

## **Title 10**

### **VEHICLES AND TRAFFIC\***

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**Chapter 10.04**

**GENERAL PROVISIONS**

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**10.04.010 Purpose.**

The purpose of this title is to establish reasonable traffic regulations within the city and county of Butte-Silver Bow, state of Montana, to lessen congestion on the streets and public ways, to facilitate the adequate provision of transportation, and to promote health and the general welfare and other public requirements. The council of commissioners expressly finds and declares that an additional legislative purpose of this title is to impose absolute liability upon the registered owner of any vehicle found to be parked in violation of any of the provisions of this title, all in accordance with Section 45-2-104, Montana Code Annotated (MCA).  
(Ord. 204 1, 1984)

**10.04.020 Scope--Intent.**

This title is intended to regulate the operation and parking of vehicles on the streets and public ways within the city and county of Butte-Silver Bow and to hold the registered owner of a motor vehicle responsible for his own conduct and that of another in the parking of a motor vehicle.  
(Ord. 204 2, 1984)

**10.04.030 Short title.**

This title shall be known and may be cited as the "Butte-Silver Bow traffic ordinance."  
(Ord. 204 3, 1984)

**10.04.040 Definitions.**

In this title, unless otherwise provided or the context requires a technical or other interpretation, the following definitions apply:

1. "Abandoned vehicle" means a vehicle which has had its ownership relinquished by one who has no intent of ever claiming his or her right of ownership or interest in it. "Abandon" includes, but is not limited to, the synonyms "leave," "vacate," "discard," "renounce" and "forsake." In determining whether or not a vehicle has been abandoned, law enforcement authorities shall make an honest and sincere effort to determine the last known owner of the vehicle in question and such effort may include, but not be limited to, the use of such city-county and state records as may be available. A vehicle whose owner can be located shall not be determined an abandoned vehicle within the meaning of this title, but its owner shall be liable for all other provisions of this title. A vehicle whose owner can not be located or one for which no records exist in Montana shall be judged and determined to be an abandoned vehicle.
2. "Alley" means a trafficway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.
3. "Arterial street" means any United States or state-numbered route, controlled access highway, or any other major radial or circumferential street or trafficway designated by the city and county as part of a major arterial system or trafficway.
4. "Authorized emergency vehicle" means all vehicles of the Butte-Silver Bow fire department and such ambulances and emergency vehicles as are designed or authorized by the Montana Department of Justice when such vehicles are equipped with lights and audible warning devices as required by Montana law.
5. "Bicycle" means (a) every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels and a seat height of more than twenty-five inches from the ground when the seat is raised to its highest position, except scooters and similar devices; or (b) every vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement may not exceed 3.05 cubic inches (fifty centimeters) regardless of the number of chambers in the power source. The power source must not be capable of propelling the device, unassisted, at a speed exceeding thirty miles an hour (48.28 kilometers an hour) on a level surface. The device must be equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the drive system is engaged.
6. "Bicycle trail" means a publicly owned and maintained lane or way designated and signed for use as a bicycle route.
7. "Bridge" means rights-of-way or other interest in land, abutments, superstructures, piers, and approaches except dirt fills, needed to construct a bridge.
8. "Building official" means the office of the building official of the city and county of Butte-Silver Bow and includes the building official, building inspector, the electrical inspector and the plumbing inspector, as may be applicable.
9. "Bus" means every motor vehicle designed for carrying more than ten passengers and used for

the transportation of persons for compensation.

10. "Bus stop" means a fixed portion of the trafficway parallel and adjacent to the curb to be reserved exclusively for buses for layover in operating schedules or while waiting for, loading, or unloading passengers. In order to use a bus stop a bus must provide regularly-scheduled service within the city and county.
11. "Business district" means the territory contiguous to and including a trafficway when within any six hundred feet along such trafficway there are buildings in use for business or industrial purpose, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the trafficway.
12. "Butte-Silver Bow" means the unified government of the city and county of Butte-Silver Bow, a municipal corporation and political subdivision of the state of Montana, and includes all of that area within the geographical boundaries of the city and county of Butte-Silver Bow in accordance with applicable Montana law.
13. "Centerline" means the line, marked or unmarked, parallel to and generally equidistant from the sides of a trafficway, except where otherwise indicated by painted line or markers.
14. "Chief executive" means the chief executive of the city and county of Butte-Silver Bow as provided in the Charter of Butte-Silver Bow and includes any person designated by the chief executive to act in his place.
15. "Chief law enforcement officer" means the sheriff of the city and county of Butte-Silver Bow and includes any person designated by the sheriff to act in his place.
16. "City and county" means the unified government of the city and county of Butte-Silver Bow, a municipal corporation and political subdivision of the state of Montana, and includes all of that area within the geographical boundaries of the city and county in accordance with applicable Montana law. "City and county" shall include the words "city-county."
17. "Commercial vehicle" means every vehicle available for hire which is designed, maintained, or used primarily for the transportation of property.
18. "Controlled access highway" means every trafficway in respect to which owners or occupants of abutting lands or 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 the trafficway.
19. "Council of commissioners" means the council of commissioners of the city and county of Butte-Silver Bow, the legislative branch of the local government of the city and county as provided in Charter of Butte-Silver Bow.
20. "Crosswalk" means (a) that part of the roadway at an intersection included within the

connections of the lateral lines of the sidewalks on opposite sides of a trafficway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway; or (b) any portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway.

21. "Curb" means a trafficlane or traffic way edging either precast or formed in place that defines the edge of a roadway.
22. "Director of public works" means that person appointed as provided in Section 7.02 of the Charter of Butte-Silver Bow and includes any person designated by the director of public works to act in his place.
23. "Disabled vehicle" or "nonoperating vehicle" means collectively and individually, a vehicle or vehicles which is or are in a state of temporary disrepair and which is or are capable of being restored and are in the process of being restored.
24. "Enforcing officer or officers" as used in this title means all officers of the law enforcement department and includes the director of the health department of the city and county of Butte-Silver Bow in those cases involving abandonment of vehicles.
25. "Freight loading zones" means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freights or materials.
26. "Garage" means a privately owned building not used for human habitation, which is located or erected on a private lot or yard, and which meets the requirements as established by the ordinances of Butte-Silver Bow, including building and zoning regulations, and which has been or will be erected subject to an approved permit issued by the building inspector's office. Garage as defined herein does not include a commercial or publicly owned building which is operated for the storage of materials or vehicles.
27. "Governing body" means the council of commissioners of the city and county of Butte-Silver Bow.
28. "Government employees parking lot" means any private parking lot operated and maintained by the city and county for the benefit of its employees.
29. "Handicapped" means any person who has a permanent physical handicap that impairs that person's mobility when not in a motor vehicle.
30. "Handicapped parking permit" means a written license issued by the Butte-Silver Bow parking commission empowering an authorized individual to park a motor vehicle in designated parking spaces, and shall include the word "permit."
31. "He" includes the word "she" and "his" includes the word "her" and the singular includes the plural.

32. "Highway" means the entire width between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel, and includes ways which have been or shall be dedicated to public use.
33. "Intersection" means 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 trafficways which join one another at or approximately at right angles or the area within which vehicles traveling upon different trafficways joining at any other angle may come in conflict.
  - a. Where a trafficway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided trafficway by an intersecting trafficway shall be regarded as a separate intersection. In the event such intersecting trafficway also includes two roadways thirty feet or more apart, then every crossing of each roadway of such trafficway shall also be regarded as a separate intersection.
  - b. The junction of an alley with a trafficway shall not constitute an intersection.
34. "Law enforcement department" means the law enforcement department of the city and county of Butte-Silver Bow.
35. "Law enforcement officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
36. "Law enforcement vehicle" means any vehicle used in the service of any public law enforcement agency or department.
37. "Marked crosswalk" means any portion of a traffic-way distinctly indicated for pedestrians by lines or other markings on the surface of the roadway.
38. "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.
39. "Motor vehicle" means every vehicle propelled by its own power and designed primarily to transport persons or property upon the streets or highways within the city and county, except that for the purpose of Chapter 10.76, the term also includes trailers, semitrailers and house-trailers. The term does not include a bicycle as defined herein.
40. "Municipality" means the municipal corporation of the city and county of Butte-Silver Bow, state of Montana, and includes all that area within the geographical boundaries of the city and county excluding that area within the territorial limits of the city of Walkerville.
41. "Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with the Uniform Sign Manual adopted by the Montana Department of Highways pursuant to 61-8-202, MCA, when such devices are placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

42. "Operator" or "driver" means every person who drives or is in actual physical control of a vehicle, including a snowmobile.
43. "Park" or "parking" 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 merchandise or passengers.
44. "Parking commission" means the parking commission of the city and county of Butte-Silver Bow, as established by Resolution No. 116 of the Butte-Silver Bow council of commissioners and includes the office and staff and appointed members of the parking commission as applicable.
45. "Parking director" means the appointed administrative official in charge of carrying out the policies and decisions of the parking commission.
46. "Parking meter" means any mechanical device or meter, not inconsistent with this title, placed or erected in a parking meter zone within the city and county of Butte-Silver Bow pursuant to the authority of this title for the regulation and control of the parking of vehicles in parking meter zones.
47. "Parking meter space" means any space within a parking meter zone, and in the case of a street or portion thereof, the space adjacent to the curb line thereof, at a point where a parking meter is installed, which space is set aside or reserved for the parking of a single vehicle, whether such space is marked or otherwise designated.
48. "Parking meter zones" means portions of streets designated and established pursuant to the authority of this title as zones within which the parking of vehicles shall be controlled, regulated and inspected with the aid of timing devices known as parking meters.
49. "Parking time" means that amount of time indicated on each parking meter beyond which a vehicle cannot be legally parked.
50. "Passenger loading zone" means a place adjacent to a curb reserved for the loading or unloading of passengers.
51. "Pedestrian" means any person afoot.
52. "Person" includes any individual, partnership, association or corporation, or any body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.
53. "Police vehicle" means any vehicle used in the service of any public law enforcement agency or department.
54. "Private property" includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: parking areas, working

areas and recreational facilities.

55. "Property" means any real property within the city-county which is not a street or highway.
56. "Public off-street parking facility" means any project operated and maintained by the parking commission wherein the general public is allowed to park motor vehicles, whether for a fixed or variable fee, in accordance with the provisions of 7-14-4601 MCA et seq.
57. "Public parking lot" means any off-street area that is owned, leased by or controlled by the city-county in which the public is allowed to park motor vehicles and includes both those areas which a fee is charged and where no fee is charged.
58. "Public property" includes but is not limited to, the following described exterior locations owned by a governmental entity: streets, highways, alleys, parking areas, sidewalks and publicly-owned buildings and recreational facilities.
59. "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.
60. "Residential or residence district" means the territory contiguous to and including a trafficway not comprising a business district when the property on such trafficway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business.
61. "Right-of-way" means the privilege of the immediate use of the roadway.
62. "Roadway" means that part of a trafficway designed, improved, and ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event the trafficway includes two or more separate roadways, the term "roadway" refers to any such roadway separately, but not to all such roadways collectively.
63. "Safety zone" means the area of space officially set apart within a trafficway 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.
64. "School bus" has the meaning given in 20-10-101 MCA.
65. "Sheriff" means the sheriff of the city and county of Butte-Silver Bow as provided in the Charter of Butte-Silver Bow and includes any person designated by the sheriff to take his place.
66. "Shoulder" means that portion of the road contiguous with the roadway for accommodation of stopped vehicles, for emergency use, and for lateral support of the roadway structure. The line between the roadway and the shoulder may be a painted edge line, a change in surface color or material, or a curb.
67. "Sidewalk" means that portion of a street or highway between the curb lines or the lateral lines of

a roadway, and the adjacent property lines, intended for use by pedestrians.

68. "Snowmobile" includes any self-propelled vehicle designed primarily for travel on the snow or ice or natural terrain, which may be steered by wheels, skis or runners, and which is not otherwise registered or licensed under the laws of this state.
69. "State highway" means every trafficway or part thereof which has been designated as a state highway by the Montana Highway Commission.
70. "Stop," when required, means complete cessation from movement.
71. "Stop," "stopping" or "standing," when prohibited, means any stopping or standing even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or a uniform traffic-control device.
72. "Street" means the entire width between the boundary lines of every publicly maintained trafficway when any part thereof is open to the use of the general public for the purposes of vehicular travel, and includes the terms "avenues," "boulevards," "courts," "drives," "easements," "lanes," "places," "roads" and "ways."
73. "Taxicab" means a motor vehicle for hire used for the transportation of persons for compensation, and not operated exclusively over a fixed route or between fixed termini.
74. "Taxicab stand" means a fixed portion of a traffic-way set aside for taxicabs to stand or wait for passengers.
75. "Through street" means every trafficway or portion of a trafficway at the entrances to which vehicular traffic from intersecting trafficways is required by law to stop or yield before entering or crossing.
76. "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singularly or together while using any trafficway for purposes of travel.
77. "Trafficway" means the entire width between property lines, or other boundary lines, of every way or place, of which any part is open to the public for purposes of vehicular travel as a matter of right or custom.
78. "Uniform traffic-control device" means any sign, signal, marker, emblem or device, including those manually, electrically or mechanically operated, by which traffic is either directed to stop or to proceed, and which is authorized by the Uniform Sign Manual provided for in Section 61-8-202 MCA.
79. "Truck route" means a designated route established by local ordinance or by order of the Montana Department of Highways which prohibits the operation of or imposes restrictions upon the weight of a vehicle while traveling on a street or highway whenever this street or highway

will be seriously damaged or destroyed by deterioration, rain, snow or other climatic conditions, unless the use of vehicles on the street or highway is prohibited or the permissible vehicle weights are reduced. When a truck route is established, signs shall be erected designating that portion of the street or highway affected.

80. "Two-hour continuous parking space" means any space within a two-hour continuous parking zone, and in the case of a street or portion thereof, the space adjacent to the curb line thereof, at a point where an identifying post or standard is installed, which space is set aside or reserved for the parking of a single vehicle, whether such space is marked or otherwise designated.
81. "Two-hour continuous parking zones" means portions of streets designated and established as zones within which the parking of vehicles shall be restricted to a two-hour maximum time limit, which time limit shall be indicated by appropriate signs and shall be enforced by employees of the parking commission.
82. "Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more.
83. "U-turn" means turning a vehicle so as to proceed in the opposite direction on the same roadway.
84. "Vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a street or highway within the city and county, except devices moved by animal power or used exclusively upon stationary rails or tracks. However, in Chapter 10.76, the term means "motor vehicle" as defined in this section.
85. "Ways open to the public" means any street, highway, alley, parking area, or other public or private place adapted and fitted for public travel that is in common use by the public, all as provided in Section 61-8-101 MCA.
86. "Wrecked vehicle" and "discarded vehicle" means, collectively or individually, a vehicle or vehicles which is or are incapable of being self-propelled upon the streets or highways and which do not meet the requirements for operation upon the streets or highways when such requirements are either now or may be established by Montana Statutes or local ordinances. "Wrecked" and "discarded" singly and collectively apply as well to those vehicles which are not restored to, or are not capable of being restored to the requirements noted above within the grace period specified in Chapter 10.68.

"Wrecked" and "discarded" are not intended to include those vehicles which though stored are fully operational or those vehicles which are capable of being totally operational within forty-eight hours.

(Ord. 204 § 4 (1), 1984)

#### **10.04.050 Applicability--Pushcarts and animals.**

Every person driving any animal-drawn vehicle or propelling any pushcart or riding any animal upon a

street, alley or highway, shall be subject to the provisions of this title applicable to the driver of any vehicle, except those provisions of this title which by their very nature can have no application.  
(Ord. 204 § 4(3.01), 1984)

**10.04.060 Applicability--Toy vehicles and devices.**

It shall be unlawful for any person to ride on or upon any roller skates, skate-board, coaster, toy vehicle or similar device, while on or upon any street or highway except while crossing such street or highway at a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians.  
(Ord. 204 § 4(3.02), 1984)

**10.04.070 Applicability--Public employees to obey.**

The provisions of this title shall apply to the operator of any vehicle owned by or used in the service of the United States Government, the state of Montana, the city and county, or any other county or city or other governmental entity, and it shall be unlawful for any such person to violate any of the provisions of this title except as otherwise permitted in this title or by the laws of the state of Montana.  
(Ord. 204 § 4(3.03), 1984)

**10.04.080 Designation of trafficways.**

For the purposes of this title all trafficways shall be considered to be either a street, alley or highway as designated in this title, irrespective of any other designation, whether on an official plat or map or otherwise.  
(Ord. 204 § 4(3.04), 1984)

**10.04.090 Statutory provisions adopted by reference.**

The section numbers, bold face headings, and the entire language of the provisions of the Montana Code Annotated (MCA), as amended, are adopted and by this reference incorporated in this chapter as if set forth in full.  
(Ord. 204 § 4(5.01), 1984)

**Chapter 10.08**

**ADMINISTRATION**

Sections:

**10.08.010 Director of public works.**

**10.08.020 Traffic engineer.**

**10.08.030 Parking commission.**

**10.08.010 Director of public works.**

A. The director of public works shall place or cause to be placed and shall maintain or cause to be maintained official uniform traffic control devices including signs, signals, markers, emblems and devices when necessary and proper or as required under this title and the director of public works shall place or cause to be

placed and shall maintain or cause to be maintained, such additional official uniform traffic control devices as may be deemed necessary by the council of commissioners.

B. The director of public works may temporarily declare any street or highway or any part thereof a closed street or highway and may place appropriate official uniform traffic control devices for signing, channeling and barricading to provide for the safe flow of traffic and to protect the closure subject to the following conditions:

1. The street closure shall not exceed three consecutive days except upon approval of the council of commissioners or when necessitated by maintenance activities or emergency conditions;
2. The sheriff may authorize the placing of official uniform traffic control devices when required by emergency and shall notify the director of public works of such action as soon thereafter as is practicable. The director of public works shall then assume control of traffic on such street or highway;
3. Whenever official uniform traffic control devices are properly placed indicating any street or highway or portion thereof as a closed street or highway, it shall be unlawful for any person to operate a vehicle upon the street or highway or portion thereof except those persons who own or occupy businesses or residences within the closed area. Any driver entering a closed street or highway shall exercise care while driving in the area.

C. In addition to those powers and duties already assigned to the director of public works by the Charter and ordinances of Butte-Silver Bow and by this title, the director of public works may:

1. Designate and maintain crosswalks, by installing appropriate uniform traffic control devices, at intersections where it has been determined there is particular danger to pedestrians crossing the roadway, and may designate and maintain crosswalks at such other places as the council of commissioners may deem necessary;
2. Establish safety zones of such kind and character and at such places as are necessary for the protection of pedestrians;
3. Mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary;
4. Maintain freight and passenger loading zones with appropriate signs indicating the same and stating the hours during which the provisions of this title relating to such zones are applicable;
5. Maintain bus stops, bus stands, taxicab stands and stands for other common carrier passenger motor vehicles on such streets and highways and in such places and in such number as shall be determined to be of the greatest benefit and convenience to the public. Every bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs;
6. With approval of the council of commissioners, (a) designate through streets and erect stop signs at specified entrances to those streets; or (b) may designate an intersection as a stop intersection

and erect appropriate signs at one or more entrances to that intersection;

7. With the approval of the council of commissioners, (a) designate through streets and erect yield signs at specified entrances to streets or (b) may designate an intersection as a yield intersection and erect appropriate signs at entrances to that intersection;
8. With the approval of the council of commissioners, establish speed limits upon the basis of an engineering and traffic investigation;
9. With the approval of the council of commissioners, limit the weight of vehicles upon certain streets and highways upon the basis of an engineering and traffic investigation; provided however, that no such prohibition shall be in effect unless authorized signs are erected giving notice of the restriction at each end of the portion of the trafficway affected;
10. With the approval of the council of commissioners, prohibit commercial vehicles from using certain streets and highways upon the basis of an engineering and traffic investigation; provided however, that no such prohibition shall be in effect unless authorized signs are erected giving notice of the restriction at each end of the portion of the traffic-way affected;
11. Regulate parking in any way not inconsistent with Montana law or the ordinances of Butte-Silver Bow;
12. Upon verification of the abandonment of railroad track within his jurisdiction, remove or cause to be removed, all official uniform traffic control devices not necessary as a result of the abandonment;
13. Provide for the regulation of funerals and parades;
14. With the approval of the council of commissioners and upon the basis of an engineering and traffic investigation, designate any street or highway as a one-way roadway, providing however:
  - a. No such regulation shall be effective unless appropriate signs are in place; and further providing,
  - b. Such signs shall indicate the direction of lawful traffic movement and shall be placed at every intersection where movement of traffic in the opposite direction is prohibited;
15. Determine, on the basis of an engineering and traffic investigation, those portions of any street or highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may, by appropriate signs and markings on the roadway, indicate the beginning and end of such no passing zones.
  - a. The director of public works is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections and such course to be traveled or so indicated shall be as prescribed by Montana law.

- b. The director of public works shall notify the law enforcement department of all changes in regulatory signs, signals or pavement markings at least twenty-four hours prior to execution of the change.
- c. The director of public works shall be responsible for removal of all unauthorized traffic control devices. Any traffic control device which does not conform to the Uniform Sign Manual pursuant to Section 61-8-202 MCA shall be deemed to be unauthorized.

(Ord. 204 § 4(2.01), 1984)

#### **10.08.020 Traffic engineer.**

A. There is established the position of traffic engineer of the city and county of Butte-Silver Bow, which position shall exist within the department of public works of Butte-Silver Bow.

B. It shall be the general duty of the traffic engineer to correct or improve local trafficway conflicts, restrictions or hazards as determined by engineering and traffic investigations uniquely designed to identify traffic problems and solutions. These studies shall include gathering and analyzing data on traffic volumes and speeds, accidents, histories and reports, trafficway and terrain features, and land use and transportation planning studies.

C. While developing engineering and traffic investigations, the traffic engineer may:

1. Devise remedial measures appropriate for traffic conditions;
2. Plan for the safe and expeditious operation of traffic on streets and highways;
3. Determine the need for official uniform traffic control devices;
4. Cooperate with state and local officials in the development of ways and means to improve traffic conditions; and
5. Perform any other functions necessary in order to carry out the duties and powers of the position of traffic engineer, subject to the approval of the council of commissioners.

D. The traffic engineer may test traffic principles using uniform traffic control devices under actual conditions of traffic for a period of up to ninety days. The governing body shall take official action before any such test procedure or device may become permanent.

E. If the position of traffic engineer is not filled by a person employed by the city and county, the director of public works may assign the duties of traffic engineer to an employee of the department of public works and may further contract for the performance of all or part of such duties with a private consulting firm qualified by training or experience in the area of traffic control.

(Ord. 204 § 4(2.02), 1984)

#### **10.08.030 Parking commission.**

A. The parking commission, within the limits of its authority, is empowered to regulate on-street and off-street parking, subject to those traffic regulations imposed upon municipalities. This power is to include, but is not limited to, establishing rules governing:

1. Parking space location;
2. Variable parking duration periods;
3. Variable parking rate schedules; and
4. Enforcement procedures.

B. The parking commission is further empowered to make temporary or experimental parking regulations to cover emergencies or special conditions, provided however that:

1. Such regulations shall not remain in effect for more than thirty days, without concurrence by the council of commissioners; and
2. All such regulations shall be enforced by the law enforcement department; and
3. The registered owner of any vehicle found to be parked in violation of such regulations shall be absolutely liable for such violation; and
4. Jurisdiction for such violations shall be in the city court of Butte-Silver Bow, and penalties shall be imposed as provided in Chapter 10.96.

C. The jurisdictional area of the parking commission shall be coextensive with and limited to the area described for the uniform tax levy, as the same now exists in the Charter of the city and county of Butte-Silver Bow, and found in Section 7.03(h) thereof, all as established in and authorized by Butte-Silver Bow Council Resolution No. 116.

D. The parking director, with the approval of the parking commission and after notifying the director of public works, may designate and erect signs for no-parking zones, taxi zones, loading zones, handicapped zones, parking meter zones and two-hour continuous parking zones. It shall be the duty of the director of public works to have proper signs placed at such zones when so requested by the parking commission.

E. The parking director, with approval of the parking commission, shall designate and erect or cause to have erected signs for reserved on-street and off-street parking spaces or locations.

F. The parking director, with the approval of the parking commission, shall designate and erect or have erected all regulatory parking signs.

G. It shall be the duty of the office of the parking commission to collect all moneys due for parking citations issued by parking commission personnel and by the law enforcement department.

H. The parking commission shall keep accurate records of all parking citation collections.  
(Ord. 204 § 4(2.03), 1984)

## **Chapter 10.12**

### **ACCIDENTS**

Sections:

**10.12.010 Accidents involving death or personal injuries.**

**10.12.020 Accident involving damage to vehicle.**

**10.12.030 Duty to give information and render aid.**

**10.12.040 Striking unattended vehicle.**

**10.12.050 Striking property upon public thoroughfare.**

**10.12.060 Immediate notice of accidents required.**

**10.12.070 Written reports--Additional information--Form.**

**10.12.080 Written reports--Exceptions--False information.**

**10.12.090 Accident reports--Forms.**

**10.12.100 Accident reports--Confidentiality.**

**10.12.110 Garages to report evidence.**

#### **10.12.010 Accidents involving death or personal injuries.**

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall then forthwith return to, and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10.12.030. Every such stop shall be made without obstructing traffic more than necessary.

