

## STILLWATER COUNTY

### ORDINANCE NO. 2013 - 01

#### Road Speed Limit Ordinance

AN ORDINANCE TO ESTABLISH A SPEED LIMIT ON SHANE CREEK ROAD, SHANE RIDGE ROAD, PATTERSON RANCH ROAD NEAR THE TOWN OF COLUMBUS, IN 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 Shane Creek Road, Shane Ridge Road, and Patterson Ranch 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 County Commissioners outlining the proposed speed zone on Shane Creek Road, Shane Ridge Road and Patterson Ranch Road near Columbus; and

WHEREAS, adjusting the speed limit on Shane Creek Road, Shane Ridge Road and Patterson Ranch Road, 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 Board of County Commissioners of Stillwater County, Montana, that a speed limit ordinance on the below described portions of Shane Creek Road, Shane Ridge Road and Patterson Ranch Road, located near Columbus, within 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:

Shane Creek Road located in Section 32, T2S, R20E, M.P.M. and Sections 4, 9, 15, 16, 22, 27, 34 and 35, T3S, R20E, M.P.M, starting at Highway 78 and continuing easterly to Patterson Ranch Road, approximately 11.5 miles, be posted at the recommended speed limit of 35 mph.

Shane Ridge Road located in Section, 4,10,14,23 and 24, T3S, R20E, M.P.M, starting at the intersection of Shane Creek Road and continuing north easterly to the end of the county road, approximately 5 miles, be posted at the recommended speed limit of 35 mph.

Patterson Ranch Road located in Section 22 and 23, T4S, R20E, M.P.M, starting at the intersection of Shane Creek Road and Patterson Road continuing north easterly to the Carbon County and Stillwater County line, approximately 1.2 miles, 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 8 day of October, 2013.

By: ~~Doc NOT Copy~~  
Gerald W. Dell, Chair

Date: 10-8-2013

By: ~~Maureen NOT Copy~~  
Maureen Davey, Member

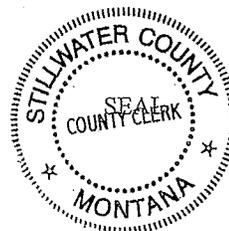
Date: 10-8-13

By: absent  
Dennis Shupak, Member

Date: \_\_\_\_\_

ATTEST:

~~Doc NOT Copy~~  
Pauline M. Mishler, Clerk and Recorder



**Date of Second Reading and Approval:**

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF STILLWATER COUNTY,  
MONTANA, this 22 day of October, 2013.

By: *Gerald W. Dell*  
Gerald W. Dell, Chair

Date: 10-22-2013

By: *Maureen Davey*  
Maureen Davey, Member

Date: 10-21-2013

By: *Dennis Shupak*  
Dennis Shupak, Member

Date: 10-22-2013

ATTEST:

*Pauline M. Mishler*  
Pauline M. Mishler, 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.