age of eighteen years has unlawfully operated a motor vehicle within the city, the court may:

1. Impose a fine, not exceeding fifty dollars, provided such child shall not be imprisoned for failure to pay such fine;

2. May revoke the driver's license of the child, or suspend the same for such time as may be fixed by the court; and

3. May order any motor vehicle owned or operated by the child to be impounded by the probation officer for such time, not exceeding sixty days, as shall be fixed by the court; provided, however, that if the court shall find that the operation of such motor vehicle was without the consent of the owner, then such vehicle shall not be impounded.

B. Upon nonpayment of any fine herein provided for, the court may order that any motor vehicle owned by the child or operated by the child with the consent of the owner shall be impounded until the fine shall be paid, or may order that the driver's license of the child shall be taken up and held by the probation officer until payment of the fine, or may cause both the motor vehicle and the driver's license to be taken up and impounded until such fine shall be paid; but no child shall be committed to or held in any detention facility or jail by reason of nonpayment of such fine. (Powers and functions of police court, see MCA Section 2.68.010 et seq.) (Prior code § 10.48.060)

**10.64.070 Summons issued to minor
when.**

Whenever any child under the age of eighteen years shall unlawfully operate a motor vehicle in the presence of any police officer of the city, the officer may deliver to the child a form of summons describing the nature of the offense, with instructions thereon to report to the district court or a justice court of the county or the city court; and the court shall be informed thereof by the delivery of a copy of the summons to the probation officer, who shall in turn deliver the same to the judge or justice of the peace. (Prior code § 10.48.070)

**10.64.080 Court investigation and
disposition of case
involving a minor.**

Whenever the court shall be informed that a child has unlawfully operated a motor vehicle, the child shall be required to appear before the court and the court shall, after a hearing and investigation, take action as provided in Section 10.64.060 or may dismiss the proceeding if it be found and determined that it is for the best interests of the child to do so. (Prior code § 10.48.080)