B. Any person failing to stop or to comply with such requirements under such circumstances shall, upon conviction, be punished in accordance with the provisions of Section 61-7-103(2)MCA.  
(Ord. 204 § 4(6.01), 1984)

#### **10.12.020 Accident involving damage to vehicle.**

A. The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 10.12.030. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor.  
(Ord. 204 § 4(6.02), 1984)

#### **10.12.030 Duty to give information and render aid.**

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration

number of the vehicle he is driving and shall upon request, and if available exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. (Ord. 204 § 4(6.03), 1984)

#### **10.12.040 Striking unattended vehicle.**

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. (Ord. 204 § 4(6.04), 1984)

#### **10.12.050 Striking property upon public thoroughfare.**

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a public thoroughfare shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in Section 10.12.070. (Ord. 204 § 4(6.05), 1984)

#### **10.12.060 Immediate notice of accidents required.**

The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of one hundred dollars or more shall immediately by the quickest means of communication give notice of such accident to the law enforcement department. (Ord. 204 § 4(6.06), 1984)

#### **10.12.070 Written reports--Additional information--Form.**

A. The operator of any motor vehicle which is in any manner involved in an accident within the municipality of the city and county of Butte-Silver Bow in which any person is killed or injured or in which damage to the property of any one person in excess of two hundred fifty dollars is sustained shall, within ten days after such accident, report the matter in writing to the law enforcement department, and further, within ten days after such accident, shall forward a written report of such accident to the Division of Motor Vehicles of the Montana Department of Justice unless the accident was investigated and reported by a law enforcement officer as provided in subsection C of this section.

B. The Division of Motor Vehicles or the law enforcement department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient and may require witnesses of accidents to render reports.

C. Every law enforcement officer who in the regular course of duty investigates a motor vehicle accident in which any person is killed or injured or in which damage to the property of any person exceeds two hundred fifty dollars, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall within ten days after completing the investigation forward a written report of the accident to the division of motor vehicles and a written report of the accident to the law enforcement department.

D. The form of the accident report required under this section shall contain information sufficient to enable the division of motor vehicles to determine whether the requirements for the deposit of security for safety responsibility are inapplicable by reason of the existence of insurance or other exemptions specified in this part.

(Ord. 204 § 4(6.07), 1984)

#### **10.12.080 Written reports--Exceptions--False information.**

A. An accident report is not required under this part from any person who is physically incapable of making such report during the period of such incapacity.

B. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 10.12.060 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.

C. Whenever the driver is physically incapable of making a written report of an accident as required in Section 10.12.070 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within ten days after learning of the accident, make such report not made by the driver.

D. Any person who gives information in reports as required in Section 61-7-109, MCA or in this section, knowing or having reason to believe that such information is false, shall be fined not more than five hundred dollars or imprisoned for not more than six months or both.

(Ord. 204 § 4(6.08), 1984)

#### **10.12.090 Accident reports--Forms.**

A. The law enforcement department shall keep an adequate supply of forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

B. Every accident report required to be made in writing shall be made on the appropriate form approved by the law enforcement department and shall contain all of the information required therein unless not available.

C. Every such report shall also contain information sufficient to determine whether the requirements for the deposit of security under any of the laws of this state are inapplicable by reason of the existence of insurance or other exceptions specified therein.

(Ord. 204 § 4(6.09), 1984)

### **10.12.100 Accident reports--Confidentiality.**

The provisions of Section 61-7-114 MCA are incorporated herein by reference.  
(Ord. 204 § 4(6.11), 1984)

### **10.12.110 Garages to report evidence.**

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided in Section 10.12.060 or struck by any bullet, shall report to the law enforcement department within twenty-four hours after such motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or operator of such vehicle.

(Ord. 204 § 4(6.10), 1984)

## **Chapter 10.16**

### **DRIVING UNDER INFLUENCE OF ALCOHOL OR DRUGS**

Sections:

**10.16.010 Unlawful acts.**

**10.16.020 Chemical blood, breath or urine tests--Consent--License seizure.**

**10.16.030 License seizure--Right of appeal to court.**

**10.16.040 Alcohol concentration--Prohibited level for motor vehicle operation.**

**10.16.050 Alcohol concentration--Defined.**

**10.16.060 Multiple convictions prohibited.**

**10.16.070 Evidence admissible--Conditions of admissibility.**

**10.16.080 Administration of tests.**

**10.16.090 Violation--Penalty--Driving under influence of alcohol or drugs.**

**10.16.100 Violation--Penalty--Driving with excessive blood alcohol concentration.**

### **10.16.010 Unlawful acts.**

A. It is unlawful and punishable as provided in Section 10.16.030 for any person who is under the influence of:

1. Alcohol to drive or be in actual physical control of a motor vehicle upon the ways of the municipality of the city and county of Butte-Silver Bow open to the public;
2. A narcotic drug to drive or be in actual physical control of a motor vehicle within the municipality of the city and county of Butte-Silver Bow;
3. 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 the municipality of the city and county of Butte-Silver Bow;
4. Alcohol and any drug to a degree that renders him incapable of safely driving a motor vehicle to drive or be in actual physical control of a motor vehicle within the municipality of the city and

county of Butte-Silver Bow.

B. The fact that any person charged with a violation of subsection A is or has been entitled to use alcohol or such a drug under the laws of the state of Montana does not constitute a defense against any charge of violating subsection A.

C. Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person's blood at the time alleged, as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance, shall give rise to the following presumptions:

1. If there was at that time an alcohol concentration of 0.05 or less, it shall be presumed that the person was not under the influence of alcohol.
2. If there was at that time an alcohol concentration in excess of 0.05 but less than 0.10, that fact shall not give rise to any presumption that the person 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 person.
3. If there was at that time an alcohol concentration of 0.10 or more, it shall be presumed that the person was under the influence of alcohol. Such presumption is rebuttable.

D. The provisions of subsection C do not limit the introduction of any other competent evidence bearing upon the issue of whether the person was under the influence of alcohol.  
(Ord. 204 § 4(11.01), 1984)

#### **10.16.020 Chemical blood, breath or urine tests--Consent--License seizure.**

A. Any person who operates a motor vehicle upon the ways of the municipality of the city and county of Butte-Silver Bow open to the public shall be deemed to have given consent, subject to the provisions of Section 10.16.010, to a chemical test of his blood, breath, or urine for the purpose of determining the alcoholic content of his blood if arrested by a peace officer for driving or in actual physical control of a motor vehicle while under the influence of alcohol. The test shall be administered at the direction of a peace officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon ways of the municipality of city and county of Butte-Silver Bow open to the public while under the influence of alcohol. The arresting officer may designate which one of the aforesaid tests shall be administered.

B. Any person who is unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection A of this section.

C. If a resident driver under arrest refuses upon the request of a peace officer to submit to a chemical test designated by the arresting officer as provided in subsection A of this section, none shall be given, but the officer shall, on behalf of the division of motor vehicles, immediately seize his driver's license. The peace officer shall forward the license to the division of motor vehicles, along with a sworn report that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor

vehicle upon ways of the municipality of the city and county of Butte-Silver Bow open to the public, while under the influence of alcohol and that the person had refused to submit to the test upon the request of the peace officer. Upon receipt of the report, the division of motor vehicles shall suspend the license for the period provided in subsection E.

D. Upon seizure of a resident driver's license, the peace officer shall issue, on behalf of the division of motor vehicles, a temporary driving permit, which is valid for seventy-two hours after the time of issuance.

E. The following suspension and revocation periods are applicable upon refusal to submit to a chemical test:

1. Upon a first refusal, a suspension of ninety days with no provision for a restricted probationary license;
2. Upon a second or subsequent refusal within five years of a previous refusal, as determined from the records of the division of motor vehicles, a revocation of one year with no provision for a restricted probationary license.

F. Like refusal by a nonresident shall be subject to suspension by the division of motor vehicles in like manner, and the same temporary driving permit shall be issued to nonresidents.

G. All such suspensions are subject to review as provided in part 4 of Chapter 8 of Title 61, MCA. (Ord. 204 § 4(11.02), 1984)

#### **10.16.030 License seizure--Right of appeal to court.**

Any person whose license or privilege to drive has been suspended or revoked, as authorized in Section 10.16.020, shall have the right to appeal such suspension or revocation as provided in Section 61-8-403 MCA. (Ord. 204 § 4(11.03), 1984)

#### **10.16.040 Alcohol concentration--Prohibited level for motor vehicle operation.**

It is unlawful and punishable as provided in Section 10.16.020 for any person to drive or be in actual physical control of a motor vehicle upon the ways of the municipality of the city and county of Butte-Silver Bow open to the public while the alcohol concentration in his blood, breath or urine is 0.10 or more. (Ord. 204 § 4(11.04), 1984)

#### **10.16.050 Alcohol concentration--Defined.**

For the purposes of Section 10.16.010 and 10.16.040, "alcohol concentration" means either grams of alcohol per one hundred milliliters of blood, grams of alcohol per two hundred ten liters of breath, or grams of alcohol per 75.3 milliliters of urine. (Ord. 204 § 4(11.05), 1984)

#### **10.16.060 Multiple convictions prohibited.**

When the same acts may establish the commission of an offense under both Sections 10.16.010 and 10.16.040, a person charged with such conduct may be prosecuted for a violation of both Sections 10.16.010 and 10.16.040. However, he may only be convicted of an offense under either Section 10.16.010 or 10.16.040. (Ord. 204 § 4(11.06), 1984)

**10.16.070 Evidence admissible--Conditions of admissibility.**

A. Upon the trial of any criminal action or other proceeding arising out of acts alleged to have been committed by any person in violation of Section 10.16.010 or 10.16.040:

1. Evidence of the amount of alcohol in the person's blood at the time of the act alleged, as shown by a chemical analysis of his blood, breath, or urine, is admissible; and
2. A report of the facts and results of any chemical test of a person's blood, breath, or urine administered under Section 10.16.020 is admissible in evidence if:
  - a. The breath analysis report was prepared and verified by the person who performed the test or the blood or urine test was a laboratory analysis and the analysis was done in a laboratory operated by the department of justice or by any other laboratory or facility certified or exempt from certification under the rules of the department; and
  - b. The report was prepared in accordance with any applicable rules of the department; and
  - c. If the test was on a blood sample, the person withdrawing the blood must have been competent to do so under Section 10.16.080.

(Ord. 204 § 4(11.07), 1984)

**10.16.080 Administration of tests.**

All tests provided for in this chapter shall be administered in accordance with the provisions of Section 61-8-405 MCA.

(Ord. 204 § 4(11.08), 1984)

**10.16.090 Violation--Penalty--Driving under influence of alcohol or drugs.**

A. A person convicted of a violation of Section 10.16.010 shall be punished by imprisonment in the county jail for not less than twenty-four consecutive hours or more than sixty days, and shall be punished by a fine of not less than one hundred 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.

B. 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, at least forty-eight hours of which must be served consecutively, or more than six months. 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.

C. On the third or subsequent conviction, he shall be punished by imprisonment for a term of not less than thirty days, at least forty-eight hours of which must be served consecutively, 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 provisions to the contrary providing for suspension of execution of a sentence imposed under this subsection, 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.

D. 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 Montana State 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 of the treatment program, the counselor shall notify the court of the failure.

E. For the purpose of determining the number of convictions under this section, "conviction" means a final conviction, as defined in Section 45-2-101 MCA, or a forfeiture of bail or collateral deposited to secure the 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.  
(Ord. 204 § 4(11.09), 1984)

#### **10.16.100 Violation--Penalty--Driving with excessive blood alcohol concentration.**

A. A person convicted of a violation of Section 10.16.040 shall be punished by imprisonment for not more than ten days and shall be punished by a fine of not less than one hundred dollars or more than five hundred dollars.

B. On a second conviction of a violation of Section 10.16.040, he shall be punished by imprisonment for not less than forty-eight consecutive hours or more than thirty days and a fine of not less than three hundred dollars or more than five hundred dollars.

C. On a third or subsequent conviction of a violation of Section 10.16.040, he shall be punished by imprisonment for not less than forty-eight consecutive hours or more than six months and by a fine of not less than five hundred dollars or more than one thousand dollars.

D. The provisions of 61-5-205(2), 61-5-208(2), and 61-11-203(2)(d) relating to revocation and suspension of driver's licenses shall apply to any conviction under Section 10.16.040.

E. 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.

F. For the purpose of determining the number of convictions under this section, "conviction" means a final conviction, as defined in Section 45-2-101 MCA, or a forfeiture of bail or collateral deposited to secure the 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.  
(Ord. 204 § 4(11.10), 1984)

## **Chapter 10.20**

### **RECKLESS OR CARELESS DRIVING**

Sections:

**10.20.010 Reckless driving.**

**10.20.020 Reckless driving--Violation--Penalty.**

**10.20.030 Careless driving--Determination.**

**10.20.040 Careless driving--Violation--Penalty.**

#### **10.20.010 Reckless driving--Determination.**

A person commits the offense of reckless driving if upon the ways of the municipality of the city and county of Butte-Silver Bow open to the public he or she:

- A. Operates any vehicle in wilful or wanton disregard for the safety of persons or property; or
- B. Operates any vehicle in wilful or wanton disregard for the safety of persons or property 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 Section 61-9-402, MCA.

(Ord. 204 § 4(12.01), 1984)

#### **10.20.020 Reckless driving--Violation--Penalty.**

A. A person convicted of reckless driving under subsection A of Section 10.20.010 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 or more than six months, or by a fine of not less than fifty dollars, or more than five hundred dollars or by both such fine and imprisonment.

B. A person convicted of reckless driving under subsection B of Section 10.20.010 shall be punished by imprisonment in the county 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 or she 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.  
(Ord. 204 § 4(12.02), 1984)

#### **10.20.030 Careless driving--Determination.**

A person operating or driving a vehicle of any character on a street or highway of the municipality of the city and county of Butte-Silver Bow 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.  
(Ord. 204 § 4(13.01), 1984)

#### **10.20.040 Careless driving--Violation--Penalty.**

It is unlawful for any person to violate the provisions of Section 10.20.030 and any person convicted of the offense of careless driving shall be guilty of a misdemeanor.  
(Ord. 204 § 4(13.02), 1984)

### **Chapter 10.24**

#### **TRAFFIC CONTROL DEVICES**

##### Sections:

- 10.24.010 Standards and specifications.
- 10.24.020 Obedience required.
- 10.24.030 Enforcement--Violation--Exception.
- 10.24.040 Signals generally.
- 10.24.050 Green alone or "go."
- 10.24.060 Yellow alone or "caution."
- 10.24.070 Red alone or "stop."
- 10.24.080 Red with green arrow.
- 10.24.090 Applicability--Obedience.
- 10.24.100 Pedestrian walk-and-wait signals.
- 10.24.110 Flashing signals.
- 10.24.120 Unauthorized traffic control devices--Display prohibited.
- 10.24.130 Interference with traffic control devices.
- 10.24.140 No passing zones.
- 10.24.150 Lane designation signs--Location.
- 10.24.160 Traffic control signals--Location.

#### **10.24.010 Standards and specifications.**

All traffic control signs, signals and devices, insofar as possible, shall conform to the standards set forth in that Uniform Sign Manual adopted by the Montana Department of Highways pursuant to Section 61-8-202, MCA. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city and county.  
(Ord. 204 § 4(7.01), 1984)

#### **10.24.020 Obedience required.**

The driver of any vehicle shall obey the instruction of any official uniform traffic control device applicable thereto placed in accordance with the traffic laws of Butte-Silver Bow, unless otherwise directed by a law enforcement officer, subject to the exceptions granted the driver of an authorized emergency vehicle in Chapter 10.44.

(Ord. 204 § 4(7.02), 1984)

#### **10.24.030 Enforcement--Violation--Exception.**

No provisions of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in the proper position and sufficiently 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.

(Ord. 204 § 4(7.03), 1984)

#### **10.24.040 Signals generally.**

Whenever traffic is controlled by traffic control signals exhibiting the words "go," "caution" or "stop," or exhibiting differently colored lights successively or with arrows, the following colors set out in Sections 10.24.050 through 10.24.090 shall be used and the terms and lights shall indicate and apply to drivers of vehicles and pedestrians as set out in Sections 10.24.050 through 10.24.090.

(Ord. 204 § 4(7.04), 1984)

#### **10.24.050 Green alone or "go."**

Green alone or "go" shall apply as follows:

- A. Vehicular traffic facing the signal, except when otherwise prohibited, 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 of an adjacent crosswalk at the time such signal is exhibited.
- B. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(Ord. 204 § 4(7.05), 1984)

#### **10.24.060 Yellow alone or "caution."**

Yellow alone or "caution" when shown following the green or "go" shall apply as follows:

- A. 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 cross the intersection when the red or "stop" signal is exhibited.

B. 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.  
(Ord. 204 § 4(7.06), 1984)

#### **10.24.070 Red alone or "stop."**

Red alone or "stop" shall apply as follows:

- A. 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, until a right turn can safely be made, or until a left turn can safely be made from the far left lane if the turn is made from a one-way street onto another one-way street going left. In making such turn vehicular traffic must yield the right-of-way to pedestrians lawfully within the crosswalk and to other traffic lawfully using the intersection. If a traffic sign legend indicating that no right turn on red or no left turn on red may be made after a stop is posted at the intersection, such movement cannot be made until green or "go" is shown alone.
- B. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.  
(Ord. 204 § 4(7.07), 1984)

#### **10.24.080 Red with green arrow.**

Red with green arrow shall apply as follows:

- A. 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.
- B. No pedestrian facing such a signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.  
(Ord. 204 § 4(7.08), 1984)

#### **10.24.090 Applicability--Obedience.**

In the event an official uniform traffic control signal is erected and maintained at a place other than an intersection, the provisions of Section 10.24.040 through 10.24.080 shall be applicable, except as to those provisions which, by their nature, can have no application. 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.  
(Ord. 204 § 4(7.09), 1984)

#### **10.24.100 Pedestrian walk-and-wait signals.**

Whenever special pedestrian control signals exhibiting the word "walk" are in place, such signals shall indicate as follows:

- A. 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.

(Ord. 204 § 4(7.10), 1984)

#### **10.24.110 Flashing signals.**

Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

- A. Flashing Red. 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.
- B. Flashing Yellow. 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.
- C. 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 this chapter except Article IV of Chapter 10.52 and Chapter 10.44.

(Ord. 204 § 4(7.11), 1984)

#### **10.24.120 Unauthorized traffic control devices--Display prohibited.**

A. It is unlawful for any person to place, maintain or display upon or in view of any street or highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official uniform 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 uniform traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any street or highway, any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to streets or highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

B. Every such prohibited sign, signal or marking is a public nuisance and the director of public works is empowered to move the same or cause it to be removed without notice.

(Ord. 204 § 4(7.12), 1984)

#### **10.24.130 Interference with traffic control devices.**

It is unlawful for any person without lawful authority to attempt to or in fact alter, deface, injure, knock down or remove any official uniform traffic control device or any railroad sign or signal or any inscription,

shield, or insignia thereon, or any other part thereof.  
(Ord. 204 § 4(7.13), 1984)

**10.24.140 No passing zones.**

When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.  
(Ord. 204 § 4(7.14), 1984)

**10.24.150 Lane designation signs--Location.**

Official signs may be erected directing 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.  
(Ord. 204 § 4(7.15), 1984)

**10.24.160 Traffic control signals--Location.**

Traffic control signals constructed in accordance with this chapter shall be erected and maintained at the following designated intersections:

1. Broadway and Arizona Streets;
2. Broadway and Main Streets;
3. Broadway and Montana Streets;
4. Broadway and Wyoming Streets;
5. Caledonia Street and Excelsior Avenue;
6. Farragut and Amherst Streets;
7. Farragut and Cobban Streets;
8. Farrell and Stuart Streets;
9. Front Street and Kaw Avenue;
10. Front and Montana Streets;
11. Front Street and Utah Avenue;
12. Galena and Main Streets;
13. Galena and Montana Streets;

14. Granite and Main Streets;
15. Granite and Montana Streets;
16. Granite and Wyoming Streets;
17. Harrison Avenue and Amherst Street;
18. Harrison Avenue and Civic Center Road;
19. Harrison Avenue and Cobban Street;
20. Harrison Avenue and Dewey Boulevard;
21. Harrison Avenue and Elizabeth Warren Avenue;
22. Harrison Avenue and George Street;
23. Harrison and Grand Avenues;
24. Harrison Avenue and Holmes Avenue;
25. Harrison Avenue and Roosevelt Street;
26. Iron and Montana Streets;
27. Mercury and Arizona Streets;
28. Mercury and Main Streets;
29. Mercury and Montana Streets;
30. Park and Arizona Streets;
31. Park Street at Crosswalk between Main and Dakota Streets;
32. Park and Dakota Streets;
33. Park Street and Excelsior Avenue;
34. Park and Idaho Streets;
35. Park and Main Streets;
36. Park and Montana Streets;

37. Park and Washington Streets;
  38. Park and Wyoming Streets;
  39. Platinum Street and Excelsior Avenue;
  40. Platinum and Main Streets;
  41. Platinum and Montana Streets;
  42. Platinum Street and Utah Avenue at Arizona Street;
  43. Second and Main Streets;
  44. Second Street and Utah Avenue.
- (Ord. 204 § 4(7.16), 1984)

## **Chapter 10.28**

### **TURNING MOVEMENTS**

#### **Sections:**

**10.28.010 Markers--Obedience required.**

**10.28.020 Restricted turn signs.**

**10.28.030 Obedience to signs.**

**10.28.040 U-turn--Limitations.**

#### **10.28.010 Markers--Obedience required.**

When approved markers, buttons or other indicators are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(Ord. 204 § 4(8.01), 1984)

#### **10.28.020 Restricted turn signs.**

The director of public works is authorized to determine those intersections at which the drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

(Ord. 204 § 4(8.02), 1984)

#### **10.28.030 Obedience to signs.**

Whenever approved signs are erected indicating that no right, left, or U-turn is permitted, it is unlawful for any driver of a vehicle to disobey the direction of any such sign.

(Ord. 204 § 4(8.03), 1984)

**10.28.040 U-turn--Limitations.**

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street or highway within a business district as defined in this title, or in any area zoned commercial C-2 or C-3, and shall not so turn a vehicle upon any other street or highway unless a movement can be made in safety and without interfering with other traffic.

