

Stillwater County

ORDINANCE NO. 2005-01

Road Speed Limit Ordinance

AN ORDINANCE TO ESTABLISH A SPEED LIMIT ON A PORTION OF CENTRAL AVENUE LOCATED NEAR THE TOWN OF REED POINT, STILLWATER COUNTY, MONTANA, AND TO PROVIDE PENALTIES FOR A VIOLATION THEREOF.

WHEREAS, Sections §7-14-2113 and §61-12-101, MCA, grant 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 Board of County Commissioners requested a Speed Limit Investigation be conducted on Central Avenue located in Reed Point; 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 Central Avenue in Reed Point; and

WHEREAS, adjusting the speed limit on Central Avenue as recommended by the evidence of the speed investigation is necessary to reduce the risk of accidents caused by higher speeds and is a more reasonable and safe maximum speed, given the conditions 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 Central Avenue located in Reed Point, 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:

Central Avenue located in Sec 31, T1S, R18E, M.P.M., starting on the west side of the Reed Point High School and continuing west to the Stillwater County Line, approximately .75 of a mile, be posted at the recommended speed limit of 40 mph.

2. **Posting:**

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

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 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.

FIRST READING Held in the Reed Point High School on February 8, 2005 at 7:00 P.M.

Adopted this 8 Day of February, 2005.

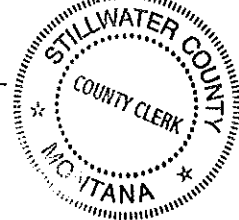
Maureen Davey
Maureen Davey, Chair

Charles E. Egan
Charles E. Egan

Dennis R. Hoyem
Dennis R. Hoyem

ATTEST Pauline M. Mishler
Pauline M. Mishler, Clerk & Recorder

SEAL



SECOND READING Held in the Commissioners Chambers on February 24, 2005 at 11:00 A.M.

Adopted this 24 Day of February, 2005.

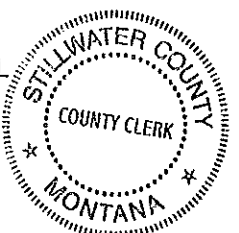
Maureen Davey
Maureen Davey, Chair

Charles E. Egan
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Dennis R. Hoyem
Dennis R. Hoyem

ATTEST Pauline M. Mishler
Pauline M. Mishler, Clerk & Recorder

SEAL



Effective Date of Ordinance

THIS ORDINANCE shall take effect thirty (30) days after the date of Second Reading and approval by the County Commissioners.

Effective date March 28, 2005 by Maureen Davey Maureen Davey, Chair