

STILLWATER COUNTY

ORDINANCE NO. 2016 -02

ROAD SPEED LIMIT ORDINANCE

AN ORDINANCE TO ESTABLISH A SPEED LIMIT ON A SELECT PORTION OF HERSRUD ROAD NEAR THE TOWN OF COLUMBUS, STILLWATER COUNTY, MONTANA, AND TO PROVIDE PENALTIES FOR A VIOLATION THEREOF.

WHEREAS, Section 7-14-2113 and 61-12-101, MCA, grants to the Stillwater County Commissioners the authority to establish a special speed limit on county roads within Stillwater County; to enact ordinances not in conflict with state or federal regulations, and to enforce said ordinances within the jurisdiction of Stillwater County; and

WHEREAS, pursuant to 61-8-310, MCA – If a local authority in its jurisdiction determines on the basis of an engineering and traffic investigation that the speed permitted under 61-8-303 and 61-8-309 through 61-8-313 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may set a reasonable and safe limit; and

WHEREAS, the Stillwater County Commissioners received a petition from Kerriann Jones, et al., to set a speed limit on a select portion of Hersrud Road, a Stillwater County Road; and

WHEREAS, the Board of County Commissioners requested a Speed Limit Investigation be conducted on Hersrud Road located near Columbus; and

WHEREAS, a Speed Limit Investigation was conducted by the Road & Bridge Department, and a final report was submitted to the Board of Commissioners outlining the proposed speed zone on Hersrud Road near Columbus; and

WHEREAS, adjusting the speed limit on Hersrud Road as recommended by the evidence of the Speed Limit Investigation is necessary to reduce the risk of accidents caused by higher speeds, is a more reasonable and safe maximum speed and given the conditions and amount of traffic of the road in the speed zone area;

NOW THEREFORE, BE IT ORDAINED by the County Commissioners of Stillwater County, Montana, that a speed limit ordinance on the below described portions of Hersrud Road located near Columbus, Stillwater County, be enacted as follows in accordance with the aforementioned Speed Limit Investigation:

1. Application and Speed Limits:

The Special Speed Limit shall apply to:

Hersrud Road beginning at the intersection of Hersrud Road and Rapelje Road in the NE1/4 SE1/4 NE1/4 of Sec 17, T2S, R20E, MPM, traversing NW for approximately .9 miles or 4,700 feet ending in the NW1/4 SW1/4 SE1/4 of Sec 8, T2S, R20E, MPM, intersecting with Rapelje Road, be posted at the recommended **speed limit of 35 mph.**

2. Posting

The speed limit set by this ordinance shall be posted as required by law or applicable regulations.

3. Penalties

61-8-711. Violation of chapter – penalty. (1) It is a misdemeanor for a person to violate any of the provisions of this chapter, unless the violation is declared to be a felony.

(2) Each person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall, for a first conviction, be punished by a fine of not less than \$10 or more than \$100. For a second conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than \$25 or more than \$200. Upon a third or subsequent conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than \$50 or more than \$500.

(3) Except as provided in subsection (4), failure to pay a fine imposed under this chapter is a civil contempt of the court. On the failure of payment of a fine, the court may:

(a) order enforcement of the fine by execution in the manner provided in 25-13-204 and under the provisions of Title 25, chapter 13; or

(b) if the court finds that the person is unable to pay, order the person to perform community service.

(4) If property is not found in an amount necessary to satisfy the unpaid portion of the fine and if the court makes a written finding that community service is inappropriate, the person shall be imprisoned in the county jail in the county in which the offense was committed, and the imprisonment shall be the number of days that the fine is divisible by the dollar amount of the incarceration credit contained in 46-18-403.

(5) Upon conviction, the court costs or any part of the court costs may be assessed against the defendant in the discretion of the court.

Date of First Reading and Approval:

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF STILLWATER COUNTY, MONTANA, this 12th day of July, 2016.

By: ~~DO NOT COPY~~ Dennis Shupak
Dennis Shupak, Chair

Date: 7-12-2016

By: ~~DO NOT COPY~~ Maureen Davey
Maureen Davey, Member

Date: 7-12-16

By: ~~DO NOT COPY~~ Gerald W. Dell
Gerald W. Dell, Member

Date: 7-12-16

ATTEST:

~~DO NOT COPY~~ Heidi L. Stadel
Heidi L. Stadel, Clerk and Recorder



Date of Second Reading and Approval:

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF STILLWATER COUNTY,
MONTANA, this 26th day of July, 2016.

By: ~~DO NOT COPY~~ [Signature]
Dennis Shupak, Chair

Date: 7-26-16

By: Absent
Maureen Davey, Member

Date: _____

By: ~~DO NOT COPY~~ [Signature]
Gerald W. Dell, Member

Date: 7-26-2016

ATTEST:

~~DO NOT COPY~~ [Signature]
Heidi L. Stadel, Clerk and Recorder



THIS ORDINANCE shall be in full force and effect thirty (30) days after the date of the Second Reading and approval by the Board of County Commissioners of Stillwater County.