(Ord. 204 § 4(8.04), 1984)

**Chapter 10.32**

**STOP SIGNS**

Sections:

**10.32.010 Stop intersections--Designated.**

**10.32.020 Yield intersections--Designated.**

**10.32.030 Through streets--Designated.**

**10.32.040 Signs--Maintenance.**

**10.32.050 Signs--Construction and location requirements.**

**10.32.060 Intersection obstruction prohibited.**

**10.32.010 Stop intersections--Designated.**

All traffic proceeding along the following designated streets or highways shall stop before entering into or upon the following specified intersecting streets or highways as provided in Section 10.48.320 and Section 61-8-344, MCA:

A. Urban Area.

Stop Streets Traffic Proceeding Along	Intersecting Streets Shall Stop Before Entering
a. 1. On A Street	Lowell Avenue
2. On Aberdeen Street	Carolina Avenue
3. On Adams Avenue	Elm Street
4. On Alabama Street	Empire Street from the north
5. On Alabama Street	Galena Street
6. On Alabama Street	Quartz Street
7. On Alabama Street	Silver Street
8. On Alabama Street	Zarelda Street
9. On Alaska Street	Copper Street from the south
10. On Alaska Street	Quartz Street
11. On Albany Avenue	Keokuk Street
12. On Albany Avenue	Wharton Street
13. On Aluminum Street	Arizona Street
14. On Aluminum Street	Dakota Street
15. On Aluminum Street	Nevada Street
16. On Aluminum Street	Washington Street
17. On Aluminum Street	Western Avenue
18. On Aluminum Street	Wyoming Street

19. On Amherst Avenue	Continental Drive from the west
20. On Arizona Street	Four Mile Road
21. On Arizona Street	Lowell Avenue
22. On Arizona Street	Marcia Street
23. On Arizona Street	Second Street
24. On Arizona Street	Copper Street at Anaconda Road from the south
25. On Arizona Street	Motor Vue Road
b. 1. On B Street	Carolina Avenue
2. On B Street	Lowell Street
3. On Banks Avenue	Harvard Street
4. On Banks Avenue	Kossuth Street
5. On Banks Avenue	Nettie Street
6. On Banks Avenue	Wharton Street
7. On Bartlett Street	Green Lane
8. On Bayard Street	Sherman Avenue
9. On Bayard Street	Thomas Avenue
10. On Blacktail Lane	Elizabeth Warren Avenue
11. On Blacktail Lane	Rampart Drive
12. On Broadway Street	Excelsior Avenue
13. On Broadway Street	Washington Street from the east
14. On Browning Street	Wynne Avenue from the west
15. On Burlington Street	Continental Drive
16. On Burlington Street	Whiteway Boulevard and Hancock Avenue
17. On Busch Street	Gilman Avenue
18. On Busch Street	Roosevelt Avenue
19. On Busch Street	Sampson Street
20. On Busch Street	Yale Avenue
c. 1. On Caledonia Street	Western Avenue
2. On California Street	First Street
3. On California Street	Third Street from the south
4. On Carolina Avenue	Argyle Street
5. On Carolina Avenue	Elm Street
6. On Carolina Avenue	Majors Street
7. On Carolina Avenue	Wall Street
8. On Casey Street	Warren Avenue
9. On Centennial Avenue	Excelsior Avenue (Old U.S. #10) from the south
10. On Center Street	Montana Street
11. On Chula Avenue	Kaw Avenue from the west
12. On Chula Avenue	Main Street
13. On Chula Avenue	Rowe Road
14. On Clark Street	Galena Street
15. On Clark Street	Missoula Avenue
16. On Clark Street	Silver Street
17. On Cleveland Avenue	Busch Street
18. On Cleveland Avenue	Carter Street
19. On Cleveland Avenue	Kennedy Avenue
20. On Cleveland Avenue	Paxson Avenue
21. On Cobban Street	Florence Avenue
22. On Cobban Street	Kaw Avenue from the east
23. On Cobban Street	LaFayette Avenue from the west
24. On Cobban Street	Oregon Avenue

25. On Colorado Street	Lewis Street from the north
26. On Colorado Street	Mercury Street
27. On Colorado Street	Platinum Street
28. On Colorado Street	Second Street
29. On Continental Drive	U.S. Highway No. 10 (Nine Mile)
30. On Continental Drive	Mount Highland Drive
31. On Copper Street	Wyoming Street from the west
32. On Cornell Avenue	Harrison Avenue from the east
33. On Coyote Lane	Little Basin Road
34. On Crystal Street	Copper Street
35. On Crystal Street	Diamond Street from the north
36. On Crystal Street	Mercury Street from the north
37. On Crystal Street	Quartz Street from the south
38. On Crystal Street	Silver Street from the north
d. 1. On Dahlgren Street	Harvard Avenue
2. On Dakota Street	Clinton Avenue
3. On Dakota Street	LaSalle Avenue from the south
4. On Dakota Street	Mercury Street
5. On Dakota Street	Platinum Street
6. On Delaware Avenue	First Street
7. On Dewey Boulevard	Hill Avenue
8. On Dewey Boulevard	Rowe Road from the east
9. On Diamond Street	Alabama Street from the west
10. On Diamond Street	Jackson Street from the west
11. On Driggs Street	Warren Avenue
e. 1. On Earth Lane	Milky Way
2. On East Lake Drive	Whiteway Boulevard from the east
3. On East Lake Drive	Willoughby Avenue
4. On Electric Street	Arizona Street
5. On Elizabeth Warren Avenue	Whiteway Boulevard from the east
6. On Elizabeth Warren Avenue	Blacktail Lane from the west
7. On Elizabeth Warren Avenue	Continental Drive from the west
8. On Elizabeth Warren Avenue	Harrison Avenue from the east
9. On Elm Street	Adams Avenue
10. On Elm Street	Hayes Avenue
11. On Elm Street	Thornton Avenue
12. On Emma Street	Second Street
13. On Emmett Avenue	Antimony Street
14. On Emmett Avenue	Granite Street
15. On Emmett Avenue	Lewishon Street
16. On Emmett Avenue	Park Street
17. On Emmett Avenue	Platinum Street
18. On Emmett Avenue	Steel Street

19. On Emmett Avenue	Waukesha Street
20. On Emmett Avenue	Woolman Street
21. On Empire Street	Excelsior Avenue
22. On Empire Street	Montana Street
23. On Excelsior Avenue (Old U.S. #10)	Centennial Avenue
24. On Excelsior Avenue	Walkerville Drive from the north
f. 1. On Fairway Street	St. Ann Street
2. On Farrell Street	Atlantic Street from the east
3. On Farragut Avenue	Grant Avenue from the south
4. On Farragut Avenue	Floral Boulevard from the north
5. On First Street	Arizona Street
6. On First Street	Atlantic Street Avenue
7. On First Street	Delaware Avenue
8. On First Street	Missouri Avenue
9. On Floral Boulevard	Continental Drive
10. On Floral Boulevard	Sheridan Avenue
11. On Florence Avenue	Cobban Street
12. On Florence Avenue	Grand Avenue from the south
13. On Four Mile Vue Road	Harrison Avenue from the west
14. On Franklin Street	Caledonia Street from the north
g. 1. On Galaxy Drive	Milky Way
2. On Galaxy Drive	Meadowlark Lane and Tranquility Lane
3. On Galena Street	Alabama Street
4. On Galena Street	Idaho Street
5. On Garden Avenue	Chicago Avenue
6. On Garden Avenue	Chicago Street
7. On Garfield Avenue	Cobban Street
8. On Garfield Avenue	Kossuth Street from the north
9. On Garland Avenue	Busch Street
10. On Garland Avenue	Paxson Avenue
11. On Garrison Avenue	A Street
12. On Garrison Avenue	Cobban Street
13. On Gaylord Street	A Street
14. On Gaylord Street	B Street
15. On Gaylord Street	Casey Street
16. On Gaylord Street	First Street
17. On Gaylord Street	Majors Street
18. On George Street	Farragut Avenue
19. On George Street	Gaylord Street
20. On George Street	Lafayette Avenue from the west
21. On George Street	Lowell Avenue
22. On George Street	Oregon Avenue
23. On George Street	Phillips Avenue
24. On George Street	Stuart Avenue
25. On George Street	Texas Avenue
26. On George Street	Whitman Avenue

27. On Gilman Avenue	Paxson Avenue
28. On Gilman Avenue	Kennedy Avenue
29. On Gilman Avenue	Wynne Avenue
30. On Girard Avenue	Diamond Street
31. On Girard Avenue	Galena Street
32. On Girard Avenue	Gold Street
33. On Girard Avenue	Mercury Street
34. On Girard Avenue	Porphyry Street
35. On Girard Avenue	Silver Street
36. On Gladstone Avenue	Hecla Street
37. On Gladstone Avenue	Kossuth Street
38. On Gladstone Avenue	Princeton Avenue
39. On Gladstone Avenue	Yale Avenue
40. On Gold Street	Alabama Street from the east
41. On Gold Street	Clark Street
42. On Gold Street	Crystal Street
43. On Gold Street	Idaho Street
44. On Gold Street	Jackson Street from the east
45. On Gold Street	Washington Street
46. On Gold Street	Western Avenue
47. On Grand Avenue	Continental Drive
48. On Grand Avenue	Texas Avenue
49. On Granite Street	Arizona Street
50. On Granite Street	Emmett Avenue
51. On Granite Street	Excelsior Avenue
52. On Green Lane	Meadowlark Lane
53. On Greenwood Avenue	Dakota Street
54. On Greenwood Avenue	Colorado Street
55. On Gregson Street	Gladstone Avenue
h. 1. On Hancock Avenue	Burlington Street from the north
2. On Hancock Avenue	Hannibal Street
3. On Hancock Avenue	Hecla Street
4. On Hancock Avenue	Kossuth Street
5. On Hancock Avenue	Yale Avenue
6. On Harvard Avenue	Banks Avenue
7. On Harvard Avenue	Thomas Avenue
8. On Hayes Street	Locust Street
9. On Henry Street	Caledonia Street
10. On Henry Street	Granite Street
11. On Henry Street	Hornet Street
12. On Henry Street	Quartz Street
13. On Hill Avenue	Dewey Boulevard
14. On Hill Avenue	Holmes Avenue from the north
15. On Hobson Avenue	Maryland Avenue
16. On Holland Street	Dakota Street
17. On Holmes Avenue	Harrison Avenue from the west
18. On Howard Street	Monroe Avenue
(i) 1. On Idaho Street	Broadway Street
2. On Idaho Street	Galena Street
3. On Idaho Street	Josette Avenue
4. On Idaho Street	LaSalle Avenue from the south

5. On Idaho Street	Mercury Street
6. On Idaho Street	Silver Street
7. On Idaho Street	Woolman Street from the north
8. On Illinois Street	Clark Street
9. On Iowa Street	Casey Street
10. On Iowa Street	First Street
11. On Irene Street	Continental Drive from the west
12. On Irene Street	Lafayette Avenue from the east
13. On Iron Street	Dakota Street
14. On Iron Street	Nevada Street
15. On Iron Street	Western Street
16. On Iron Street	Wyoming Street
17. On Irving Street	Gaylord Street from the east
j. 1. On Jackson Street	Caledonia Street
2. On Jackson Street	Copper Street
3. On Jackson Street	Galena Street
4. On Jackson Street	Mercury Street
5. On Jackson Street	Quartz Street
6. On Jackson Street	Silver Street from the north
7. On Josephine Street	Gladstone Avenue
8. On Josephine Street	Hancock Avenue
k. 1. On Kaw Avenue	Rowe Road
2. On Kennedy Avenue	Roosevelt Drive
3. On Keokuk Street	Hancock Avenue
4. On Kossuth Street	Garfield Avenue
5. On Kossuth Street	Sherman Avenue
l. 1. On Lafayette Avenue	Grand Avenue
2. On Lafayette Avenue	Kossuth Street from the north
3. On Longfellow Street	Harrison Avenue
4. On Longfellow Street	Warren Avenue
5. On Lowell Avenue	A Street
m. 1. On Main Street	Chula Street
2. On Majors Street	Lowell Avenue
3. On Majors Street	Wyoming Street
4. On Marcia Street	Farragut Avenue
5. On Marcia Street	Harrison Avenue
6. On Marcia Street	Massachusetts Avenue
7. On Marcia Street	Oregon Avenue
8. On Marcia Street	Phillips Avenue
9. On Marcia Street	Porter Street
10. On Marcia Street	Sherman Avenue
11. On Marcia Street	Stuart Avenue
12. On Marcia Street	Texas Avenue
13. On Marcia Street	Utah Avenue from the east
14. On Maryland Avenue	Evans Street
15. On Maryland Avenue	First Street
16. On Maryland Avenue	Main Street from the south
17. On Maryland Avenue	Sampson Street
18. On Maryland Avenue	Second Street

19. On Massachusetts Avenue	Cobban Street
20. On Massachusetts Avenue	Florence Avenue and Ottawa Avenue
21. On Massachusetts Avenue	Harrison Avenue from the north
22. On McKinley Avenue	Kennedy Avenue
23. On McKinley Avenue	Paxson Avenue
24. On Meadowlark Lane	Galaxy Drive
25. On Meadowlark Lane	Green Lane
26. On Meadowlark Lane	Harrison Avenue from the west
27. On Mercury Street	Clark Street from the east
28. On Mercury Street	Idaho Street
29. On Mercury Street	Shields Avenue from the west
30. On Milky Way	Earth Lane
31. On Missoula Avenue	Excelsior Avenue
32. On Missoula Avenue	Montana Street
33. On Monroe Avenue	Wall Street
34. On Monroe Avenue	Wall Street from the south
35. On Montana Street (lower side)	Center Street from the north
36. On Montana Street (lower side)	Quartz Street from the north
37. On Montana Street	Rowe Road from the south
38. On Montrose Street	Aluminum Street
39. On Motor View Road	Warren Avenue
40. On Mount Highland Drive	Continental Drive
41. On Mount Highland Drive	Elizabeth Warren Avenue
n. 1. Nettie Street	Hancock Avenue
2. Nettie Street	Thomas Avenue
3. Nevada Street	First Street
4. On Noyes Street	Utah Street (southeast corner)
o. 1. On Ohio Street	Platinum Street from the north
2. On Olympia Avenue	Casey Street from the north
3. On Olympia Avenue	Harrison Avenue from the west
4. On Ophir Street	Gold Street
5. On Ophir Street	Granite Street
6. On Ophir Street	Platinum Street
7. On Oregon Avenue	Casey Street
8. On Oregon Avenue	Cobban Street
9. On Oregon Avenue	Dewey Boulevard
10. On Oregon Avenue	First Street
11. On Oregon Avenue	George Street
12. On Oregon Avenue	Longfellow Street
13. On Orofimo Avenue	Brown's Gulch Road
14. On Ottawa Avenue	Continental Drive
15. On Ottawa Avenue	Farragut Avenue
16. On Ottawa Avenue	Florence Avenue from the west

17. On Ottawa Avenue	Massachusetts Avenue from the east
18. On Ottawa Avenue	Sheridan Avenue
p. 1. On Paxson Avenue	Sampson Street
2. On Phillips Avenue	Dundee Street
3. On Pinion Avenue	C Street
4. On Placer Street	Aluminum Street
5. On Placer Street	Clinton Avenue
6. On Placer Street	Greenwood Avenue from the south
7. On Place Street	LaSalle Avenue from the south
8. On Platinum Street	Emmett Avenue
9. On Platinum Street	Western Avenue
10. On Porphyry Street	Kossuth Street
11. On Porphyry Street	Western Avenue
12. On Porter Avenue	Kossuth Street
13. On Porter Street	State Street
14. On Porter Street	U.S. Highway No. 10 from the east
15. On Princeton Avenue	Hancock Avenue
16. On Princeton Avenue	Pinion Avenue
17. On Princeton Avenue	Thomas Avenue
18. On Prospect Avenue	Hancock Avenue
q. 1. On Quartz Street	Emmett Avenue
2. On Quincy Street	Gladstone Avenue
3. On Quincy Street	Hancock Avenue
r. 1. On Rampart Drive	Blacktail Lane
2. On Redwood Land	Blacktail Lane from the east
3. On Roosevelt Avenue	Kennedy Avenue
s. 1. On Saddle Rock Road	Burlington Street
2. On Sampson Street	Hill Avenue
3. On Sampson Street	Kennedy Avenue
4. On Sampson Street	Oregon Avenue
5. On Sampson Street	Utah Avenue
6. On Sampson Street	Wynne Avenue
7. On Schley Street	Kennedy Avenue
8. On Schley Street	Hill Avenue
9. On Schley Street	Paxson Avenue
10. On Second Street	Arizona Street
11. On Second Street	Emma Street
12. On Second Street	Maryland Avenue
13. On Second Street	Montana Street
14. On Second Street	Shields Avenue from the west
15. On Sheridan Avenue	Amherst Avenue
16. On Sheridan Avenue	Floral Boulevard
17. On Sheridan Avenue	Kossuth Street from the south
18. On Sheridan Avenue	Ottawa Avenue
19. On Sheridan Avenue	Burlington Street from the north
20. On Sherman Avenue	Amherst Avenue

21. On Sherman Avenue	Kossuth Street
22. On Sherman Avenue	Ottawa Avenue
23. On Silver Street	Clark Street
24. On Silver Street	Idaho Street
25. On Silver Street	Jackson Street
26. On Silver Street	Wyoming Street from the west
27. On Silver Bow Boulevard	Hayes Avenue
28. On Silver Bow Boulevard	Wilson Avenue
29. On State Street	Porter Street
30. On State Street	Sherman Street
31. On State Street	Thomas Avenue
32. On Steel Street	Emmett Avenue
33. On Steel Street	Montrose Avenue
34. On Steel Street	Western Avenue
35. On Stuart Street	Cobban Street
36. On Stuart Street	Grand Avenue
37. On Sunset Road	Arizona Street
t. 1. On Taft Street	Arizona Street
2. On Texas Avenue	Farrell Street from the south
3. On Texas Avenue	Florence Avenue from the north
4. On Texas Avenue	George Street
5. On Texas Avenue	Grand Avenue
6. On Thomas Avenue	Marcia Street
7. On Thomas Avenue	Moulton Street
8. On Thomas Avenue	St. Ann Street
9. On Third Street	Arizona Street from the west
10. On Thornton Avenue	Walnut Street
11. On Tranquility Lane	Galaxy Drive and Meadowlark Lane
12. On Travonia Street	Illinois Street from the north
u. 1. On Utah Avenue	Casey Street
2. On Utah Street	Sunset Road
3. On U.S. Highway No. 10	Basin Creek Road - Harrison Avenue from the east
v. (Reserved)	
w. 1. On Walkerville Drive	Excelsior Avenue from the northeast
2. On Walnut Street	Garfield Avenue
3. On Warren Avenue	Casey Street
4. On Warren Avenue	George Street
5. On Warren Avenue	Four Mile Vue Road
6. On Warren Avenue	Holmes Avenue from the south
7. On Warren Avenue	Motor Vue Road
8. On Warren Avenue	Waterline Road
9. On Washington Street	Granite Street

10. On Washington Street	LaSalle Avenue
11. On Washington Street	Porphyry Street
12. On Washoe Street	Dewey Boulevard
13. On Waterline Road	Warren Avenue
14. On Waukesha Street	Emmett Street
15. On Western Avenue	Diamond Street
16. On Western Avenue	Granite Street
17. On Western Avenue	Platinum Street
18. On Western Avenue	Silver Street
19. On Western Boulevard	Electric Street
20. On West Side Boulevard	Ophir Street
21. On West Side Boulevard	Western Avenue
22. On Wharton Street	Hancock Avenue
23. On Whiteway Boulevard	Burlington Street from the south
24. On Whiteway Boulevard	Elizabeth Warren Avenue
25. On Whitman Avenue	George Street
26. On Wilson Avenue	Locust Street
27. On Wilson Avenue	Walnut Street
28. On Wynne Avenue	Motor Vue Road
29. On Wyoming Street	Copper Street from the north
30. On Wyoming Street	First Street
31. On Wyoming Street	Galena Street
x. (Reserved)	
y. 1. On Yale Avenue	Pinion Avenue
2. On Yale Avenue	Thomas Avenue
z. 1. On Zarelda Street	Alabama Street
B. Melrose.	
a. On Fifth Street	Broad Street
b. On First Street	Broad Street
c. On Fourth Street	Broad Street
d. On Third Street	Broad Street
e. The Plaza	Broad Street
f. On Second Street	Broad Street
C. Ramsey.	
a. On Laird Avenue	Russell Street
b. Russell Street	Laird Avenue

(Ord. 08-7 §§ 1--4, 2008; Ord. 08-2 § 1, 2008; Ord. 07-1 § 1, 2007; Ord. 06-11 § 1, 2006; Ord. 06-7 § 1, 2006; Ord. 06-3 § 1, 2006; Ord. 05-12 § 1, 2005; Ord. 05-8 § 1, 2005; Ord. 02-10 § 1, 2002; Ord. 00-19 § 1, 2000; Ord. 00-13 § 1, 2000; Ord. 99-6 § 1, 1999; Ord. 98-9 § 1, 1998; Ord. 578 § 1, 1997; Ord. 573 § 1, 1996; Ord. 572 § 1, 1996; Ord. 566 § 1, 1996; Ord. 555 § 1, 1996; Ord. 544 § 1, 1996; Ord. 533 § 1, 1996; Ord. 531 § 1, 1995; Ord. 513 § 1, 1995; Ord. 501 § 1, 1995; Ord. 498 § 1, 1995; Ord. 492 § 1, 1994; Ord. 488 § 1, 1994; Ord. 482 § 1, 1994; Ord. 466 § 1, 1994; Ord. 461 § 1, 1993; Ord. 451 § 1, 1993; Ord. 441 § 1, 1993; Ord. 439 § 1, 1992; Ord. 434 § 1, 1992; Ord. 433 § 1, 1992; Ord. 430 § 1, 1992; Ord. 416 § 1, 1991; Ord. 412 § 1, 1991; Ord.

400 § 1, 1991; Ord. 397 § 1, 1991; Ord. 391 § 1, 1990; Ord. 389 § 1, 1990; Ord. 388 § 1, 1990; Ord. 382 § 1, 1990; Ord. 381 § 1, 1990; Ord. 380 § 1, 1990; Ord. 379 § 1, 1990; Ord. 378 § 1, 1990; Ord. 375 § 1, 1990; Ord. 367 § 1, 1989; Ord. 347 §§ 1, 2, 1989; Ord. 341 §§ 1--3, 1988; Ord. 329 §§ 1--7, 1988; Ord. 288 § 1, 1987; Ord. 278 § 1, 1986; Ord. 265 § 1, 1986; Ord. 244 §§ 1, 2, 1985; Ord. 204 § 4(9.01), 1984) (Ord. 09-4, § 1, 2009)

**10.32.020 Yield intersections--Designated.**

All traffic proceeding along the following designated streets and highways shall yield the right-of-way before entering on or upon the following intersecting streets or highways, to all vehicles approaching from the right or left as provided in Section 10.48.310 and Section 61-8-342 MCA:

A. Urban Area.

Yield Streets Traffic Proceeding Along	Intersecting Streets Shall Yield the Right-of-Way Before Entering
a. On Arizona Street	The intersection of Arizona Street/Utah Avenue/Platinum Street from the south
b. On Basin Creek Road-Harrison Avenue	U.S. Highway No. 10 from the southwest
c. An extension of Boardman Street	Empire Street from the south
d. On Casey Street	The intersection of Noyes Street and Casey Street from the east
e. On Copper Street	Washington Street
f. An extension of Crystal Street	Caledonia Street from the south
g. An extension of Crystal Street	Copper Street
h. An extension of Crystal Street	Quartz Street from the Street north
i. On Elizabeth Warren Avenue	Blacktail Lane from the west
j. On Elizabeth Warren Avenue	Whiteway Boulevard from the east
k. On Harrison Avenue	Grand Avenue from the south
l. On Meadowlark Lane	Green Lane from the east
m. On Montana Street	Hansen Road from the south
n. On McKinley Avenue	Busch Avenue
o. On Sunset Road	Wynne Avenue
p. On U.S. Highway No. 10	Basin Creek Road - Harrison Avenue from the southeast

(Ord. 480 § 1, 1994; Ord. 204 § 4(9.02), 1984)

**10.32.030 Through streets--Designated.**

The following streets are designated as through streets between the designated intersecting streets and all

intersecting traffic shall stop or yield before entering such through streets as provided in Section 10.48.300 and Section 61-8-341 MCA:

- A. Urban Area.
  - a.
    - 1. Amherst Avenue from Continental Drive on the east to Harrison Avenue on the west;
    - 2. Arizona Street from the junction of Copper Street and Anaconda Road on the north to Platinum Street on the south;
  - b.
    - 1. Basin Creek Road from the junction of Harrison Avenue and U.S. Highway 10 to the north to south Parkmont Street in the Butte Industrial Park on the south;
    - 2. Blacktail Lane from its intersection with Rampart Drive on the north to its intersection with Mount Highland Drive on the south;
    - 3. Broadway Street from Main Street on the east to Montana Street on the west;
    - 4. Broadway Street from Washington Street on the east to Excelsior Avenue on the west;
    - 5. Broadway Street from Excelsior Avenue on the east to Western Avenue on the west;
    - 6. Burlington Street from Continental Drive on the east to the intersection of Whiteway Boulevard and Hancock Avenue on the west;
    - 7. Burlington Street from the intersection of Whiteway Boulevard and Hancock Avenue on the east to Sheridan Avenue on the west;
  - c.
    - 1. Caledonia Street from Excelsior Avenue on the east to Western Avenue on the west;
    - 2. Centennial Avenue from Montana Street on the east extended to its intersection with an extension of Excelsior Avenue (Old U.S. 10) on the northwest;
    - 3. Chula Avenue from Lexington Avenue on the east to Main Street on the west;
    - 4. Chula Avenue from Main Street on the east to Rowe Road on the west;
    - 5. Cobban Street from LaFayette Avenue on the east to Florence Avenue on the west;
    - 6. Cobban Street from Garfield Avenue on the east to Florence Avenue on the west;
    - 7. Cobban Street from Florence Avenue on the east to Garrison Avenue on the west;

8. Cobban Street from Garrison Avenue on the east to Oregon Avenue on the west;
  9. Cobban Street from Oregon Avenue on the east to Kaw Avenue on the west;
  10. Colorado Street from Mercury Street on the north to Platinum Street on the south;
  11. Colorado Street from Platinum Street on the north to Second Street on the south;
  12. Continental Drive from Park Street on the northwest to Mount Highland Drive on the south;
  13. Continental Drive from Mount Highland Drive on the north to U.S. Highway 10 on the south;
  14. Copper Street from Washington Street on the east to Excelsior Avenue on the west;
  15. Cornell Avenue from Farragut Avenue at Bayard Street on the east to Harrison Avenue on the west;
- d.
1. Dakota Street from Mercury Street on the north to Platinum Street on the south;
  2. Dewey Boulevard from Harrison Avenue on the east to Hill Avenue on the west;
  3. Dewey Boulevard from Hill Avenue on the east to Rowe Road on the west;
- e.
1. Elizabeth Warren Avenue from Continental Drive on the east to the intersection of Blacktail Lane and Whiteway Boulevard on the west;
  2. Elizabeth Warren Avenue from the intersection of Blacktail Lane and Whiteway Boulevard on the east to Harrison Avenue on the west;
  3. Emmett Avenue from Park Street on the north to Platinum Street on the south;
  4. Empire Street from Montana Street on the east to Excelsior Avenue on the west;
  5. Excelsior Avenue from Missoula Avenue on the north extended (Old U.S. 10) to its intersection with an extension of Centennial Avenue on the southwest;
- f.
1. Farragut Avenue from Grand Avenue on the north to Floral Boulevard on the southeast;
  2. Farrell Street from Garfield Avenue on the east to Shields Avenue on the west;
  3. Floral Boulevard from Continental Drive on the east to Sheridan Avenue on the west;

4. Floral Boulevard from Sheridan Avenue on the east to Cornell Avenue on the west;
  5. Florence Avenue from Grand Avenue on the north to Cobban Street on the south;
  6. Florence Avenue from Cobban Street on the north to its intersection with Massachusetts Avenue and Ottawa Avenue on the south;
  7. Four Mile Vue Road from Harrison Avenue on the east to Western Boulevard on the west;
  8. Front Street from Harrison Avenue on the east to Montana Street on the west;
- g.
1. Galena Street from Arizona Street on the east to Montana Street on the west;
  2. Garfield Avenue from Continental Drive on the north to Grand Avenue on the south;
  3. Garfield Avenue from Grand Avenue on the north to Cobban Street on the south;
  4. Garfield Avenue from Cobban Street on the north to Kossuth Street on the south;
  5. Gaylord Street from Casey Street on the north to Irvine Street on the south;
  6. George Street from LaFayette Avenue on the east to Garfield Avenue on the west;
  7. George Street from Garfield Avenue on the east to Stuart Avenue on the west;
  8. George Street from Stuart Avenue on the east to Farragut Avenue on the west;
  9. George Street from Farragut Avenue on the east to Texas Avenue on the west;
  10. Grand Avenue from Continental Drive on the east to Texas Avenue on the west;
  11. Grand Avenue from Texas Avenue on the east to Harrison Avenue on the west;
  12. Granite Street from Arizona Street on the east to Excelsior Avenue on the west;
- h.
1. Hansen Road from Holmes Avenue on the east to Montana Street on the northwest;
  2. Harrison Avenue from Front Street on the north to Basin Creek Road on the south;
  3. Henry Street from Hornet Street on the north to Caledonia Street on the south;
  4. Hill Avenue from Dewey Boulevard on the north to Holmes Avenue on the south;

5. Holmes Avenue from Harrison Avenue on the east to Rowe Road on the west;
  6. Hornet Street from Excelsior Avenue on the east to Western Avenue on the west;
  7. Howard Avenue from Continental Drive on the north to Grand Avenue on the south;
- i.
1. Irene Street from Continental Drive on the east to LaFayette Avenue on the west;
  2. Iron Street from Montana Street on the east to Interstate 15-90 on the west;
- j. (Reserved)
- k.
1. Kaw Avenue from Main Street on the north to Dewey Boulevard on the south;
- l.
1. LaFayette Avenue from Grand Avenue on the north to Kossuth Street on the south;
  2. Longfellow Street from Harrison Avenue on the east to Warren Avenue on the west;
- m.
1. Main Street from the Walkerville city limits on the north to Kaw Avenue on the south;
  2. Marcia Street from Farragut Avenue on the east to Texas Avenue on the west;
  3. Marcia Street from Harrison Avenue on the east to Oregon Avenue on the west;
  4. Maryland Avenue from Main Street on the north to Second Street on the south;
  5. Massachusetts Avenue from Cobban Street on the north to its intersection with Florence Avenue and Ottawa Avenue on the south;
  6. Massachusetts Avenue from its intersection with Florence Avenue and Ottawa Avenue on the north to Harrison Avenue on the south;
  7. Meadowlark Lane from Harrison Avenue on the east to Warren Avenue on the west;
  8. Mercury Street from Shields Avenue on the east to Montana Street on the west;
  9. Missoula Avenue from Montana Street on the east to Excelsior Avenue on the west;
  10. Montana Street from Center Street on the north to Hansen Road on the south;
  11. Mount Highland Drive from Continental Drive on the east to Elizabeth Warren

Avenue on the south.

- n. (Reserved)
- o.
  - 1. Olympia Avenue from Harrison Avenue on the east to Casey Street on the south;
  - 2. Oregon Avenue from Irvine Street on the north to George Street on the south;
  - 3. Oregon Avenue from George Street on the north to Cobban Boulevard on the south;
  - 4. Oregon Avenue from Cobban Street on the north to Dewey Boulevard on the south;
  - 5. Ottawa Avenue from Continental Drive on the east to Sherman Avenue on the west;
  - 6. Ottawa Avenue from Sherman Avenue on the east to Farragut Avenue on the west;
  - 7. Ottawa Avenue from Farragut Avenue on the east to Massachusetts Avenue on the west;
- p.
  - 1. Park Street from Shields Avenue on the east to Mining Museum Road on the west;
  - 2. Platinum Avenue from Arizona Street on the east to Emmett Street on the west;
  - 3. Platinum Street from Montrose Street on the east to Ophir Street on the west;
  - 4. Porphyry Street from Montana Street on the east to Crystal Street on the west;
- q. (Reserved)
- r.
  - 1. Rowe Road from Montana Street on the north to Holmes Avenue on the south;
- s.
  - 1. Second Street from Shields Avenue on the east to Emma Street on the west;
  - 2. Second Street from Emma Street on the east to Arizona Street on the west;
  - 3. Second Street from Arizona Street on the east to Maryland Avenue on the west;
  - 4. Second Street from Maryland Avenue on the east to Montana Street on the west;
  - 5. Shields Avenue from Park Street on the northwest to Farrell Street on the southeast;

6. Sheridan Avenue from Kossuth Street on the north to Ottawa Avenue on the south;
  7. Sheridan Avenue from Ottawa Avenue on the north to Amherst Avenue on the south;
  8. Sheridan Avenue from Amherst Avenue on the north to Floral Boulevard on the south;
  9. Sheridan Avenue from Floral Boulevard on the north to Burlington Street on the south;
  10. Sherman Avenue from Ottawa Avenue on the north to Amherst Avenue on the south;
  11. Sherman Avenue from Kossuth Street on the north to Ottawa Avenue on the south;
  12. Stuart Avenue from Farrell Street on the north to Locust Street on the south;
  13. Stuart Avenue from Locust Street on the north to Grand Avenue on the south;
- t.
1. Texas Avenue from Farrell Street on the north to Grand Avenue on the south;
  2. Texas Avenue from Grand Avenue on the north to its intersection with George Street on the south;
  3. Texas Avenue from George Street on the north to its intersection with Florence Avenue on the south;
- u.
1. U.S. Highway 10 from the junction of Harrison Avenue and the Basin Creek Road on the north to Continental Drive on the south;
  2. Utah Avenue from Arizona Street and Platinum Street on the north to Front Street on the south;
- v. (Reserved)
- w.
1. Walkerville Drive from the Walkerville city limits on the north to Excelsior Avenue on the south;
  2. Walnut Street from Continental Drive on the east to Garfield Avenue on the west;
  3. Walnut Street from Garfield Avenue on the east to Stuart Avenue on the west;
  4. Walnut Street from Stuart Avenue on the east to Howard Avenue on the west;

5. Walnut Street from Howard Avenue on the east to Texas Avenue on the west;
6. Washington Street from Woolman Street on the north to Granite Street on the south;
7. Washington Street from Granite Street on the north to Porphyry Street on the south;
8. Walkerville Drive from the Walkerville city limits on the north to Excelsior Avenue on the south;
9. Warren Avenue from Holmes Avenue on the north to Meadowlark Lane on the south;
10. Warren Avenue from Four Mile Vue Road on the north to Motor Vue Road on the south;
11. Warren Avenue from Motor Vue Road on the north to Waterline Road on the south;
12. Whitman Avenue from Casey Street on the north to George Street on the south;
13. Wyoming Street from Copper Street on the north to Galena Street on the south;
- x. (Reserved)
- y. (Reserved)
- z. (Reserved)

(Ord. 08-8 § 1, 2008; Ord. 00-14 § 1, 2000; Ord. 566 § 2, 1996; Ord. 554 § 1, 1996; Ord. 545 § 1, 1996; Ord. 530 § 1, 1995; Ord. 502 § 1, 1995; Ord. 485 § 1, 1994; Ord. 481 § 1, 1994; Ord. 417 § 1, 1991; Ord. 411 § 1, 1991; Ord. 406 § 1, 1991; Ord. 394 § 1, 1990; Ord. 204 § 4(9.03), 1984)

#### **10.32.040 Signs--Maintenance.**

Whenever any law of Butte-Silver Bow designates and describes a through or preferential street, it shall be the duty of the director of public works to place and maintain a stop sign on each and every street intersecting such through or preferential street or intersecting that portion thereof described and designated as such by any law of Butte-Silver Bow excepting however those intersections where a "yield" sign is required, as provided in Section 10.32.020.

(Ord. 204 § 4(9.04), 1984)

#### **10.32.050 Signs--Construction and location requirements.**

Every sign erected pursuant to this chapter shall bear the word "stop" or "yield" in letters not less than

eight inches in height, and such sign shall, at nighttime, be rendered luminous in accordance with the provisions of the Uniform Sign Manual adopted by the Montana Department of Highways pursuant to Section 61-8-202, MCA. Every "stop" sign or "yield" sign shall be located as nearly as practicable to the nearest line of the crosswalk on the near side of the intersection or, if none, at the nearest line of the roadway.  
(Ord. 204 § 4(9.05), 1984)

**10.32.060 Intersection obstruction prohibited.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.  
(Ord. 204 § 4(9.06), 1984)

**Chapter 10.36**

**ONE-WAY STREETS AND ALLEYS**

Sections:

**10.36.010 Signs--Placement and maintenance.**

**10.36.020 Signs--Direction designated.**

**10.36.010 Signs--Placement and maintenance.**

Whenever any laws of Butte-Silver Bow designate any one-way street or alley, the director of public works shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.  
(Ord. 204 § 4(10.01), 1984)

**10.36.020 Signs--Direction designated.**

A. Upon those streets and parts of streets and in those alleys described in subsection B of this section, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

B. One-Way Streets and Alleys. In accordance with Section 10.36.010 and when authorized signs are erected giving notice, traffic shall move only in the direction indicated upon the following streets and alleys:

1. Streets.

	Name of Street	Portion Affected Terminal Limits	Direction of Traffic Movement
a.	Hamilton Street	Granite to Broadway Streets	South
b.	Dakota Street	Broadway to Galena Streets	South
c.	Jackson Street	Galena to Broadway Streets	North
d.	Crystal Street	Granite to Park Streets	South

e.	Crystal Street	Galena to Park Streets	North
f.	Crystal Street	Galena to Diamond Streets	South
g.	Crescent Street	Galena to Diamond Streets	South
h.	Broadway Street	Idaho to Henry Streets	West
i.	Clark Street	Platinum to Gold Streets	North
j.	Gagnon Street (lower side)	Going east from Main Street	East
k.	Gagnon Street (upper side)	Going west from Wyoming Street	West
l.	Steel Street	Girard to Emmett Streets	East
m.	Girard Street	Girard Street from the alley between Platinum and Steel Streets south to Steel Street	South

2. Alleys.

	Name of Alley -Between	Portion Affected	Direction of Traffic Movement
a.	Park and Broadway Streets	Main to Dakota Streets	West
b.	Park and Galena Streets	Main to Dakota Streets	West
c.	Park and Broadway Streets	Wyoming to Main Streets	West
d.	Main and Dakota Streets	Broadway to Park Streets	South

(Ord. 00-16 1, 2000; Ord. 98-10 1, 1998; Ord. 587 1, 1997; Ord. 204 § 4(10.02), 1984)

## Chapter 10.40

### SPEED LIMITS

Sections:

**10.40.010 Basic rule.**

**10.40.020 Minimum speed regulations.**

**10.40.030 School zones.**

**10.40.040 Parks.**

**10.40.050 Established--Streets designated.**

#### **10.40.010 Basic rule.**

A. A person operating or driving a vehicle of any character on a street, alley or highway of this state shall drive it in a careful and prudent manner, and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, condition of brakes, weight of vehicle, grade and width of 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, alley or highway.

B. Where no special hazard exists that requires lower speed for compliance with subsection A of this section, the speed of any vehicle shall not exceed twenty-five miles per hour in an urban district.

C. Where no special hazard exists that requires lower speed for compliance with subsection A of this section, the speed of any vehicle on any alley within the city-county shall not exceed fifteen miles per hour.

D. Upon proper action by the governing body, the speed limits on any street, alley or highway within the city and county of Butte-Silver Bow may be raised or lowered by posting signs to that effect.

E. Where no special hazard exists (as set forth in Chapter 10.74) that requires lower speed for compliance with subsection A of this section, the speed of any vehicle shall not exceed twenty-five miles per hour on any county road.

(Ord. 98-1 § 1, 1998; Ord. 580 § 1, 1997; Ord. 204 § 4(15.01), 1984)

#### **10.40.020 Minimum speed regulations.**

A person may not drive a motor vehicle at a speed slow enough 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, in accordance with the provisions of 61-8-311 MCA.

(Ord. 204 § 4(15.02), 1984)

#### **10.40.030 School zones.**

A. It is declared and determined that the school zones established and the speed limits prescribed for the times and hours herein specified, by an engineering and traffic investigation, are reasonable and safe zones and limits of speed and times therein.

B. As used in this section, the term "school zone" means the streets or highways or any thoroughfare, adjoining the block in which a school is located.

C. As used in this section, the term "school" means any presently operating school within the city and county which is recognized or authorized by the superintendent of schools of the city and county of Butte-Silver Bow, whether such school be public, private or parochial.

D. There is established a school zone on streets or highways or portions of streets or highways or any thoroughfare adjoining the block in which any such school is located.

E. It is unlawful for any person to operate any vehicle on the streets or highways within any school zone at a rate of speed in excess of fifteen miles per hour when the school therein is in regular session and between the hours of eight a.m., and four p.m., of each day, excepting however when a school is located adjacent to a street or highway on the Federal Aid System, in which case the school zone speed limit shall be determined by the Montana State Highway Commission.

(Ord. 204 § 4(15.03), 1984)

#### **10.40.040 Parks.**

A. It is unlawful for any person to operate any vehicle on the streets within the zones described in subsections B, C, D, E and F of this section at a rate of speed in excess of fifteen miles per hour. Under the supervision of the director of public works, signs in substantial compliance with the Uniform Sign Manual of the Highway Department of the state of Montana shall be erected giving notice of such speed limits to operators of vehicles traveling on such streets.

B. Speed limits on streets bordering Clark Park: There is established a speed zone on the portions of Texas, George, Wall and Florence Streets as they adjoin Clark Park.

C. Speed limits on streets bordering Chester A. Steele Park: There is established a speed zone on the portions of Silver, Clark, Alabama and Gold Streets as they adjoin Chester A. Steele Park.

D. Speed limits on streets bordering Sioux Park: There is established a speed zone on the portions of Woolman and Montana Streets as they adjoin Sioux Park.

E. Speed limits on streets bordering Koprivica Family Park: There is established a speed zone on the portions of Oregon Avenue, First and Second and Atlantic Streets as they adjoin Koprivica Family Park.

F. Speed limits on streets bordering Jeremy Bullock Memorial Soccer Complex: There is established a speed zone on the portions of Four Mile Road, Utah Avenue, Electric Street and Jeremy's Way as they adjoin Jeremy Bullock Memorial Soccer Complex.  
(Ord. 04-1 § 1, 2004; Ord. 463 § 1, 1993; Ord. 204 § 4(15.04), 1984)

**10.40.050 Established--Streets designated.**

In accordance with Section 61-8-303, MCA and when signs are erected giving notice thereof, it is unlawful for any person to drive a motor vehicle at a speed greater than the speed as set forth in the following schedule on the street or highway or parts of streets or highways as follows:

**SPEED LIMIT**

Portion of Street	Maximum Miles Per Hour
1. On Continental Drive from Texas Avenue on the northwest to Elizabeth Warren Avenue on the south, except that:	35
2. On Continental Drive from Cornell Street on the north to Wharton Street on the south	25 during school hours/ 35 during non-school hours
3. On Continental Drive from Elizabeth Warren Avenue on the north to Mount Highland Drive on the south	45
4. On Continental Drive from Mount Highland Drive on the north to Montana Highway 2 on the south	70
5. On Centennial Avenue from Front Street on the east to the intersection of an extension of Centennial Avenue with an extension of Excelsior Avenue on the north	35

6. On Elizabeth Warren Avenue from Harrison Avenue on the west to Mount Highland Drive on the east	35
7. On Excelsior Avenue from Platinum Street on the north to the intersection of an extension of Excelsior Avenue with an extension of Centennial Avenue on the west	35
8. On Farrell Street from Garfield Avenue on the east to Shields Avenue on the west	35
9. On Father Sheehan Park access road from Cornell Street on the north to Father Sheehan Park on the south	15
10. Floral Boulevard from Farragut Avenue on the west to Thomas Avenue on the east	15
11. On Front Street from Montana Street on the west to the Burlington Northern overpass on the southeast	35
12. On George Street from Harrison Avenue on the east to Oregon Avenue on the west	15
13. On Hansen Road between the intersection of Beef Trail Road, Montana Street and Hansen Road on the north and its intersection with Holmes Avenue on the south, as follows:	
a. From the intersection of Beef Trail Road, Montana Street and Hansen Road on the north to a point 0.702 miles on the south	35
b. From a point 0.702 miles south of the intersection of Beef Trail Road, Montana Street and Hansen Road on the north to its intersection with Holmes Avenue on the south	25
14. On Harrison Avenue from Burlington Northern overpass on the north to Elizabeth Warren Avenue on the south	35

15. On Harrison Avenue from Elizabeth Warren Avenue on the north to the intersection of U.S. Highway No. 10 and the Basin Creek Road on the south	45
16. Beginning at the intersection with Harrison Avenue and continuing west along Holmes Avenue to the intersection with Rowe Road and continuing northwest on Rowe Road at 300 feet north of the intersection with Lexington Avenue, an approximate distance of 1.3 miles	35
17. On Holmes Avenue from Rowe Road on the west to Hill Avenue on the east	45
18. On Holmes Avenue from Hill Avenue on the west to Harrison Avenue on the east	35
19. On Kaw Avenue from Casey Street on the north to Dewey Boulevard on the south	35
20. On Lafayette Avenue from Argyle Street on the south and Grand Avenue on the north	15
21. Meadowlark Lane from its intersection with Western Boulevard on the west to Harrison Avenue on the east	35
22. On Montana Street from Empire Street on the north to Woolman Street on the south	15
23. On Montana Street from Iron Street on the north to Rowe Road on the south	35
24. On Mount Highland Drive, between Elizabeth Warren Avenue on the north and Continental Drive on the East, as follows:	
a. From Elizabeth Warren Avenue on the north to a point 0.30 miles on the south	35

b. From a point 0.30 miles south of Elizabeth Warren Avenue on the north to a point 0.90 miles on the south and east	45
c. From a point 0.90 miles south and east of Elizabeth Warren Avenue on the north to Continental Drive on the east	35
25. On Park Street from Arizona Street on the west to Shields Avenue on the east	35
26. On Rick Jones Way, except as provided in subsections (a) through (d) below	45
a. From Station 33+00 to Station 23+00 (transition speed zone)	35
b. From Station 23+00 to Station 0+00 (plant entrance)	25
c. For north bound traffic approaching the Tee Intersection at German Gulch Road from Station 119+00 to Station 129+00 (one thousand feet transition)	35
d. For north bound traffic approaching the Tee Intersection at German Gulch Road from Station 129+00 to Station 139+00 (one thousand feet transition)	25
27. On Rowe Road from Montana Street on the north to Dewey Boulevard on the south	35
28. On Rowe Road from Dewey Boulevard on the north to Holmes Avenue on the south	45
29. On Silver Street from Emmett Street on the east to the end of the 1200 block on the west (Montrose Street unimproved)	15
30. On Shields Avenue from Park Street on the northwest to Farrell Street on the southeast	35
31. On Utah Avenue from Dewey Boulevard on the north to Stodden Park on the south	15

32. Western Boulevard from its intersection with Holmes Avenue on the north to Meadowlark Lane on the south	35
33. On Woolman Street between the intersection of Wyoming Street on the east to Jackson Street on the west	15
34. Beginning at the intersection of Montana Street and Beef Trail Road continuing west along Beef Trail Road approximately 3,900 feet	25
35. Beginning at the intersection of Beef Trail Road and Little Basin Creek Road continuing southwest on Beef Trail Road until the asphalt pavement ends approximately 10,750 feet	35
36. On Beef Trail Road continuing southwest from where the asphalt pavement ends and the gravel road begins approximately 2 miles	25
37. Beginning at the intersection of Beef Trail Road and Little Basin Creek Road continuing south on Little Basin Creek Road approximately 13,250 feet	35
38. On Little Basin Creek Road continuing south from where the asphalt pavement ends and the gravel road begins approximately 3 miles until Little Basin Creek Road ends	25

(Ord. 07-15 § 1, 2007; Ord. 06-2 § 1, 2007; Ord. 00-18 § 1, 2000; Ord. 00-15 § 1, 2000; Ord. 99-13 § 1, 2000; Ord. 594 § 1, 1998; Ord. 525 § 1, 1995; Ord. 392 § 1, 1989; Ord. 364 § 1, 1989; Ord. 204 § 4(15.05), 1984) (Ord. 09-1, § 1, 2009; Ord. 09-3, § 1, 2009)

**Editors Note:** Ord. 09-3, § 1, adopted Aug. 5, 2009, added items 33 through 37 to this list. Inasmuch as item 33 already existed, the new material has been renumbered as 34 through 38 at the editor's discretion.

## Chapter 10.44

### EMERGENCY VEHICLES

Sections:

10.44.010 Operation--Exemptions--Liability.

**10.44.020 Vehicles approaching emergency vehicles.**

**10.44.010 Operation--Exemptions--Liability.**

A. The driver of a law enforcement vehicle or an 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 chapter, but subject to the conditions stated in this chapter.

B. The driver of a law enforcement vehicle or an 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 movements or turning in specified directions.

C. The exemptions granted in this chapter to a law enforcement vehicle or an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of Section 61-9-402 MCA, except that an authorized emergency vehicle operated as a law enforcement vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. The foregoing provisions shall not relieve the driver of a law enforcement vehicle or an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the streets or highways, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(Ord. 204 § 4(24.01), 1984)

**10.44.020 Vehicles approaching emergency vehicles.**

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of Section 61-9-402 MCA, or of a law enforcement 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 edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a law enforcement officer.

(Ord. 204 § 4(24.02), 1984)

**Chapter 10.48**

**MISCELLANEOUS DRIVING RULES**

Sections:

**10.48.010 Following fire apparatus prohibited.**

10.48.020 Crossing fire hose prohibited--Exception.  
10.48.030 Processions--Driving between prohibited.  
10.48.040 Processions--Driver regulations.  
10.48.050 Processions--Funeral--Identification required.  
10.48.060 Processions--Parades--Permits required when.  
10.48.070 Backing regulations.  
10.48.080 Motorcycle regulations.  
10.48.090 Clinging to moving vehicles prohibited.  
10.48.100 Limited access entrances and exits.  
10.48.110 Boarding or alighting from moving vehicles prohibited.  
10.48.120 Passenger regulations.  
10.48.130 Trains--Blocking streets prohibited--Exception.  
10.48.140 Unattended vehicles--Brakes to be set and engine stopped.  
10.48.150 Obstructing view--Interfering with driver's control of vehicle.  
10.48.160 Driving without state license prohibited.  
10.48.165 Driving without motor vehicle insurance prohibited.  
10.48.170 Driving by minors--Restrictions--Permit required--Violation.  
10.48.180 Driving while license suspended or revoked.  
10.48.190 Chauffeur--License required.  
10.48.200 Renting a motor vehicle to another--License required--Exception.  
10.48.210 Meeting or passing school bus--Sign requirements.  
10.48.220 School bus--Prohibited operation of special lighting equipment.  
10.48.230 Travel trailer--Riding in--Prohibited.  
10.48.240 Opening vehicle door on traffic side--Regulations.  
10.48.250 Littering sharp objects prohibited--Removal--Wrecked vehicle.  
10.48.260 Starting parked vehicle.  
10.48.270 Vehicle approaching or entering intersection.  
10.48.280 Vehicle turning left at intersection.  
10.48.290 Turning left to enter alley, private road, driveway, public approach ramp or building.  
10.48.300 Vehicle entering through street or highway or stop intersection.  
10.48.310 Vehicles approaching "yield" sign.  
10.48.320 Vehicles to stop at stop signs.  
10.48.330 Stop before emerging from alley, private road, driveway, public approach ramp or building.  
10.48.340 Law enforcement or authorized emergency vehicles to have right-of-way.  
10.48.350 Jake brakes prohibited.  
10.48.360 Motor vehicles prohibited on Blacktail Creek Trail.  
10.48.365 Motor vehicles prohibited on trails within Butte-Silver Bow City-County trail system.

#### **10.48.010 Following fire apparatus prohibited.**

It is unlawful for the operator of any vehicle other than one on official business to 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 the fire apparatus has stopped in answer to a fire alarm.  
(Ord. 204 § 4(14.01), 1984)

#### **10.48.020 Crossing fire hose prohibited--Exception.**

It is unlawful for the operator of any vehicle to drive over any unprotected hose of the fire department when such hose is laid down on any street, alley, highway or private driveway in answer to a fire alarm, without the consent of the fire department official in command.  
(Ord. 204 § 4(14.02), 1984)

#### **10.48.030 Processions--Driving between prohibited.**

It is unlawful for the operator of a vehicle to drive between the vehicles comprising a funeral or other authorized procession while such vehicles are in motion and when such vehicles are conspicuously designated

as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or law enforcement officers.  
(Ord. 204 § 4(14.03), 1984)

**10.48.040 Processions--Driver regulations.**

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.  
(Ord. 204 § 4(14.04), 1984)

**10.48.050 Processions--Funeral--Identification required.**

A funeral composed of a procession of vehicles shall be identified as such by the lighting of the headlights of all vehicles in the procession or by such other method as may be determined and designated by the council of commissioners.  
(Ord. 204 § 4(14.05), 1984)

**10.48.060 Processions--Parades--Permits required when.**

No funeral procession or parade except the military forces of the United States, the military forces of this state, and the forces of the law enforcement department and the fire department of the city and county shall occupy, march or proceed along any street except in accordance with a permit approved by the fire coordinator and the director of public works and issued by the sheriff and such other regulations as are set forth in this chapter which may apply.  
(Ord. 204 § 4(14.06), 1984)

**10.48.070 Backing regulations.**

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with or obstructing other traffic.  
(Ord. 204 § 4(14.07), 1984)

**10.48.080 Motorcycle regulations.**

It is unlawful for any person operating a motorcycle to ride other than upon the permanent and regular seat attached thereto or carry any person, and it shall further be unlawful for any other person to ride upon such motorcycle other than upon a firmly attached seat to the rear or side of the operator.  
(Ord. 204 § 4(14.08), 1984)

**10.48.090 Clinging to moving vehicles prohibited.**

It is unlawful for any person riding upon any bicycle, motorcycle, coaster, sled, roller skates, skateboard sled, toy vehicle or similar device to cling to or attach himself to any moving vehicle upon any roadway, nor shall the driver of such moving vehicle permit any person to attach himself to the vehicle, but a bicycle trailer or bicycle semitrailer may be attached to a bicycle if that trailer or semitrailer has been designed for such attachment.

(Ord. 204 § 4(14.09), 1984)

**10.48.100 Limited access entrances and exits.**

It is unlawful for any person to drive a vehicle onto or from any limited-access roadway except at such entrances and exits as are established by public authority.

(Ord. 204 § 4(14.10), 1984)

**10.48.110 Boarding or alighting from moving vehicles prohibited.**

It is unlawful for any person to board or alight from any vehicle while such vehicle is in motion.

(Ord. 204 § 4(14.11), 1984)

**10.48.120 Passenger regulations.**

It is unlawful for any person to ride on any vehicle or portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in the space intended for merchandise.

(Ord. 204 § 4(14.12), 1984)

**10.48.130 Trains--Blocking streets prohibited--Exception.**

It is unlawful for the directing officer or the operator 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 or highway for purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains in motion other than those engaged in switching.

(Ord. 204 § 4(14.13), 1984)

**10.48.140 Unattended vehicles--Brakes to be set and engine stopped.**

It is unlawful for any person having the control or charge of a motor vehicle to allow such vehicle to stand on any street, alley or highway unattended without first setting the brakes thereon and stopping the motor of the vehicle or to allow such vehicle to stand upon a perceptible grade without turning the wheels of such vehicle to the curb or the side of the street or highway.

(Ord. 204 § 4(14.14), 1984)

**10.48.150 Obstructing view--Interfering with driver's control of vehicle.**

A. It is unlawful for any person to 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 mechanism of the vehicle.

B. It is unlawful for any passenger in a vehicle to ride in such a position as to interfere with the driver's control over the driving mechanism of the vehicle.

(Ord. 204 § 4(14.15), 1984)

#### **10.48.160 Driving without state license prohibited.**

Every licensee shall have his operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a law enforcement officer. However, no person charged with violating this section shall be convicted if he produces in court or the office of the arresting officer an operator's or chauffeur's license theretofore issued to him and valid at the time of his arrest.

(Ord. 204 § 4(14.16), 1984)

#### **10.48.165 Driving without motor vehicle insurance prohibited.**

A. 1. In accordance with the provisions of Part 3 of Chapter 6 of Title 61, MCA, except as provided in subsection (A)(2) of this section, an owner of a motor vehicle that is registered and operated in Montana by the owner or with the owner's permission shall continuously provide insurance against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person caused by maintenance or use of a motor vehicle in an amount not less than that required by Section 61-6-103, MCA or by a certificate of self-insurance issued in accordance with Section 6-16-143, MCA.

2. Notwithstanding the mandatory motor vehicle liability insurance protection provided for in subsection (A)(1) of this section, nothing in this part may be construed to prohibit the exclusion from insurance coverage of a named family member in a motor vehicle liability insurance policy.

B. A motor vehicle owner who prefers to post an indemnity bond in accordance with Section 6-16-303, MCA in lieu of obtaining a policy of liability insurance may do so. The bond guarantee that any loss resulting from liability imposed by law for bodily injury, death or damage to property suffered by any person caused by accident and arising out of the operation, maintenance and use of the motor vehicle sought to be registered must be paid within thirty days after final judgment is entered establishing the liability. The indemnity bond must guarantee payment in the amount provided for insurance under subsection A of this section.

C. Any bond given in connection with this section is a continuing instrument and must cover the period for which the motor vehicle is to be registered and operated. The bond must be on a form approved by the commissioner of insurance and must be with a surety company authorized to do business in the state.

D. It is unlawful for a person to operate a motor vehicle upon ways of this state open to the public as defined in Section 61-8-101, MCA without a valid policy of liability insurance in effect in an amount not less than that required by Section 61-6-103, MCA unless the person has been issued a certificate of self-insurance under Section 61-6-143, MCA, has posted an indemnity bond as provided in this section or is operating a vehicle exempt under Section 61-6-301, MCA.

E. In addition to any penalty imposed pursuant to this section, a ten-dollar surcharge shall be deposited in the law enforcement patrol vehicle replacement fund as provided in Section 10.96.060, B-SB MC. (Ord. 07-2 § 1, 2007)

#### **10.48.170 Driving by minors--Restrictions--Permit required--Violation.**

A. It is unlawful for any person under the age of fifteen years, unless such person has been issued and is in possession of a driving authorization permit from the Montana Highway Patrol, to drive any motor vehicle on the streets, alleys or highways of the city and county of Butte-Silver Bow. It shall be the duty of the officers of the law enforcement department to arrest any person violating this provision and to take possession of the vehicle so driven and to hold the same until the satisfaction of any penalty imposed for such violation. The registered owner of a vehicle shall be absolutely liable for the operation of such vehicle by any person under the minimum age limit set forth in this subsection.

B. It is unlawful for any person to cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any street, alley or highway within the city and county of Butte-Silver Bow when such minor is not authorized under the Uniform Motor Vehicle Operators and Chauffeurs License Act or is in violation of any of the provisions of that act.  
(Ord. 204 § 4(14.17), 1984)

**10.48.180 Driving while license suspended or revoked.**

It is unlawful for any person to drive a motor vehicle on any street, alley or highway in the city and county of Butte-Silver Bow at a time when his privilege to do so is suspended or revoked.  
(Ord. 204 § 4(14.18), 1984)

**10.48.190 Chauffeur--License required.**

It is unlawful for any person to employ as a chauffeur of a motor vehicle any person not then licensed as provided by the Uniform Motor Vehicle Operators and Chauffeurs License Act.  
(Ord. 204 § 4(14.19), 1984)

**10.48.200 Renting a motor vehicle to another--License required--Exception.**

A. It is unlawful for any person to rent a motor vehicle to any other person unless the latter person is then duly licensed under the Uniform Motor Vehicle Operators and Chauffeurs License Act or, in the case of a nonresident, then duly licensed under the laws of the state or country of his residence.

B. It is unlawful for any person to rent a motor vehicle to another until he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented and has compared and verified the signature thereon with the signature of such person written in his presence.

C. Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of the latter person and the date and place when and where the license was issued. Such record shall be open to inspection by any law enforcement officer.  
(Ord. 204 § 4(14.20), 1984)

**10.48.210 Meeting or passing school bus--Sign requirements.**

A. The driver of a vehicle upon a highway or street upon meeting or overtaking from either

direction any school bus that has stopped on the highway or street to receive or discharge any school children:

1. Shall stop the vehicle not less than ten feet before reaching the school bus when there is in operation on the bus a visual flashing red signal as specified in Section 61-9-402, MCA; and
2. May not proceed until the children have entered the school bus or have alighted and reached the side of the highway or street and until the school bus ceases operation of its visual flashing red signal.

B. The driver of a vehicle shall slow to a rate of speed that is reasonable under the conditions existing at the point of operation and must be prepared to stop when meeting or overtaking from either direction any school bus that is preparing to stop on the highway or street to receive or discharge school children as indicated by flashing amber lights as specified in Section 61-9-402, MCA.

C. Each bus used for the transportation of school children must bear upon the front and rear plainly visible signs containing the words "School Bus" in letters not less than eight inches in height and, in addition, must be equipped with visual signals meeting the requirements of Section 61-9-402, MCA. Amber flashing lights must be actuated by the driver approximately one hundred fifty feet in the urban areas and approximately five hundred feet in other areas before the bus is stopped to receive or discharge school children on the highway or street. Red lights must be actuated by the driver of the school bus whenever but only whenever the vehicle is stopped on the highway or street to receive or discharge school children. However, a school district board of trustees may, in its discretion, adopt a policy prohibiting the operation of amber or red lights when a bus is stopped at the school site to receive or discharge school children and the receipt or discharge does not involve street crossing by the children. The lights may not be operated in violation of that policy.

D. When a school bus is being operated upon a highway or street for purposes other than the actual transportation of children either to or from school or for school functions, all markings on the bus indicating "School Bus" must be covered or concealed.

E. The driver of a vehicle upon a highway or street with separate roadways need not stop upon meeting or passing a school bus that is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

F. Whenever a vehicle is established to have been in violation of subsection (A) of this section, the person in whose name the vehicle is registered is prima facie the driver of the vehicle at the time of the alleged violation.

(Ord. 465 1, 1994: Ord. 204 § 4(14.21), 1984)

#### **10.48.220 School bus--Prohibited operation of special lighting equipment.**

It is unlawful to operate any flashing prewarning or warning signal light on any school bus except when the school bus is preparing to stop or is stopped on a street or highway for the purpose of permitting school children to board or alight from the school bus.

(Ord. 204 § 4(14.22), 1984)

**10.48.230 Travel trailer--Riding in--Prohibited.**

It is unlawful for any person to occupy a travel trailer while it is being moved upon a street, alley or highway.  
(Ord. 204 § 4(14.23), 1984)

**10.48.240 Opening vehicle door on traffic side--Regulations.**

It is unlawful for any person to 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.  
(Ord. 204 § 4(14.24), 1984)

**10.48.250 Littering sharp objects prohibited--Removal--Wrecked vehicle.**

A. It is unlawful for any person to throw or deposit upon any street, alley or highway any glass bottles, glass, nails, tacks, wires, cans, or any other substance likely to injure any person, animal or vehicle upon such street or highway.

B. Any person who drops, or permits to be dropped or thrown, upon any street or highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

C. Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street, alley or highway from such vehicle.  
(Ord. 204 § 4(14.25), 1984)

**10.48.260 Starting parked vehicle.**

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety, including but not restricted to all intersections where all entries thereto are controlled by "stop" or "yield" signs.  
(Ord. 204 § 4(14.26), 1984)

**10.48.270 Vehicle approaching or entering intersection.**

A. When two vehicles enter or approach an intersection from different streets or 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 at through streets or highways and otherwise as stated in this chapter.  
(Ord. 204 § 4(14.27), 1984)

**10.48.280 Vehicle turning left at intersection.**

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 said driver, having so yielded and having given a signal when and as required by this chapter, 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 it is otherwise directed by appropriate signs or signals. (Ord. 204 § 4(14.28), 1984)

#### **10.48.290 Turning left to enter alley, private road, driveway, public approach ramp or building.**

Except where the contrary appears by traffic markings, signs, or devices or the directions of a peace or law enforcement officer, the driver of a vehicle on any street or highway intending to turn left in order to enter into an alley, private road, driveway, public approach ramp, or building shall yield the right-of-way to any vehicle approaching from the opposite direction which is 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 ordinance, may make such left turn and the drivers of all other vehicles approaching said alley, private road, driveway, public approach ramp, or building from the opposite direction shall yield the right-of-way to the vehicle making the left turn. (Ord. 204 § 4(14.29), 1984)

#### **10.48.300 Vehicle entering through street or highway or stop intersection.**

A. The driver of a vehicle shall stop as required by Section 10.48.310 at the entrance to a through street or highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through street or highway 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 or highway shall yield the right-of-way to the vehicle so proceeding into or across the through street or highway.

B. The driver of a vehicle shall likewise stop in obedience to a stop sign as required by Section 10.48.320 at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through street or 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. (Ord. 204 § 4(14.30), 1984)

#### **10.48.310 Vehicles approaching "yield" sign.**

When the intersection is designated by the department of highways, or a proper sign has been erected by the director of public works, 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 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. (Ord. 204 § 4(14.31), 1984)

#### **10.48.320 Vehicles to stop at stop signs.**

A. The department of highways with reference to state highways and the director of public works

may designate through streets or highways and erect stop signs at specified entrances to these streets or highways or may designate an intersection as a stop intersection and erect similar signs at one or more entrances to that intersection.

B. The sign shall bear the word "stop" in letters not less than eight inches in height, and it shall be made luminous at nighttime by steady or flashing internal illumination or by a fixed floodlight projected on the face of the sign or by efficient reflecting elements on the face of the sign.

C. The 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. In general, the longitudinal placement of "stop" or "yield" signs calls for them to be installed where the mandate or prohibition applies or begins. "Stop" or "yield" signs shall not be installed more than fifty feet (fifteen meters) from an intersecting street or highway, and if the "stop" or "yield" sign is installed at a point not intended where compliance applies or is to be made, then a suitable stop line or other marking device shall be placed in the roadway at the intended point of compliance.

D. A 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, he 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 law enforcement officer or highway patrolman or traffic-control signal.

(Ord. 204 § 4(14.32), 1984)

#### **10.48.330 Stop before emerging from alley, private road, driveway, public approach ramp or building.**

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

(Ord. 204 § 4(14.33), 1984)

#### **10.48.340 Law enforcement or authorized emergency vehicles to have right-of-way.**

A. The driver of a law enforcement vehicle or an authorized emergency vehicle responding to an emergency call or when in 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 herein stated.

B. The driver of a law enforcement vehicle or authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this chapter;
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 law enforcement vehicle or authorized emergency vehicle apply only when the vehicle is making use of an audible or visual signal, or both, meeting the requirements of Section 61-9-402, MCA.

D. The foregoing provisions shall not relieve the driver of a law enforcement vehicle or an authorized emergency vehicle from 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. (Ord. 204 § 4(14.34), 1984)

**10.48.350 Jake brakes prohibited.**

A. No person operating a motor vehicle shall use jake brakes (engine compression brakes) to slow a vehicle except in emergency stopping situations within the urban area district created by Butte-Silver Bow council Resolution No. 681, as well as certain other locations within five miles of the urban area district. The locations outside the urban area district shall be jointly determined by the director of public works and the Montana Department of Transportation District Engineer upon request and approval by the council of commissioners and the Montana Transportation Commission.

This section may not be enforced against an operator of a motor vehicle until such time as appropriate signs in the proper position with the appropriate legend informing the motorist are placed.

B. Without restricting the placement of any other signs prohibiting the use of jake brakes, the director of public works, acting jointly with the Montana Department of Transportation District Engineer and upon approval of the Montana Transportation Commission, shall direct that "no jake brake" signs be installed in the following locations:

Street or Highway	Direction
1. Interstate 90	
Continental Drive Interchange	Westbound
2. Interstate 15-90	
Montana Street Interchange	Eastbound
3. Interstate 15	
1-15/90 Interchange (east of Harrison Avenue)	Southbound

(Ord. 596 § 1, 1997)

**10.48.360 Motor vehicles prohibited on Blacktail Creek Trail.**

It is unlawful for any person to operate any motor vehicle including a car, truck, motorcycle, motorbike, snowmobile or three or four wheel all-terrain vehicle (ATV) on the Blacktail Creek trail from its intersection with George Street on the west to Harrison Avenue on the east and the department of public works is authorized

to erect signs prohibiting such use.  
(Ord. 603 § 1, 1998)

### **10.48.365 Motor vehicles prohibited on trails within Butte-Silver Bow City-County trail system.**

It is unlawful for any person to operate any motor vehicle, including a car, truck motorcycle, motorbike, snowmobile or three or four wheel all-terrain vehicle (ATV) within the Butte-Silver Bow City-County trails system as shown on that map identified as the Butte-Silver Bow trails system (trails) map, the original of which is on file in the office of the clerk and recorder of the city and county of Butte-Silver Bow and the same is adopted and incorporated herein. These trails are approximately ten feet in width, and are more specifically shown on the trails map and the department of public works is authorized to erect signs prohibiting such use.  
(Ord. 02-19 § 1, 2003)

## **Chapter 10.52**

### **PARKING**

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### **Article I.**

#### **General Provisions**

##### **10.52.010 Stopping, standing or parking on trafficways.**

A. It is unlawful for any person to stop, stand or park (temporarily or otherwise) a vehicle, except as allowed under subsection B of this section or when necessary to avoid conflict with other traffic or in compliance with law or the directions of a law enforcement officer or uniform traffic control device, in any of the following places:

1. On a sidewalk;
2. In front of or within five feet of a public or private driveway or alley or as otherwise designated;
3. Within an intersection;
4. Within a properly signed and marked fire hydrant zone or, if not signed and marked, within fifteen feet of a fire hydrant;
5. On a crosswalk;
6. Within thirty feet upon the approach to any crosswalk (marked or unmarked) at an intersection (end zone);
7. Within twenty feet upon the departure from any crosswalk (marked or unmarked) at an intersection (end zone);
8. Within twenty feet of the approach and twenty feet of the departure from any midblock crosswalk;
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 or highway 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 or highway;
13. Upon any bridge or other elevated structure upon a street or highway or within a trafficway tunnel;
14. Upon the paved or main traveled part of the roadway when it is practical to stop, stand, park or so leave such vehicle off part of the roadway;
15. In a traffic lane for the purpose of discharging or receiving passengers. Both the driver of such vehicle and such passenger or such pedestrian shall be equally guilty of violations of this section.

B. A bicycle may be parked on a sidewalk and other such places if the parking does not impede normal and reasonable movement of pedestrians or other traffic.

C. It is unlawful for any person to move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(Ord. 204 § 4(16.01), 1984)

**10.52.020 Restricted on certain streets.**

It is unlawful for any person to at any time park a vehicle upon any of the following described streets or highways or parts of streets or highways when signs are erected by the department of public works given notice of:

- A. On Arizona Street, and both sides thereof, from the intersection of said Arizona Street on the north with Anaconda Road and on the south with Curbs Street;
- B. On the east side of South Arizona Street from its intersection on the north with Curtis Street and on the south with Platinum Street;
- C. On the west side of South Arizona Street from its intersection on the north with Curtis Street or an extension thereof to the west and on the south to a point two hundred twenty-five feet north of the north curb line of Platinum Street;
- D. Along the north curb line of West Broadway Street from its intersection with the east boundary line of Clark Street easterly for a distance of fifty feet; E. On the north side of Cobban Street from its intersection on the east with Florence Avenue and its intersection on the west with Harrison Avenue;
- F. On the east side of Crystal Street from its intersection of the north with Granite Street to its intersection on the south with Galena Street;
- G. On both sides of Crystal Street from its intersection on the north with Galena Street to its intersection on the south with Mercury Street;
- H. On the east side of Crystal Street from its intersection on the north with Mercury Street to its intersection on the south with Diamond Street;
- I. Along the east curb line of North Excelsior Avenue from its intersection with the boundary line of West Broadway Street southerly for a distance of twenty-five feet;
- J. Along the east curb line of North Excelsior Avenue from its intersection with the south boundary line of West Granite Street southerly from a distance of twenty-five feet;
- K. Along the west curb line of Farragut Avenue north sixty feet from its intersection with the north boundary line of Farragut Avenue;
- L. On the south side of Front Street from its intersection on the west with Utah Avenue or an extension thereof to the south to its intersection with Harrison Avenue on the southeast at the Burlington Northern overpass;
- M. On the north side of Front Street from its intersection with Harrison Avenue at the Burlington

- Northern overpass on the southeast to its intersection with Wisconsin Street on the northwest;
- N. On the north side of West Granite Street from its intersection on the west with North Montana Street to a point which is two hundred fifty-eight feet east of the east curb line of North Montana Street;
  - O. Along the east curb line of Harrison Avenue north one hundred fifty feet from its intersection with the north boundary line of Cobban Street;
  - P. Along the east curb line of Harrison Avenue south one hundred fifty feet from its intersection with the south boundary line of Cobban Street;
  - Q. On either side of Harrison Avenue from its intersection with Dundee Street on the south to its intersection with Front Street at the Burlington Northern overpass on the north;
  - R. On either side of Harrison Avenue from its intersection with Roosevelt Street on the south to its intersection with Princeton Street on the north;
  - S. On either side of Lafayette Avenue from its intersection with Argyle Street on the south to its intersection with Grand Avenue on the north;
  - T. Along the east side of the west branch or fork of North Montana Street from an extension of the north curb line of West Quartz Street northerly to the south boundary line of West Woolman Street;
  - U. Along the east curb line of Montana Street from its intersection with the north boundary of Platinum Street, northerly for a distance of two hundred fifty feet;
  - V. Along the west curb line of Montana Street from its intersection with the north boundary of Porphyry Street, northerly for a distance of fifty feet;
  - W. Along the west curb line of Montana Street from its intersection with the south boundary of Porphyry Street, southerly for a distance of eighty-five feet;
  - X. Along the east curb line of Montana Street from its intersection with the south boundary of Platinum Street, southerly for a distance of three hundred twenty feet;
  - Y. Along the south curb line of Platinum Street from its intersection with the west boundary of Montana Street, westerly for a distance of one hundred feet to the alley;
  - Z. Along the west curb line of Montana Street from its intersection with the south boundary line of Woolman Street, southerly for a distance of twenty-five feet;
  - AA. On either side of Ophir Street from the north boundary line of its intersection with West Granite Street on the south to the end of the paved roadway on the north;

- BB. Along the south curb line of Park Street east sixty-five feet from its intersection with the east boundary line of Idaho Street;
- CC. Along the south curb line of Park Street from its intersection with Washington Street on the west to its intersection with Idaho Street on the east, except as provided in Section 10.52.023;
- DD. Along the north curb line of Porphyry Street from its intersection with the west boundary of Montana Street, westerly for a distance of fifty feet;
- EE. Along the south curb line of Porphyry Street from its intersection with the west boundary of Montana Street, westerly for a distance of one hundred feet to the alley;
- FF. On the west side of Prospect Street from its intersection with the north boundary line of Granite Street north to its intersection with the south boundary line of Copper Street.

(Ord. 07-3 § 1, 2007; Ord. 00-12 § 1, 2000; Ord. 575 § 1, 1997; Ord. 572 § 2, 1996; Ord. 525 § 2, 1995; Ord. 467 § 1, 1994; Ord. 448 § 1, 1993; Ord. 357 § 1, 1989; Ord. 291 § 1(1), 1987; Ord. 204 § 4(16.02) (part), 1984)

**10.52.022 Parking of large vehicles prohibited on portions of Dewey Boulevard--Signs required.**

A. It is unlawful for any person to park or leave standing any vehicle, including attachments thereto, which has an overall length in excess of two hundred twenty-eight inches (nineteen feet) or an overall height in excess of ninety inches (seven and one-half feet) along either side of Dewey Boulevard, from its intersection on the east with Harrison Avenue and on the west with Kennedy Street.

B. It is unlawful for any person to park a vehicle described in subsection A of this section on either side of Dewey Boulevard between Harrison Avenue and Kennedy Street when signs are erected by the department of public works giving notice thereof.  
(Ord. 464 § 1, 1994)

**10.52.023 Parking restricted in front of Mother Lode Theater.**

It is unlawful for anyone to park or leave standing any vehicle in front of the Mother Lode Theater along the south curb line of Park Street east one hundred thirty two feet from its intersection with the east boundary line of Washington Street for longer than fifteen minutes when signs are erected indicating that temporary parking is allowed while tickets are being sold at the Mother Lode Theater box office. When signs are removed the absolute prohibition against parking as set forth in Section 10.52.020Y, remains in effect.  
(Ord. 575 § 2, 1997)

**10.52.025 Restricted on portions of Colorado, Dakota, Granite, Mercury, Montana, Silver and Wyoming Streets between six a.m. and one p.m. on March 17th of each year.**

It is unlawful for any person to park a vehicle on the following described portions of Colorado, Dakota, Granite, Mercury, Montana, Silver and Wyoming Streets between the hours of six a.m. and one p.m. on March 17th of each year:

- A. Along both sides of Colorado Street from its intersection with the Mercury Street on the north

and Silver Street on the south;

- B. Along both sides of Dakota Street from its intersection with Mercury Street on the north and Silver Street on the south;
- C. Along both sides of Granite Street from its intersection with Wyoming Street on the east and Montana Street on the west;
- D. Along both sides of Mercury Street from its intersection with Wyoming Street on the east and Montana Street on the west;
- E. Along both sides of Montana Street from its intersection with Granite Street on the north and Mercury Street on the south;
- F. Along both sides of Silver Street from its intersection with Colorado Street on the east and Dakota Street on the west;
- G. Along both sides of Wyoming Street from its intersection with Mercury Street on the south and Granite Street on the north.

All vehicles parked in violation of the provisions of this section shall, in addition to any other penalty which might be imposed, be immediately removed at the owner's expense, and the provisions of Section 10.52.880 of this chapter requiring prior notification of the owner shall not apply.  
(Ord. 06-4 § 1, 2006; Ord. 06-1 § 1, 2006; Ord. 98-4 § 1, 1998; Ord. 576 § 1, 1997; Ord. 291 § 1(2), 1987; Ord. 204 § 4(16.02) (part), 1984)

**10.52.026 School zone temporary parking restrictions between seven a.m. and nine a.m. and between two p.m. and four p.m. on school days.**

It is unlawful for any person to park a vehicle upon any of the following described streets or parts of streets between seven a.m. and nine a.m. and between two p.m. and four p.m. on school days when signs are erected by the department of public works giving notice thereof:

On the east side of Delaware Street from its intersection with Front Street on the south to its intersection with First Street on the north.  
(Ord. 03-4 § 1, 2003)

**10.52.030 College campus.**

It is unlawful for any person to park a vehicle upon any of the following described streets or parts of streets at any time when signs are erected by the department of public works giving notice thereof:

- A. On Park Street, on both sides of the street, from the Marcus Daly statue on the east to Mining Museum Road on the west;
- B. On that unvacated portion of Prospect Street, on both sides of the street, from Granite Street on

the north to Park Street on the south;

- C. On that unvacated portion of West Broadway Street immediately west of the Montana Tech dormitory, on both sides of the street between Blocks 10 and 13 of the Fairview Addition; provided, however, that the provisions of this subsection shall not apply to the residents of the 1300 Block of West Broadway Street;
- D. On either side of Western Avenue from its intersection with Park Street on the south to its intersection with Granite Street on the north.

(Ord. 490 § 1, 1994; Ord. 204 § 4(16.03), 1984)

#### **10.52.040 School District No. 1 parking lots.**

It is illegal for any person to park a vehicle other than within the boundaries of an approved parking space on any off-street parking lot maintained and operated by School District No. 1 of Butte-Silver Bow County, Montana.

(Ord. 204 § 4(16.04), 1984)

#### **10.52.050 Bert Mooney Airport.**

- A. It is illegal for any person to park a vehicle other than within the boundaries of an approved parking space on any parking lot at the Bert Mooney Airport.
- B. It is illegal for any person to park a vehicle on any private parking lot at the Bert Mooney Airport unless such vehicle displays the required permit and any vehicle so parked in violation of this section may be removed therefrom and all costs of towing and storage of such vehicle shall be the liability of the owner.
- C. It is illegal for any person to park a vehicle on the loop access road leading to the terminal building at the Bert Mooney Airport other than while engaged in the actual and bona fide act of loading and unloading.

(Ord. 204 § 4(16.05), 1984)

#### **10.52.060 Permitted distance from curb for parallel parking.**

- A. Except as provided in subsection B of this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked so that the right-hand wheels of such vehicle are parallel to and within eighteen inches of the right-hand curb.
- B. The governing body may permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches of the left-hand curb of a one-way roadway.

(Ord. 204 § 4(16.06), 1984)

#### **10.52.070 Parking or leaving vehicles on public property restricted.**

- A. It is unlawful for any person to park or leave standing a vehicle upon the right-of-way of any public highway for a period longer than forty-eight hours, or upon a street of Butte-Silver Bow, or upon any

property of the state of Montana or the city and county of Butte-Silver Bow for a period longer than five days.

B. It is unlawful for any person to park or leave standing upon the right-of-way of any street, highway or alley within the jurisdictional area of Butte-Silver Bow any vehicle, including attachments thereto, which has an overall length in excess of two hundred twenty-eight inches (nineteen feet) or an overall height in excess of ninety inches (seven and one-half feet) for a period longer than forty-eight hours in any consecutive seven-day period.

C. It is unlawful for any person to park or leave standing any vehicle, including attachments thereto, which has an overall length in excess of two hundred twenty-eight inches (nineteen feet) or an overall height in excess of ninety inches (seven and one-half feet) within thirty-five feet of any of the following:

1. A public or private driveway;
2. An intersection; or
3. A fire hydrant.

D. It is unlawful to park any motor home, boat trailer or travel trailer, whether occupied or not, on any street, highway or other public property within the city and county of Butte-Silver Bow or in any public place other than in an approved trailer court or storage area for more than twenty-four hours in any consecutive seven-day period.

E. For the purposes of this section, a vehicle shall be presumed to be unlawfully parked or left standing if the vehicle has not been moved more than three hundred feet within the time period set forth in subsections A, B and D of this section.

(Ord. 570 1, 1996; Ord. 204 § 4(16.07), 1984)

#### **10.52.080 Angle parking.**

A. The parking commission shall determine upon what streets or highways angle parking shall be allowed. Where a street or highway is upon any federal aid or state highway system within the city and county of Butte-Silver Bow the parking commission shall not allow angle parking unless the State Highway Commission has determined by resolution or has ordered entered into its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. Angle parking shall not be allowed on any street or highway except where proper signs have been erected indicating the area where vehicles may be parked at an angle to the curb or edge of the roadway.

B. Angle parking shall not be indicated or permitted on any street or highway where passing traffic would be caused or required to drive upon the left side of the street.

C. Upon those streets which have been signed or marked by the Public Works Department for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings, and with the front of the vehicle to the curb.

D. Except as provided in subsection A of this section, it is unlawful for any vehicle to be parked on

a street or highway within the city and county of Butte-Silver Bow other than parallel to the curb or edge of the roadway.

(Ord. 204 § 4(16.08), 1984)

#### **10.52.090 Parking for purpose of sale, repair or storage.**

A. It is unlawful for any person to park any vehicle upon any street or highway or on and in any other public place for the principal purpose of:

1. Washing or displaying a vehicle offered for sale;
2. Greasing or repairing the vehicle except repairs necessitated by an emergency;
3. Storing any vehicle not then in transit or actual use and service;
4. Displaying advertising.

B. Provided, however, that, upon application made to the parking commission by any group, organization or person, the parking commission may, in its discretion, waive, for a temporary stated period of time, the enforcement of this section as it applies to the applicant; provided further, that if two-hour restricted space is used the parking commission may require a fee not to exceed five dollars per two-hour restricted space per day; and further provided, that no more than two two-hour restricted spaces per day are so utilized.

(Ord. 537 1, 1996; Ord. 204 § 4(16.09), 1984)

#### **10.52.100 Parking in alleys.**

A. It is unlawful for any person to stop, stand or park any vehicle within an alley except when in the act of loading or unloading of a vehicle.

B. It is unlawful for any person to stop, stand or park a vehicle within an alley while loading or unloading under such conditions so as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic.

C. It is unlawful for any person to stop, stand or park a vehicle within an alley while loading or unloading so as to block the driveway or entrance to any abutting property.

(Ord. 204 § 4(16.10), 1984)

#### **10.52.110 Parking adjacent to schools.**

A. The parking commission within the limits of its authority is authorized to erect signs indicating no parking upon that side of any street or highway adjacent to any school property when such parking would interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon that side of a street or highway adjacent to any school property, it shall be unlawful for any person to park a vehicle in any such designated place.

(Ord. 204 § 4(16.11), 1984)

**10.52.120 Parking trucks in a residential district.**

It is unlawful for any person to stand or park any truck, truck-tractor, trailer, semitrailer or bus having a gross vehicle weight in excess of eight thousand pounds upon any street in a residential district for any purpose or period of time other than for the expeditious loading or unloading of such vehicles, except that the provisions of this section shall not apply to the driver of such truck, truck-tractor, trailer or semitrailer while such vehicle is being used in connection with the construction or repair of buildings, service calls or the moving of household goods and shall not be applicable to the driver of a bus while the vehicle is parked in a designated bus stop.

(Ord. 204 § 4(16.12), 1984)

**10.52.130 Parking near hazardous or congested places.**

A. The parking director is authorized to designate "No Parking" by proper signs in places not exceeding one hundred feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places as authorized in this section, it is unlawful for any person to stop, stand or park a vehicle in any such designated place.

C. All signs erected pursuant to the provisions of this section shall be removed within seventy-two hours unless specifically authorized to remain in place by action of the council of commissioners.

(Ord. 204 § 4(16.13), 1984)

**10.52.140 Parking trucks containing explosive or offensive cargo.**

A. It is unlawful, at any time, to park a truck or trailer giving off an offensive or disagreeable odor or containing disagreeable and offensive matter, or any truck or trailer engaged in hauling gasoline, oil, or other explosive matter, whether the truck or trailer is loaded or empty, within a business district or commercial zone or within three hundred feet of a residential structure or residential zone except that a gasoline or oil truck or trailer may park within the above-described areas when actually engaged in making a delivery of gasoline or oil.

B. Vehicles transporting explosives shall comply with all provisions of the Uniform Fire Code as well as federal and state laws and regulations pertaining to the transportation of explosives. Vehicles transporting explosives shall be routed to avoid congested traffic and densely populated areas.

C. The fire and law enforcement departments shall be promptly notified when a vehicle transporting explosives is involved in an accident, breaks down, or catches fire. Only in the event of such an emergency shall the transfer of explosives from one vehicle to another be allowed on streets, highways, alleys or parking lots within the city-county and only when qualified supervision is provided. Except in such an emergency a vehicle transporting explosives shall not be parked before reaching its destination except at stopping and parking places designated and approved by the fire coordinator and the sheriff.

(Ord. 204 § 4(16.14), 1984)

**10.52.150 Parking for camping purposes.**

No person shall park any motor vehicle or travel trailer for camping purposes other than at an approved location.

(Ord. 204 § 4(16.15), 1984)

**10.52.160 Parking controlled during certain hours.**

The parking director is authorized to install and maintain signs that control parking during certain hours of the day and/or days of the week upon any trafficway whenever it is deemed necessary.

(Ord. 204 § 4(16.16), 1984)

**10.52.170 Signs required.**

When official signs controlling parking are erected upon such trafficways as authorized herein, it is unlawful for any person to stop, stand or park a vehicle upon any such trafficway in violation of any such sign.

(Ord. 204 § 4(16.17), 1984)

**10.52.180 Liability for parking violation.**

Whenever any vehicle shall have been parked in violation of any of the provisions of this chapter a citation shall be issued and affixed to the vehicle in a conspicuous place and the person in whose name the vehicle is registered shall be absolutely liable for such violation.

(Ord. 204 § 4(16.18), 1984)

**10.52.190 Violators to report within limited time.**

The registered owner of any motor vehicle parked in violation of the provisions of this chapter and for which a citation has been issued as provided in Section 10.52.180 may within seven days after the issuance of such citation voluntarily pay the amount set by the city judge as bond for the specific violation for full satisfaction for the particular parking violation. If the registered owner of any motor vehicle parked in violation of the provisions of this chapter, and for which violation a citation has been issued shall decline to pay such amount to the parking commission within seven days after the issuance of such citation, the parking commission shall proceed to file a complaint against such person in the city court of Butte-Silver Bow. The maximum penalty for violation of the provisions of this chapter shall be a fine not to exceed five hundred dollars.

(Ord. 570 2, 1996: Ord. 204 § 4(16.19), 1984)

**Article II.**

**Parking Meters**

**10.52.200 Installation--Parking meters.**

A. The parking director, with the approval of the parking commission, shall place and maintain such parking control signs, signals and devices as are necessary for the operation of parking meter zones when and as required under the traffic laws of the city and county.

B. Parking Meters. In parking meter zones to be established as provided in Section 10.52.280, the parking director shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces as provided in Section 10.52.230. The parking director shall be responsible for the regulation, control, operation and maintenance of such parking meters. Each device shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin or coins, lawful money of the United States of America, for a period of time as prescribed by the parking commission. Each device shall be so arranged that upon the expiration of the lawful time limit it will indicate by a proper visible signal that the lawful parking period has expired and in such cases the right of such vehicle to occupy such space ceases and the owner thereof shall be subject to the penalties provided in Chapter 10.96.  
(Ord. 204 § 4(17.01), 1984)

#### **10.52.210 Disposition of meter revenue.**

A. The coins required to be deposited in parking meters as provided in this article are levied and assessed as fees to provide for the proper regulation and control of traffic upon the public streets and to cover the cost of the supervision, inspection, installation, operation, maintenance, control and use of the parking spaces and parking meters described in this article, and also the cost of regulating and controlling the parking of vehicles in the parking meter spaces and reserved parking spaces created by this article and to be hereafter created.

B. The parking director, or his duly authorized agent, shall from time to time collect all coins from all parking meters installed pursuant to this article, and shall deposit the same in the parking commission fund.  
(Ord. 204 § 4(17.02), 1984)

#### **10.52.220 Parking spaces--Designation authority.**

The parking director is authorized, with the approval of the parking commission, to mark off individual parking spaces in the parking meter zones designated and described in Section 10.52.280 and in such other zones as may hereafter be established.  
(Ord. 204 § 4(17.03), 1984)

#### **10.52.230 Marking of parking meter spaces--Manner of parking.**

A. The parking commission shall have lines or marks placed on the curb or on the surface of the street alongside of each parking meter to designate the parking space for which said parking meter is to be used and each motor vehicle using such parking meter space shall be parked within the lines or markings so established.

B. In the event that such markings are not so placed or are obscured or are not discernible, the vehicle shall be parked so that the front bumper or extreme front end of the vehicle shall be in line with the post or standard of the spaces to be used. It is unlawful for any person to park a vehicle in any such parking meter space so that any part of such vehicle occupies more than one such parking space.

C. It is unlawful for any person to park a vehicle within any parking meter zone designated in Section 10.52.280 other than in an approved and designated parking meter space.

(Ord. 204 § 4(17.04), 1984)

**10.52.240 Unlawful parking.**

A. Between the hours of nine a.m. and five p.m., on all days except Sundays and legal holidays, it is unlawful for a vehicle to be parked in any space alongside of or next to which a parking meter is located, unless the meter has been placed into operation. If the vehicle remains parked in the parking space beyond the legal parking time which is designated by a sign or a signal of the parking meter showing illegal parking, the vehicle shall be considered as parked overtime and the parking of the vehicle over time or the failure to put the meter in operation, shall be a violation of this article.

B. It is unlawful to extend the parking time for a vehicle beyond the maximum parking time period indicated on the meter in either of the following ways:

1. Placing money in the meter; or
2. Wiping off chalk marks placed on the vehicle tire by authorized personnel.

C. Each time period a vehicle remains parked beyond the legal parking time period shall constitute a separate offense.

(Ord. 204 § 4(17.05), 1984)

**10.52.250 Courtesy parking tickets.**

A. Any motor vehicle bearing a current license plate issued by any state other than the state of Montana, or bearing license plates issued by any county in the state of Montana, other than the city and county of Butte-Silver Bow, and which vehicle is illegally parked at a parking meter maintained and operated by the parking commission, shall receive a courtesy parking ticket, and shall not be subject to a fine for such illegal parking.

B. This courtesy ticket does not apply to any car that has received three or more of such courtesy parking tickets within any continuous thirty-day period, or which remains illegally parked in the same position for two or more hours after receiving a courtesy parking ticket.

C. There shall be no liability or penalty attached to this issuance of a courtesy parking ticket.  
(Ord. 204 § 4(17.06), 1984)

**10.52.260 Reserved spaces.**

A. The parking director, with the approval of the parking commission, shall designate a certain area within the parking meter zones hereinabove established or hereafter established as provided herein, for the exclusive use of the Butte-Silver Bow transit system for loading or discharging passengers to or from the buses operated by it between the hours of six a.m. and seven p.m. of each day. The areas so set aside shall be used for the purpose of loading or discharging passengers to or from such buses and for no other purpose, and it is unlawful for any other vehicle to be stopped or parked therein between the hours of six a.m. to seven p.m. of each day.

B. The parking director, with the approval of the parking commission, shall designate certain areas within the parking meter zones hereinabove established or hereafter established as provided herein, for the exclusive use of local taxicab companies, for loading or discharging of passengers or awaiting dispatch for the loading or discharging of passengers by the taxicabs operated by them. The area so set aside shall be used for the purpose of loading or discharging or awaiting dispatch and not for any other purposes, and it is unlawful for any other vehicle to be stopped or parked therein at any time.

C. Upon written application to the parking commission for a reserved parking space or spaces within the parking meter zones established hereby or hereafter to be established as provided herein, showing the necessity for such parking space or spaces in the conduct of applicant's business, the parking commission, if it deems such action advisable, may issue a permit to such applicant for a reserved parking space or spaces upon the payment by the applicant of a service and maintenance fee in the amount of one hundred fifty dollars per year per parking meter space. All permits issued under this section shall expire annually on June 30th of each year and may be renewed annually. In case a permit is issued for a period of less than one year, the charge therefor shall be that proportion of the annual charge above specified which the period for which such permit issued bears to one year; provided, however, that in no case shall the minimum fee be less than one-fourth of the annual fee. The parking commission may deny any or all requests for permits for reserved parking space. It is unlawful for any person other than such permittee and his or its employees and persons then transacting business with such permittee to park a vehicle within any such reserved parking space during the hours between nine a.m. and six p.m. on any day except Sundays and legal holidays; provided, however, that when any such permit is granted under this subsection for reserved parking space or spaces for the operators of taxicabs it shall be unlawful for any person to park any vehicle or vehicles other than such permittees in any such reserved parking space or spaces at any time.

(Ord. 204 § 4(17.07), 1984)

#### **10.52.270 On-street permit.**

A. Upon written application to the parking commission by the owner of any motor vehicle which is authorized to travel upon the streets within the parking meter zones herein defined, the parking commission may, if it deems such action advisable and upon payment of the fee hereinafter specified, issue a permit allowing and permitting such motor vehicle to be parked in any unoccupied metered parking space within the parking meter zones at any time during the regulated time hereinabove established and designated, without the necessity of depositing any coin or coins in the parking meter, subject to the maximum continuous parking time allowed for such parking meter space. Upon the filing of such application for a permit the applicant shall pay to the parking commission the fee hereinafter in this section prescribed. All permits issued under this section shall expire annually on June 30th. The fee for such permits shall be two hundred twenty-five dollars per year. In case a permit is issued for a period of less than one year, the charge therefor shall be that proportion of the annual charge above specified which the period for which such permit is issued bears to one year; provided, however, that in no case shall the minimum fee be less than one-fourth of the annual fee.

B. Each such permit shall clearly identify the motor vehicle for which it is issued and shall at all times be displayed on the windshield of such motor vehicle. Such permits shall be used only on the motor vehicle for which it was issued and shall not be transferable by the permittee; provided, however, that in the event the motor vehicle for which such permit was issued is sold, transferred or otherwise disposed of by such permittee and is replaced by another motor vehicle before the expiration date of such permit, the parking

commission shall, upon application by such permittee and upon the payment to the parking commission of a transfer fee of one dollar, cancel the original permit so issued to the permittee for the motor vehicle so disposed of and issue a new permit for the balance of the current year for the motor vehicle replacing the same. (Ord. 204 § 4(17.08), 1984)

**10.52.280 Parking meter zones--Designated.**

A. The parking meter zones to be established in the city and county shall consist of the area, streets, or portions of streets described and set forth in subsection B of this section.

B. In accordance with subsection A, the following designated streets and portions thereof are herewith designated as parking meter zones to be established:

	Street	Metered Zone
1.	Granite Street:	From Montana Street to Arizona Street (both sides of the street);
		From Idaho Street to Montana Street (lower side only);
2.	Broadway Street:	From Idaho Street to Arizona Street;
3.	Park Street:	From Idaho Street to Arizona Street;
4.	Galena Street:	From Idaho Street to Arizona Street;
5.	Montana Street:	From Mercury Street to Quartz Street;
6.	Main Street	From Mercury Street to Copper Street;
7.	Alaska Street	From Quartz Street to Granite Street;
8.	Hamilton Street:	From Granite Street to Broadway Street;
9.	Dakota Street:	From Broadway Street to Mercury Street;
10.	Colorado Street:	From Galena Street to Mercury Street;
11.	Idaho Street:	From Galena Street to Broadway Street;

12.	Wyoming Street:	From Mercury Street to Granite Street;
13.	Mercury Street:	From Colorado Street to Main Street;
14.	Quartz Street:	From Alaska Street to Main Street (both sides of street);
		From Montana Street to Alaska Street (lower side only);

C. Temporary Provision. The provisions of subsection B of this section shall be suspended for a period of one year only beginning July 1, 1983 and ending June 30, 1984.  
(Ord. 204 § 4(17.09), 1984)

**10.52.290 Parking meter zones--Time limit--Exception--Permit.**

The maximum legal parking time for all parking meter zones, except as provided in Section 10.52.260, shall be two consecutive hours; provided, however, that upon application a temporary permit may be issued by the parking director for the extended use of parking meter locations in any parking meter zone in the following circumstances only:

- A. When any contractor is required by the building official to erect a protective walkway extending into the parking area of the adjoining street; and
- B. When it is necessary for a contractor, including a remodeling contractor, because of limited space, to occupy the parking area of the adjoining street with his equipment and materials.

(Ord. 204 § 4(17.10), 1984)

**10.52.300 Parking meter zones--Temporary permit--Application and issuance.**

A. Application for a temporary parking meter zone permit shall be made in writing to the parking director, who shall have the discretion to grant the same and to determine the period it shall run, and who shall collect the fee therefor as provided in Section 10.52.310. The permit shall be issued in triplicate the original to be retained by the parking director, one copy to be delivered to the applicant, and the third copy to be delivered to the building official.

B. Where it becomes necessary physically to remove parking meters because of the construction situation, the removal and replacement shall be done by the parking commission and the contractor shall reimburse the parking commission in full for all reasonable expense thereof.

C. Where it is not necessary to remove the meters, they shall be covered with a locked bag to be obtained from the parking director, which bag will be picked up by a metermaid, employed by the parking commission, at the end of the permit period therefor.

(Ord. 204 § 4(17.11), 1984)

### **10.52.310 Parking meter zones--Temporary permit--Fee.**

The fee for the permit referred to in the preceding sections shall be computed as follows: One dollar per day, Monday through Saturday, for each parking meter stall or twenty-five-foot length of frontage if no parking meter is in place; provided, that if at least two parking meter stalls or fifty feet of frontage are required for a period of at least one month, then the fee shall be computed at the rate of eight dollars and fifty cents per month for each parking meter stall or twenty-five-foot length of frontage.

(Ord. 204 § 4(17.12), 1984)

### **10.52.320 Parking meter zones--Free use--Charitable organizations.**

Nonprofit organizations, service clubs, conventions, and political parties or organizations wishing to obtain free use of parking meter locations shall seek permission from the parking commission; provided, that political organizations may obtain the same only after the date of the primary election or of a political convention held in connection with a state election. When permission is thus granted, the permit and the necessary bags shall be issued by the parking director for the period allowed without charge.

(Ord. 204 § 4(17.13), 1984)

### **10.52.330 Parking meter zones--Unlawful and unauthorized use.**

It is unlawful for any unauthorized person to park at a parking meter location where the parking meter has been removed or bagged under a temporary permit issued in accordance with Section 17.52.300.

(Ord. 204 § 4(17.14), 1984)

### **10.52.340 Parking meter zones--Rates designated--Exception.**

Parking or standing a vehicle in a designated space in a parking meter zone, except public parking lots, for a period of time not exceeding the maximum legal parking time, shall be lawful for thirty minutes upon deposit of a five cent coin; or sixty minutes upon the deposit of a ten cent coin; and for such further period of time, not exceeding the maximum legal parking time, as results from a deposit of any combination of the fees set forth in this section. Where the parking meter is of a type which registers a total time less than the maximum legal parking time, additional deposits of parking meter fees may be made for the purpose of extending the legal parking time, not to exceed the maximum legal parking time. Each meter shall also be set, adjusted and arranged so that upon the expiration of the legal parking time it will indicate by a mechanical operation that the legal parking time has expired.

(Ord. 204 § 4(17.15), 1984)

### **10.52.350 Parking meter zones--Operation of meters.**

The parking meters shall be operated in the parking meter zones, every day between the hours of nine a.m. and six p.m., except Saturdays and legal holidays.

(Ord. 204 § 4(17.16), 1984)

### **10.52.360 Depositing slugs--Tampering with parking meters.**

A. It is unlawful for any person to deposit or cause to be deposited in any parking meter any slug, or other substitute for the five-cent, ten-cent, or twenty-five-cent coin of the United States unless the parking commission has approved a token to be used in the meters.

B. It is unlawful for any unauthorized person to open, or for any person to deface, injure, tamper with or wilfully break, destroy, or impair the usefulness of any parking meter.  
(Ord. 204 § 4(17.17), 1984)

#### **10.52.370 Citation for violation--Form.**

It shall be the duty of the parking commission to issue citations for violations of the provisions of the parking meter and two-hour parking regulations as set out herein.

A. Citations issued for violations of the parking meter and two-hour parking regulations shall show:

1. The number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of the Butte-Silver Bow parking regulations;
2. The state license number of the vehicle;
3. Any facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

B. Citations issued for violations of parking meter regulations shall be prepared in multiple-copy form, and one copy shall be attached in a conspicuous place to the vehicle parked in violation of this chapter, and such citation shall contain a notice informing the registered owner to report to the parking commission within seven days as provided in Section 10.52.390.

(Ord. 204 § 4(17.18), 1984)

#### **10.52.380 Liability for parking violation.**

Whenever any vehicle shall have been parked in violation of any of the provisions of this article a citation shall be issued and affixed to the vehicle in a conspicuous place and the person in whose name the vehicle is registered shall be absolutely liable for such violation.

(Ord. 204 § 4(17.19), 1984)

#### **10.52.390 Violators to report within limited time.**

The registered owner of any motor vehicle parked in a violation of the provisions of this chapter and for which a citation has been issued as provided in Section 10.52.380, may within seven days after the issuance of such citation voluntarily pay the amount of two dollars for a parking meter violation or three dollars for a two-hour parking violation as full satisfaction for the overtime parking violation. If the registered owner of any motor vehicle parked in violation of the provisions of this article, and for which violation a citation has been issued, shall decline to pay such amount to the parking commission within seven days after the issuance of such citation, the parking commission shall proceed to file a complaint against such person in the city court of

Butte-Silver Bow.  
(Ord. 204 § 4(17.20), 1984)

### **Article III.**

#### **Two-Hour Parking**

##### **10.52.400 Identifying posts or signs--Installation.**

A. The parking director, with the approval of the parking commission, shall place and maintain such parking control posts and signs as are necessary for the operation of two-hour continuous parking zones when and as required under the traffic laws of the city and county.

B. Posts or Signs. In the two-hour continuous parking zones to be established as provided in Section 10.52.460, the parking director shall cause identifying posts or signs to be installed upon the curb or sidewalk immediately adjacent to the parking spaces as provided in Section 10.52.420. The parking director shall be responsible for the regulation, control, operation and maintenance of such identifying posts or signs. The identifying posts or signs shall indicate the lawful time period during which a vehicle may be parked in a parking space created herein and upon the expiration of such lawful parking period the right of such vehicle to occupy such space ceases and the owner thereof shall be subject to the penalties provided in Chapter 10.96.  
(Ord. 204 § 4(18.01), 1984)

##### **10.52.410 Parking spaces--Designation authority.**

The parking director is authorized, with the approval of the parking commission, to mark off individual parking spaces in the two-hour continuous parking zones designated and zones as may hereafter be established.  
(Ord. 204 § 4(18.02), 1984)

##### **10.52.420 Marking of spaces--Manner of parking.**

A. The parking commission shall have lines or marks placed on the curb or on the surface of the street alongside of each identifying post or sign to designate the parking space for which said post or sign is to be used and each motor vehicle using such two-hour continuous parking space shall be parked within the lines or markings so established.

B. In the event that such markings are not so placed or are obscured or are not discernible, the vehicle shall be parked so that the front bumper or extreme front end of the vehicle shall be in line with the post or standard of the spaces to be used. It is unlawful for any person to park a vehicle in any such two-hour continuous parking space so that any part of such vehicle occupies more than one such parking space.

C. It is unlawful for any person to park a vehicle within any two-hour continuous parking zone designated in subsection 10.52.460 other than in an approved and designated two-hour continuous parking space.  
(Ord. 204 § 4(18.03), 1984)

##### **10.52.430 Unlawful parking.**

A. Between the hours of nine a.m. and five p.m., on all days except Saturdays, Sundays and legal holidays, it is unlawful for a vehicle to be parked in any space alongside of or next to which an identifying post or sign for a period longer than two continuous hours. If the vehicle remains parked in the parking space beyond the legal parking time which is designated by an identifying post or sign, the vehicle shall be considered as parked overtime and the parking of the vehicle over time shall be a violation of this article.

B. It is unlawful to extend the parking time for a vehicle beyond the maximum parking time period indicated on the identifying post or sign by wiping off chalk marks placed on the vehicle tire by authorized personnel.

C. Each time period a vehicle remains parked beyond the legal parking time period shall constitute a separate offense.  
(Ord. 204 § 4(18.04), 1984)

#### **10.52.440 Courtesy parking tickets.**

A. Any motor vehicle bearing a current license plate issued by any state other than the state of Montana, or bearing license plates issued by any county in the state of Montana, other than the city and county of Butte-Silver Bow, and which vehicle is illegally parked at a two-hour continuous parking space maintained and operated by the parking commission, shall receive a courtesy parking ticket, and shall not be subject to a fine for said illegal parking.

B. This courtesy ticket does not apply to any car that has received three or more of such courtesy parking tickets within any continuous thirty day period, or which remains illegally parked in the same position for two or more hours after receiving a courtesy parking ticket.

C. There shall be no liability or penalty attached to this issuance of a courtesy parking ticket.  
(Ord. 204 § 4(18.05), 1984)

#### **10.52.450 Reserved spaces.**

A. The parking director, with the approval of the parking commission, shall designate a certain area within the two-hour continuous parking zones hereinabove established or hereafter established as provided herein, for the exclusive use of the Butte-Silver Bow Transit System for loading or discharging passengers to or from the buses operated by it between the hours of six a.m. and seven p.m., of each day. The areas so set aside shall be used for the purpose of loading or discharging passengers to or from such buses and for no other purpose, and it is unlawful for any other vehicle to be stopped or parked therein between the hours of six a.m. to seven p.m., of each day.

B. The parking director, with the approval of the parking commission, shall designate certain areas within the two-hour continuous parking zones hereinabove established or hereafter established as provided herein, for the exclusive use of local taxicab companies, for loading or discharging of passengers or awaiting dispatch for the loading or discharging of passengers by the taxicabs operated by them. The area so set aside shall be used for the purpose of loading or discharging or awaiting dispatch and not for any other purposes, and it is unlawful for any other vehicle to be stopped or parked therein at any time.

C. Upon written application to the parking commission for a reserved parking space or spaces within the two-hour continuous parking zones established hereby or hereafter to be established as provided herein, showing the necessity for such parking space or spaces in the conduct of applicant's business, the parking commission, if it deems such action advisable, may issue a permit to such applicant for a reserved parking space or spaces upon the payment by the applicant of a service and maintenance fee in the amount of one hundred fifty dollars per year per parking space. All permits issued under this section shall expire annually on June 30th and shall be renewed annually. In case a permit is issued for a period of less than one year, the charge therefor shall be that proportion of the annual charge above specified which the period for which such permit issued bears to one year; provided, however, that in no case shall the minimum fee be less than one-fourth of the annual fee. The parking commission may deny any or all requests for permits for reserved parking space. It is unlawful for any person other than such permittee and his or its employees and persons then transacting business with such permittee to park a vehicle within any such reserved parking space during the hours between nine a.m. and six p.m. on any day except Saturdays and legal holidays; provided, however, that when any such permit is granted under this subsection for reserved parking space or spaces for the operators of taxicabs it is unlawful for any person to park any vehicle or vehicles other than such permittees in any such reserved parking space or spaces at any time.  
 (Ord. 204 § 4(18.06), 1984)

**10.52.460 Two-hour continuous parking zones--Designated.**

A. The two-hour continuous parking zones to be established in the city and county shall consist of the area, streets, or portions of streets described and set forth in subsection B of this section.

B. In accordance with subsection A, the following designated streets and portions thereof are herewith designated as two-hour continuous parking zones to be established:

	Street	Two-hour Continuous Parking Zone
1.	Granite Street:	From Montana Street to Arizona Street (both sides of street);
		From Idaho Street to Montana Street (lower side only);
2.	Broadway Street:	From Idaho Street to Arizona Street;
3.	Park Street:	From Idaho Street to Arizona Street;
4.	Galena Street:	From Idaho Street to Arizona Street;
5.	Montana Street:	From Mercury Street to Quartz Street;

6.	Main Street:	From Mercury Street to Copper Street;
7.	Alaska Street:	From Quartz Street to Granite Street;
8.	Hamilton Street:	From Granite Street to Broadway Street;
9.	Dakota Street:	From Broadway Street to Mercury Street;
10.	Colorado Street:	From Galena Street to Mercury Street;
11.	Idaho Street:	From Galena Street to Broadway Street;
12.	Wyoming Street:	From Mercury Street to Granite Street;
13.	Mercury Street:	From Colorado Street to Main Street;
14.	Quartz Street:	From Alaska Street to Main Street (both sides of street);
		From Montana Street to Alaska Street (lower side only).

C. Temporary Provision. The provisions of subsection B of this section shall be in effect for a period of one year only beginning July 1, 1983 and ending June 30, 1984.  
(Ord. 204 § 4(18.07), 1984)

**10.52.470 Two-hour continuous parking zones--Time limit--Exception--Permit.**

The maximum legal parking time for all two-hour continuous parking zones, except as provided in Section 10.52.450 shall be two consecutive hours; provided, however, that upon application a temporary permit may be issued by the parking director for the extended use of parking space locations in any two-hour continuous parking zone in the following circumstances only:

- A. When any contractor is required by the building official to erect a protective walkway extending into the parking area of the adjoining street; and
- B. When it is necessary for a contractor, including a remodeling contractor, because of limited space, to occupy the parking area of the adjoining street with his equipment and materials.

(Ord. 204 § 4(18.08), 1984)

**10.52.480 Two-hour continuous parking zones--Temporary permit--Application and issuance.**

A. Application for a temporary two-hour continuous parking zone permit shall be made in writing to the parking director, who shall have the discretion to grant the same and to determine the period it shall run, and who shall collect the fee therefor as provided in Section 10.52.490. The permit shall be issued in triplicate, the original to be retained by the parking director, one copy to be delivered to the applicant, and the third copy to be delivered to the building official.

B. Where it becomes necessary physically to remove the identifying posts because of the construction situation, the removal and replacement shall be done by the parking commission and the contractor shall reimburse the parking commission in full for all reasonable expense thereof.

C. Where it is not necessary to remove the identifying posts, they shall be covered with a locked bag to be obtained from the parking director, which bag will be picked up by a person employed by the parking commission at the end of the permit period therefor.

(Ord. 204 § 4(18.09), 1984)

**10.52.490 Two-hour continuous parking zones--Temporary permit--Fee.**

The fee for the permit referred to in the preceding sections shall be computed as follows: One dollar per day, Monday through Saturday, for each parking space created by this chapter or twenty-five-foot length of frontage if no identifying post is in place; provided, that if at least two parking spaces or fifty feet of frontage are required for a period of at least one month, then the fee shall be computed at the rate of eight dollars and fifty cents per month for each parking space or twenty-five-foot length of frontage.

(Ord. 204 § 4(18.10), 1984)

**10.52.500 Two-hour continuous parking zones--Free use--Charitable organizations.**

Nonprofit organizations, service clubs, conventions, and political parties or organizations wishing to obtain free use of parking spaces created by this chapter shall seek permission from the parking commission; provided, that political organizations may obtain the same only after the date of the primary election or of a political convention held in connection with a state election. When permission is thus granted, the permit and the necessary bags shall be issued by the parking director for the period allowed without charge.

(Ord. 204 § 4(18.11), 1984)

**10.52.510 Two-hour continuous parking zones--Unlawful and unauthorized use.**

It is unlawful for any unauthorized person to park at a parking space where the identifying post has been removed or bagged under a temporary permit issued in accordance with Section 10.52.480.

(Ord. 204 § 4(18.12), 1984)

**10.52.520 Citation for violation--Form.**

It shall be the duty of the parking commission to issue citations for violations of the provisions of the two-hour continuous parking regulations as set out herein.

- A. Citations issued for violations of the two-hour continuous parking regulations shall show:
1. The number of each identifying post which indicates that the vehicle occupying the parking space adjacent to such post is or has been parked in violation of the Butte-Silver Bow parking regulations;
  2. The state license number of the vehicle;
  3. Any facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.
- B. Citations issued for violations of two-hour continuous parking regulations shall be prepared in multiple-copy form, and one copy shall be attached in a conspicuous place to the vehicle parked in violation of this article, and such citation shall contain a notice informing the registered owner to report to the parking commission within seven days as provided in Section 10.52.540.

(Ord. 204 § 4(18.13), 1984)

#### **10.52.530 Liability for parking violation.**

Whenever any vehicle shall have been parked in violation of any of the provisions of this article a citation shall be issued and affixed to the vehicle in a conspicuous place and the person in whose name the vehicle is registered shall be absolutely liable for such violation.

(Ord. 204 § 4(18.14), 1984)

#### **10.52.540 Violators to report within limited time.**

The registered owner of any motor vehicle parked in violation of the provisions of this chapter and for which a citation has been issued as provided in the preceding section may within seven days after the issuance of such citation voluntarily pay the amount of five dollars for a two-hour continuous parking violation as full satisfaction for the overtime parking violation. If the registered owner of any motor vehicle parked in violation of the provisions of this chapter, and for which violation a citation has been issued, shall decline to pay such amount to the parking commission within seven days after the issuance of such citation, the parking commission shall proceed to file a complaint against such person in the city court of Butte-Silver Bow.

(Ord. 311 1, 1987; Ord. 204 § 4(18.15), 1984)

### **Article IV.**

#### **Emergency Parking Restrictions**

#### **10.52.550 Restrictions authorized.**

A. Whenever the chief executive determines that parking motor vehicles on city-county streets should be prohibited or restricted for street cleaning, snow plowing, snow removal or other emergency purposes, the chief executive shall put into effect a parking prohibition on designated streets as necessary by declaring it in a manner prescribed by this chapter. The prohibition or restriction shall remain in effect until terminated by announcement by the chief executive, in accordance with this chapter, or as may be set forth in

any notice given under this chapter, except, however, that any street area which has been cleared of snow, ice or other debris for the length of the entire block shall be automatically excluded therefrom.

B. While the prohibition or restriction is in effect, no person shall park any motor vehicle or allow any motor vehicle to remain parked, on any street to which the prohibition or restriction applies.  
(Ord. 204 § 4(19.01), 1984)

**10.52.560 Notice of restrictions.**

A. The chief executive shall cause each declaration made by him pursuant to this chapter to be publicly announced by a means of radio broadcasts, or telecasts from stations with a normal operating range covering the city-county and he may cause such declaration to be further announced in newspapers of general circulation in the city-county when feasible. Each announcement shall describe the action taken by the chief executive, including the time it became or will become effective, and shall specify the streets or areas affected. A parking prohibition shall not go into effect until at least eight hours after notice thereof has been first announced or the first publication thereof has been made in a newspaper of general circulation in the city-county.

B. The chief executive shall make or cause to be made a record of each time and date when any such declaration or notice is announced or given to the public in accordance with this action.  
(Ord. 204 § 4(19.02), 1984)

**10.52.570 Termination of parking restrictions.**

Whenever the chief executive finds that some or all of the conditions which gave rise to a parking prohibition in effect pursuant to this article no longer exists, he may declare the prohibition terminated, in whole or part, effective immediately upon announcement in the same manner prescribed for giving notice of the parking prohibition.  
(Ord. 204 § 4(19.03), 1984)

**10.52.580 Conflicting provisions--Exceptions.**

Any provision of this article which becomes effective by declaration of the chief executive shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect; except, that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel or authorized emergency vehicles or emergency traffic directions by a law enforcement officer.  
(Ord. 204 § 4(19.04), 1984)

**10.52.590 Removal, impounding and return of illegally parked motor vehicles.**

Motor vehicles parked in violation of this section may be impounded, removed or returned under and pursuant to the provisions of Sections 10.52.870 and 10.52.890 with all costs of removal to be the liability of the owner of the vehicle as provided in Section 10.52.930.  
(Ord. 204 § 4(19.05), 1984)

**10.52.600 Liability for parking violation.**

Whenever any vehicle shall have been parked in violation of any of the provisions of this article a citation shall be issued and affixed to the vehicle in a conspicuous place and the person in whose name the vehicle is registered shall be absolutely liable for such violation.  
(Ord. 204 § 4(19.06), 1984)

**10.52.605 Violators to report within limited time.**

The registered owner of any motor vehicle parked in violation of the provisions of this chapter and for which a citation has been issued as provided in Section 10.52.600 may within seven days after the issuance of such citation voluntarily pay the amount set by the city judge as bond for the specific violation for full satisfaction for the particular parking violation. If the registered owner of any motor vehicle parked in violation of the provisions of this chapter, and for which violation a citation has been issued shall decline to pay such amount to the parking commission within seven days after the issuance of such citation, the parking commission shall proceed to file a complaint against such person in the city court of Butte-Silver Bow. The maximum penalty for violation of the provisions of this chapter shall be a fine not to exceed five hundred dollars.  
(Ord. 570 3, 1996: Ord. 204 § 4(19.07), 1984)

**Article V.**

**Handicapped Parking Zones**

**10.52.610 Established.**

The parking commission is authorized to establish handicapped parking zones for the parking of motor vehicles by or on behalf of handicapped individuals in the area within the jurisdiction of the parking commission as described in Section 10.08.030. Approved handicapped parking signs shall be posted in those areas designated for handicapped parking.  
(Ord. 204 § 4(20.01), 1984)

**10.52.620 Eligibility for special parking permit.**

A person who has a disability that limits or impairs the person's mobility as set forth in Section 49-4-301, MCA is eligible for a special parking permit from the Montana Department of Justice. Any person desiring to obtain such a special parking permit shall apply to the Department of Justice in accordance with applicable regulations.  
(Ord. 526 § 1, 1995: Ord. 204 § 4(20.02), 1984)

**10.52.630 Privileges of permit holder.**

Any person possessing a special parking permit issued pursuant to Part 3 of Chapter 4 of Title 49, MCA is entitled to park a motor vehicle in a special parking space reserved for a person with a disability, whether on public property or on private property available for public use, when the person for whom the permit was issued is using the special parking space to enter or exit the vehicle.  
(Ord. 526 § 2, 1995: Ord. 204 § 4(20.03), 1984)

### **10.52.635 Unlawful parking.**

It is unlawful for any person to park a motor vehicle in a space reserved for a person with a disability:

- A. Without displaying the special parking permit issued pursuant to Part 3 of Chapter 4 of Title 49, MCA, a distinguishing license plate or placard for a person with a disability that was issued by a foreign jurisdiction conferring parking privileges similar to those conferred by said part, or a specially inscribed license plate issued under Section 61-3-332(10)(c)(i)(A) or (10)(g), MCA or Section 61-3-426(2), MCA, and;
- B. Unless the reserved parking space is being used by the person for whom the permit, plate or placard was issued, to enter or exit the vehicle.

(Ord. 526 § 3, 1995)

### **10.52.640 Liability for parking violation.**

Whenever any vehicle shall have been parked in violation of any of the provisions of this article a citation shall be issued and affixed to the vehicle in a conspicuous place and the person in whose name the vehicle is registered shall be absolutely liable for such violation.

(Ord. 204 § 4(20.04), 1984)

### **10.52.650 Violators to report within limited time.**

The registered owner of any motor vehicle parked in violation of the provisions of this chapter and for which a citation has been issued as provided in Section 10.52.640 may within seven days after the issuance of such citation voluntarily pay the amount set by the city judge as bond for the specific violation for full satisfaction for the particular parking violation. If the registered owner of any motor vehicle parked in violation of the provisions of this chapter, and for which violation a citation has been issued shall decline to pay such amount to the parking commission within seven days after the issuance of such citation, the parking commission shall proceed to file a complaint against such person in the city court of Butte-Silver Bow. The maximum penalty for violation of the provisions of this chapter shall be a fine not to exceed five hundred dollars.

(Ord. 570 § 4, 1996: Ord. 458 § 1, 1993: Ord. 204 § 4(20.05), 1984)

### **10.52.655 Removal and impoundment of unauthorized vehicle parked in handicapped zone.**

Any unauthorized vehicle parked in a designated handicapped parking zone shall be ordered removed and impounded in addition to any other penalty imposed in accordance with the provisions of Chapter 10.96.

(Ord. 570 § 5, 1996)

## **Article VI.**

### **Loading and Unloading**

#### **10.52.660 Permit.**

The parking commission director is authorized to issue special permits to allow the parking of a vehicle next to the curb for the purpose of loading or unloading passengers, freight; merchandise or materials subject to the terms and conditions of such permit. The permit may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to the person the privilege as therein stated and authorized in this article and it is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

(Ord. 204 § 4(21.01), 1984)

#### **10.52.670 Freight loading zones--Passenger loading zones--Designated.**

The parking commission director is authorized to determine and to designate freight loading zones and passenger loading zones as follows:

- A. At any place in the central business district, with the approval of the parking commission;
- B. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.

(Ord. 204 § 4(21.02), 1984)

#### **10.52.680 Signs to indicate loading zones.**

Freight loading zones and passenger loading zones shall be indicated with a sign nearby stating the nature of the zone.

(Ord. 204 § 4(21.03), 1984)

#### **10.52.690 Restrictions and time limits.**

A. Permission granted under the provisions of this article, to stop or stand a vehicle for the purpose of loading or unloading of freight or materials shall apply only to commercial vehicles and shall not extend beyond the time necessary therefor, and in no event for more than twenty minutes.

B. The loading or unloading of materials shall apply only to commercial deliveries and to the delivery or pickup of express and parcel post packages and United States mail.

C. Permission granted under the provisions of this article to stop or park for purposes of loading or unloading passengers shall include the loading or unloading of personal baggage but shall not extend beyond the time necessary therefor and in no event for more than five minutes.

D. Within the total time limits specified, the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading, but without permitting abuse of the privileges granted by this article.

(Ord. 204 § 4(21.04), 1984)

#### **10.52.700 Stopping or standing in loading zones.**

No person shall stop, stand or park a vehicle in any loading zone for any purpose other than loading or unloading passengers or materials for such time as it permitted by Section 10.52.690.  
(Ord. 204 § 4(21.05), 1984)

**10.52.701 Construction parking zones--Designated.**

The parking commission director is authorized to determine and to designate construction parking zones as follows:

A. At any place in the central business district, with the approval of the parking commission;

B. Elsewhere in front of the entrance to any place of business.

(Ord. 06-5 § 1, 2006)

**10.52.703 Permit.**

The parking commission director is authorized to issue special construction zone parking permits allowing the parking of vehicles within bona fide construction zones for the purpose of parking construction vehicles and loading or unloading construction equipment and materials subject to the terms and conditions of such permit. The permit may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to the person the privilege as therein stated and authorized in this article and it is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. Such permit shall be displayed in the lower right-hand corner of the rear window of the vehicle.

(Ord. 06-5 § 2, 2006)

**10.52.705 Signs to indicate construction parking zones.**

Construction parking zones shall be indicated with signs nearby stating the nature of the zone.

(Ord. 06-5 § 3, 2006)

**10.52.707 Restrictions and time limits.**

A. Permission granted under the provisions of this article, to stop or stand a vehicle for the purpose of construction or loading or unloading of construction equipment or materials shall apply only to construction or commercial vehicles and shall not extend beyond the time as set forth in the permit.

B. Parking for construction or for the loading or unloading of construction equipment or materials shall apply only to construction or commercial vehicles.

C. Permission granted under the provisions of this article to stop or park for purposes of construction and loading or unloading of construction equipment and materials shall not extend beyond the time necessary for such purpose and in no event for more than thirty days, unless an extension is first granted by the parking commission.

D. Within the total time limits specified, the provisions of this section shall be enforced so as to accommodate necessary and reasonable parking for construction purposes, including loading or unloading of

construction equipment and materials, but without permitting abuse of the privileges granted by this article.  
(Ord. 06-5 § 4, 2006)

**10.52.709 Stopping or standing in construction parking zones.**

No person shall stop, stand or park a vehicle in any construction parking zone for any purpose other than construction, including loading or unloading of construction equipment and materials, for such time as it is permitted by Section 10.52.707 of this chapter.  
(Ord. 06-5 § 5, 2006)

**10.52.710 Stopping or standing in alleys.**

No person shall stop, stand or park a vehicle in any alley for any purpose other than the actual loading or unloading of persons or materials.  
(Ord. 204 § 4(21.06), 1984)

**10.52.720 Special uses--Fees.**

The following special uses and charges shall apply within the parking metered zones of the city-county. All applications shall be made through the office of the parking commission and permits will be issued by the parking commission director upon payment of required fees.

- A. Generally. No curb loading zone shall be designated or signed by the parking commission director upon request of any person unless such person makes application for such zone or signs and pavement markings to indicate a curb loading zone and the same is approved by the parking commission.
- B. Loading Zones. The application shall set forth the location desired, number of passenger parking spaces and business hours during which the zone shall be so used.
- C. Commercial Parking. Any operators of commercial vehicles providing service and/or delivery of freight, goods, wares or merchandise, requiring frequent daily business calls within a parking meter zone may apply for a commercial permit. The application shall state the name, address and business of the applicant. Approval of the application shall be made by the parking commission director and the fee shall be ten dollars per vehicle per year. Each permit expires on June 30th of each year.
  - 1. Permission granted under the provisions of this article to stop or park for purposes of service, loading passengers and/or freight, goods, wares or merchandise, shall not extend beyond the time necessary therefor and in no event longer than two hours in any one stop, or the limit of the meter where parked.
  - 2. It remains the right of the parking commission to revoke any commercial business permits if they are abused.
- D. Construction Zone Parking Permit. Any person or firm engaged in actual and bona fide

construction, including loading or unloading of construction equipment and materials, for such construction project within a parking meter zone may apply for a construction parking zone permit. The application shall state the name, address and business of the applicant. Approval of the application shall be made by the parking commission director and the fee shall be one hundred dollars per vehicle. Each permit expires after thirty days, unless an extension is granted by the parking commission.

1. Permission granted under the provisions of this article to stop or park for purposes of construction, including loading or unloading of equipment and materials, shall not extend beyond the time necessary therefore and in no event longer than thirty days, unless an extension is granted by the parking commission.
2. It remains the right of the parking commission to revoke any construction zone parking permit.

(Ord. 06-5 § 6, 2006: Ord. 204 § 4(21.07), 1984)

#### **10.52.730 Liability for parking violation.**

Whenever any vehicle shall have been parked in violation of any of the provisions of this article a citation shall be issued and affixed to the vehicle in a conspicuous place and the person in whose name the vehicle is registered shall be absolutely liable for such violation.

(Ord. 204 § 4(21.08), 1984)

#### **10.52.740 Violators to report within limited time.**

The registered owner of any motor vehicle parked in violation of the provisions of this chapter and for which a citation has been issued as provided in Section 10.52.730 may within seven days after the issuance of such citation voluntarily pay the amount set by the city judge as bond for the specific violation for full satisfaction for the particular parking violation. If the registered owner of any motor vehicle parked in violation of the provisions of this chapter, and for which violation a citation has been issued shall decline to pay such amount to the parking commission within seven days after the issuance of such citation, the parking commission shall proceed to file a complaint against such person in the city court of Butte-Silver Bow. The maximum penalty for violation of the provisions of this chapter shall be a fine not to exceed five hundred dollars.

(Ord. 570 § 6, 1996: Ord. 204 § 4(21.09), 1984)

### **Article VII.**

#### **Government Employee Parking Lots**

#### **10.52.750 Maintenance and operation.**

The department of public works is authorized to maintain and operate private parking lots for the benefit of persons employed by the city and county of Butte-Silver Bow. Proper signs shall be erected at the entrance to any employee parking lots maintained under the provisions of this article.

(Ord. 204 § 4(31.01), 1984)

### **10.52.760 Issuance of permits.**

The parking commission shall issue parking permits to individual employees of the city and county authorizing the employees to park in a specified parking space or spaces within those employee parking lots maintained by the city and county of Butte-Silver Bow. The parking commission may assign parking spaces to individual employees and may order fees assessed for such parking spaces.

(Ord. 204 § 4(31.02), 1984)

### **10.52.770 Unlawful parking prohibited.**

It is unlawful for any person to park any vehicle within any parking space in any employee parking lot maintained by the city and county of Butte-Silver Bow between the hours of eight a.m. and five p.m. on all days except Saturdays, Sundays and legal holidays unless the vehicle displays a valid Butte-Silver Bow employee parking permit authorizing the vehicle to park in a designated parking space or spaces and the registered owner of such vehicle shall be absolutely liable for such violation.

(Ord. 204 § 4(31.03), 1984)

### **10.52.780 Liability for violation.**

Whenever any vehicle shall have been parked in violation of any of the provisions of this article a citation shall be issued and affixed to the vehicle in a conspicuous place and the person in whose name the vehicle is registered shall be absolutely liable for such violation.

(Ord. 204 § 4(31.04), 1984)

### **10.52.790 Violators to report within limited time.**

The registered owner of any motor vehicle parked in violation of the provisions of this chapter and for which a citation has been issued as provided in Section 10.52.780 may within seven days after the issuance of such citation voluntarily pay the amount set by the city judge as bond for the specific violation for full satisfaction for the particular parking violation. If the registered owner of any motor vehicle parked in violation of the provisions of this chapter, and for which violation a citation has been issued shall decline to pay such amount to the parking commission within seven days after the issuance of such citation, the parking commission shall proceed to file a complaint against such person in the city court of Butte-Silver Bow. The maximum penalty for violation of the provisions of this chapter shall be a fine not to exceed five hundred dollars.

(Ord. 570 § 7, 1996; Ord. 204 § 4(31.05), 1984)

### **10.52.800 Impoundment.**

Any unauthorized vehicle parked for more than twenty-four consecutive hours, not including weekends and holidays, upon any employee parking lot maintained by the city and county of Butte-Silver Bow shall be ordered impounded in addition to any other penalty imposed in accordance with the provisions of Chapter 10.96.

(Ord. 204 § 4(31.06), 1984)

## **Article VIII.**

### **Public Off-Street Parking Facilities**

#### **10.52.805 Off-street parking facility--Parking commission.**

It is unlawful to park a motor vehicle in any public off-street parking facility operated and maintained by the parking commission in violation of any of the provisions of this article or in violation of any regulation adopted by the parking commission pursuant to Part 46 of Chapter 14 of Title 7, MCA.  
(Ord. 204 § 4(34.01), 1984)

#### **10.52.810 Permits authorized.**

The parking commission is authorized to issue:

- A. Such permits as it finds necessary for the control of public off-street parking and to fix and establish parking permit duration periods and parking permit rate schedules; and
- B. Permits to individuals which permits when so placed in a vehicle so that such permit can be clearly viewed from outside the vehicle shall entitle the vehicle to be legally parked in a specified public off-street parking facility.

(Ord. 204 § 4(34.02), 1984)

#### **10.52.815 Duration periods and rates.**

The parking commission may install devices in public off-street parking facilities which devices shall dispense permits for parking in specified off-street parking facilities upon the deposit of an authentic United States coin or a specially minted token in such amount and for such durations of time as established by the parking commission.  
(Ord. 204 § 4(34.03), 1984)

#### **10.52.820 Parking of vehicles--Parking space location.**

Any person parking a motor vehicle in a public off-street parking facility shall park such vehicle within the surface markings designating an individual parking space location and it is unlawful for any person to park such vehicle other than in a so designated parking space location while in a public off-street parking facility.  
(Ord. 204 § 4(34.04), 1984)

#### **10.52.825 Parking without permit prohibited--Vehicle removal authorized.**

It is unlawful for any person to park a motor vehicle in a public off-street parking facility without having first purchased the required permit and any vehicle so parked in violation of this section may be removed therefrom and all costs of towing and storage of such vehicle shall be the liability of the owner.  
(Ord. 204 § 4(34.05), 1984)

#### **10.52.830 Overtime parking prohibited.**

It is unlawful for any person to allow any motor vehicle to remain parked in a public off-street parking facility after the time period provided for in an off-street parking permit has expired.  
(Ord. 204 § 4(34.06), 1984)

**10.52.835 Slugs prohibited.**

It is unlawful to deposit or cause to be deposited in any device for the regulation of parking installed pursuant to this chapter any slug or object other than an authentic United States coin or a specially minted token properly intended to be used for that device.  
(Ord. 204 § 4(34.07), 1984)

**10.52.840 Tampering with device prohibited.**

It is unlawful for any unauthorized person to open, or for any person to deface, injure, tamper with or wilfully break, destroy or impair the usefulness of any parking device installed pursuant to this article.  
(Ord. 204 § 4(34.08), 1984)

**10.52.845 Disposition of revenue.**

The parking director, or his duly authorized agent, shall from time to time collect all coins from all parking devices installed pursuant to this article and shall deposit the same in the parking commission fund.  
(Ord. 204 § 4(34.09), 1984)

**10.52.850 Liability for parking violation.**

Whenever any vehicle shall have been parked in violation of any of the provisions of this article a citation shall be issued and affixed to the vehicle in a conspicuous place and the person in whose name the vehicle is registered shall be absolutely liable for such violation.  
(Ord. 204 § 4(34.10), 1984)

**10.52.855 Violators to report within limited time.**

The registered owner of any motor vehicle parked in violation of the provisions of this chapter and for which a citation has been issued as provided in Section 10.52.850 may within seven days after the issuance of such citation voluntarily pay the amount set by the city judge as bond for the specific violation for full satisfaction for the particular parking violation. If the registered owner of any motor vehicle parked in violation of the provisions of this chapter, and for which violation a citation has been issued shall decline to pay such amount to the parking commission within seven days after the issuance of such citation, the parking commission shall proceed to file a complaint against such person in the city court of Butte-Silver Bow. The maximum penalty for violation of the provisions of this chapter shall be a fine not to exceed five hundred dollars.  
(Ord. 570 8, 1996: Ord. 204 § 4(34.11), 1984)

**Article IX.**

## **Vehicle Removal**

### **10.52.860 Vehicle immobilization.**

The parking commission is authorized to designate employees to use a vehicle immobilizer ("boot") during business hours to immobilize any vehicle that is parked in violation of any parking ordinance or regulation where the vehicle has accumulated ten or more unpaid parking tickets and where the parking commission has filed a complaint in city court charging the registered owner with the violation of unpaid parking tickets on the vehicle and where no individual has appeared for arraignment on the complaint. (Ord. 204 § 4(22.01), 1984)

### **10.52.870 Removal authorized.**

Members of the law enforcement, fire and public works departments, as well as designated employees of the parking commission, are authorized to remove or have towed to the nearest place of safety, or to either a commercial or city-county storage garage or vehicle storage facility, any motor vehicle, trailer, semi-trailer, or house trailer that is:

- A. Left unattended upon any bridge, viaduct, street, alley, highway, or publicly owned or leased parking lot or parking facility or in any tunnel or underpass so that it obstructs or hinders the movement of motor vehicle traffic or authorized emergency vehicles or street cleaning or street repair equipment;
- B. Disabled upon any bridge, viaduct, street, highway, alley or publicly owned or leased parking lot or parking facility or in any tunnel or underpass so that it obstructs or hinders the movement of motor vehicle traffic or authorized emergency vehicles or street cleaning or street repair equipment, and the person or persons operating or in charge of such vehicle are by reason of physical injury, incapacitation or for any other reason unable to provide for its removal;
- C. Parked in violation of any parking ordinance or regulation and the vehicle has accumulated at least twenty unpaid parking tickets and the parking commission has filed a complaint in city court charging the registered owner with the violation of unpaid parking tickets on that vehicle and no individual has appeared for arraignment on the complaint;
- D. Left unattended upon the right-of-way of any public highway or street in violation of the time period set forth in Section 10.52.070;
- E. Unlawfully parked in a handicapped parking zone in violation of Section 10.52.660;
- F. Parked on private property and a complaint has been signed by the owner of the property pursuant to Section 10.52.920;
- G. Disabled, wrecked or abandoned and parked in a front or side yard or outer court in violation of any of the provisions of Chapter 10.68 and a complaint has been filed and order issued by the city court judge pursuant to Section 10.68.065.

(Ord. 570 9, 1996: Ord. 204 § 4(22.02), 1984)

### **10.52.880 Prior notification attempt required when.**

Members of the law enforcement, fire and public works departments as well as the designated employees of the parking commission are authorized to remove or have towed to the nearest storage facility any motor vehicle, trailer, semi-trailer, or house trailer in the following instances, only after an attempt has been made to contact the registered owner either by telephone or in person prior to actually moving the vehicle:

- A. Whenever the vehicle is parked in violation of any parking ordinance or regulation, other than in those instances specified in Section 10.52.870.
- B. Whenever the vehicle is parked in violation of any barricade, traffic zone, sign, or other traffic control device, other than in those instances specified in subsections A, B and C of Section 10.52.870.

(Ord. 204 § 4(22.03), 1984)

### **10.52.890 Notification procedure after removal.**

Whenever a law enforcement officer, or a public works or parking commission employee orders the towing of any motor vehicle under any of the circumstances specified in this article, the officer or employee or his/her designee shall immediately attempt to identify and contact the registered owner of the motor vehicle by telephone or otherwise as soon as possible after the removal or towing has occurred. Further, the party towing the vehicle shall immediately notify the radio dispatcher at the law enforcement department and inform the dispatcher that a vehicle has been towed from a specific location and further give the dispatcher a detailed description of the vehicle. If the registered owner cannot be contacted by telephone or in person the day the vehicle is towed, the law enforcement officer or public works or parking commission employee shall immediately give notice in writing to such owner, stating the fact of such removal or towing, the reasons therefor, and the place to which the vehicle has been removed. The notice shall be duly placed in the mail and if the registered owner's address is within the city and county of Butte-Silver Bow, a copy of the notice shall also be delivered to and served at the registered owner's address on the day the towing occurs. Whenever the vehicle is stored at a commercial garage, a copy of such notice shall also be given to the proprietor of such garage.  
(Ord. 204 § 4(22.04), 1984)

### **10.52.900 Unidentified or stolen motor vehicles.**

The law enforcement department is authorized, in addition to any penalty that may be provided, to remove an unidentified or stolen motor vehicle found upon any street or highway or other public property and shall keep the same under its custody and control at such place as may be designated by the law enforcement department until redeemed by the registered owner.  
(Ord. 204 § 4(22.05), 1984)

### **10.52.910 State registrar of motor vehicles notified when.**

Whenever a vehicle is towed or removed pursuant to this article and the law enforcement officer or public works or parking commission employee does not know and is not able to ascertain the name of the owner, or if for any other reason is unable to give notice to the registered owner as provided in this chapter, and

in the event the vehicle is not returned to the owner thereof within a period of three business days, then and in that event the officer or employee shall immediately send, or cause to be sent, a written report of such removal, by mail, to the State Registrar of Motor Vehicles, and the officer or employee 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 it was removed, the reasons for such removal, and the name of the garage, or place where the vehicle is stored.  
(Ord. 204 § 4(22.06), 1984)

#### **10.52.920 Vehicle on private property.**

If at any time a vehicle is parked upon private property without the consent of the owner of such property, the law enforcement department is authorized to remove the vehicle therefrom and to cause the same to be stored, provided the owner of such private property has first signed a complaint against the registered owner of the vehicle.  
(Ord. 204 § 4(22.07), 1984)

#### **10.52.930 Cost liability.**

The payment of removal and storage costs of any vehicle moved or towed pursuant to this article shall be the responsibility of the registered owner of the vehicle.  
(Ord. 204 § 4(22.08), 1984)

#### **10.52.940 Removal not deemed bar to filing complaint.**

The removal, towing or taking possession of any vehicle for the violation of any parking ordinance or regulation or for the violation of any barricade, traffic zone, signs, or other traffic control device shall not prohibit the filing of a complaint in connection with such violation.  
(Ord. 204 § 4(22.09), 1984)

#### **10.52.950 Hearing--Government liability.**

The registered owner of a motor vehicle at his/her request is entitled to have a speedy hearing to determine if the vehicle in question was properly parked and thus improperly towed. The city court shall attempt to have a hearing on such matter as soon as all parties can be present, preferably on the day the towing occurred; but in no instance shall the hearing be any later than three business days after the towing has occurred. If it is the court's determination that the vehicle was properly parked and that the towing was improper, then the city court may order the parking commission or city-county to bear the costs of removal and storage.  
(Ord. 204 § 4(22.10), 1984)

#### **10.52.960 Liability for parking violation.**

Whenever any vehicle shall have been parked in violation of any of the provisions of this article a citation shall be issued and affixed to the vehicle in a conspicuous place and the person in whose name the vehicle is registered shall be absolutely liable for such violation.  
(Ord. 204 § 4(22.11), 1984)

### **10.52.970 Violators to report within limited time.**

The registered owner of any motor vehicle parked in violation of the provisions of this chapter and for which a citation has been issued as provided in Section 10.52.960 may within seven days after the issuance of such citation voluntarily pay the amount set by the city judge as bond for the specific violation for full satisfaction for the particular parking violation. If the registered owner of any motor vehicle parked in violation of the provisions of this chapter, and for which violation a citation has been issued shall decline to pay such amount to the parking commission within seven days after the issuance of such citation, the parking commission shall proceed to file a complaint against such person in the city court of Butte-Silver Bow. The maximum penalty for violation of the provisions of this chapter shall be a fine not to exceed five hundred dollars.

(Ord. 570 10, 1996: Ord. 204 § 4(22.12), 1984)

## **Article X.**

### **Residential On-Street Parking Permit Regulation Program**

#### **10.52.980 Program established.**

A. Pursuant to the powers granted by state law to local governments to regulate the standing or parking of vehicles on public streets, and to regulate the use of public streets and traffic upon public streets, the council of commissioners may, after holding a public hearing on any residential parking permit proposal, create by ordinance certain areas within the city and county of Butte-Silver Bow (city-county) to be designated as residential parking permit areas during specified times of the day and week if the council of commissioners finds that the residential area under consideration for such a designation is:

1. Predominantly residential in character;
2. An area the streets of which are regularly congested with vehicles parked by persons not residing in the area;
3. An area in which a significant number of residential dwelling unit structures in the area lack sufficient off-street parking spaces to adequately serve the motor vehicles parking needs of the residents of many of the residential dwelling unit structures in the residential area;
4. An area where limiting the parking of vehicles along the public streets in the residential area to vehicles registered or controlled and exclusively used by persons residing in the residential area is necessary in order to better provide adequate motor vehicle parking for residents of the area;
5. An area with sufficient alternative parking sites available for the nonresidents.

B. Any ordinance designating an area of the city-county as a residential permit parking area shall describe:

1. The designated public street area along which parking will be limited to vehicles registered to or controlled and exclusively used by persons residing in the area;

2. Hours of each day and days of each week that the residential parking permit regulations shall be in effect;
3. How the regulations will primarily be enforced;
4. The number of street parking signs to be installed on each side of the street in each block to give notice to the vehicle motoring public of the existence of the residential parking permit regulation during certain hours of each day on certain days of the week;
5. The basis that will be used to determine the annual cost for purchasing a permit and the date by which a permit must be renewed each year;
6. The individuals eligible to purchase a permit;
7. Any special provisions or exceptions applicable to schools, churches, businesses, public park use, and other similar uses within the residential area; and
8. Visitor permit or special gathering provisions for the residential area.

C. Upon adoption of any ordinance by the council of commissioners designating an area for residential parking permit only, the Butte-Silver Bow department of public works shall cause appropriate signs to be erected along the streets identified in the ordinance prior to any enforcement of the residential parking permit regulation. The street signs erected shall give notice of the nature of the parking limitation and shall indicate the hours and days when such parking limitations shall be in effect.  
(Ord. 282 1, 1986)

#### **10.52.990 Parking in permit only area.**

A. It is unlawful for any person to stop, stand or park a vehicle on any street identified in an ordinance adopted by the council of commissioners designating an area a residential permit only parking area during the hours and on the days set forth in such ordinance, except in the following circumstances:

1. Those vehicles displaying a valid residential parking permit for the area; or
2. An emergency vehicle, including, but not limited to, an ambulance, fire engine or law enforcement vehicles; or
3. A clearly marked business vehicle which is under the control of a person providing a service to persons or property located in the designated residential permit only parking area, including, but not limited to, a delivery vehicle.

B. Anyone violating this section shall be subject to a ten dollar fine. Each day an offense exists constitutes a separate offense.  
(Ord. 282 2, 1986)

### **10.52.1000 Permit--Application.**

Applications for residential parking permits shall be submitted to the Butte-Silver Bow parking commission director on a form prescribed by the Butte-Silver Bow parking commission and shall be accompanied by proof in a form satisfactory to the parking commission director of the applicant's place of residence within the residential parking permit only area, as well as proof of registration or use and control of each vehicle for which a residential parking permit is sought. Each application shall be accompanied by the appropriate fee for each vehicle for which a parking permit is sought. No part of the parking permit fees shall be refundable. The amount of the fees shall be established at a level that covers the cost of administration and enforcement of the residential parking permit only regulations in the residential area.  
(Ord. 282 3, 1986)

### **10.52.1010 Permit--Form and issuance.**

A. Upon approval by the parking commission director of the application of any person residing in a residential parking permit only area, a residential parking permit shall be issued for each vehicle receiving approval. Upon approval by the parking commission director of the application of any person residing in a residential parking permit only area for a temporary visitor's permit, a temporary visitor's permit shall be issued by the parking commission director. No more than three temporary visitor's parking permits shall be issued for the same time period for a single residential dwelling unit.

B. Each residential parking permit issued by the parking commission director for a vehicle shall set forth at least the date of issuance and the license number of the vehicle for which it is issued. Annual permits shall be required. A permit shall be valid for no longer than the permit year of issuance. The issuance of a residential parking permit does not serve as a guarantee that there will always be a parking space available for the permit holder on the public streets within the designated residential parking permit area.  
(Ord. 282 § 4, 1986)

### **10.52.1020 Permit--Displayed required.**

Residential parking permits shall be displayed on a vehicle in the place and in the manner prescribed by the parking commission director. It is unlawful to either fail to display or improperly display a residential parking permit, or to attempt to use a residential parking permit from another area in a designated residential area. Anyone violating this section shall be subject to a ten dollar fine. Each day an offense exists constitutes a separate offense.  
(Ord. 282 § 5, 1986)

### **10.52.1030 Montana Tech residential parking program.**

The area designated pursuant to this chapter as the Montana Tech residential on-street parking permit program shall be as follows:

- A. Restricted Parking Area Designated.
  - 1. On Granite Street beginning at the intersection of Granite Street and Emmet Avenue thence westerly on Granite Street to the intersection of Granite Street and May Street.

May Street is a platted but unimproved street, according to the official map and plat of the Fairview Addition.

2. On Ophir Street beginning at the intersection of Ophir Street and Granite Street, thence southerly to the intersection of Ophir Street and that alley lying and running east and west within Blocks 9 and 10 of the Fairview Addition.
  3. On Broadway Street beginning at the intersection of Broadway Street and Emmet Avenue thence westerly on Broadway Street to the intersection of Broadway Street and Western Avenue.
  4. On both sides of Park Street beginning at the intersection of Park Street and Emmet Avenue thence westerly to the intersection of Park Street and Western Avenue thence westerly on the north side of Park Street to the intersection of Park Street and Prospect Avenue.
  5. On Quartz Street beginning at the intersection of Quartz Street and Western Avenue thence westerly on Quartz Street to the intersection of Quartz Street and Prospect Avenue.
  6. On Copper Street beginning at the intersection of Copper Street and Western Avenue thence westerly on Copper Street to the intersection of Copper Street and Prospect Avenue.
- B. No vehicle other than emergency vehicles or vehicles providing services to the area or vehicles having a permit may park on any street in the area between the hours of eight a.m. and six p.m., Monday through Friday, except for holidays.
- C. These regulations will primarily be enforced by the parking control force.
- D. The public works department will post a minimum of two signs per block within the district that indicate these restrictions.
- E. The basis of the fee reflects the costs of printing, signage and administration.
- F. There shall be a five dollar annual fee for each residential parking permit within this district. Permits shall be issued for a year beginning August 1st; provided however, that for the period January 1st through August 1, 2005, residential parking permit shall be two dollars and fifty cents.
- G. There shall be a one dollar annual fee for each guest parking permit within this district. Guest permits shall be issued for a year beginning August 1st. No more than two guest permits shall be issued to each qualified resident for use by visitor vehicles; provided however, that for the period January 1st through August 1, 2005, residential parking permit shall be fifty cents.
- H. The fee for replacement of mutilated or lost residential and guest permits shall be one dollar.

- I. Permits shall be issued by the director of the Butte-Silver Bow parking commission. Permits may be issued for motor vehicles only upon application of the following persons:
  - 1. A legal resident of the residential permit parking area who has a motor vehicle or vehicles registered in his name, or who has a motor vehicle for his exclusive use and under his control.
  - 2. Proof of residency and vehicle ownership shall be demonstrated in a manner to be determined by the director of the Butte-Silver Bow parking commission.
- J. Nonresidential uses will be provided with posted time limit parking. The time limits shall be decided upon by the parking commission director and the nonresidential use owner.
- K. The parking commission director may issue special guest permits and temporary special gathering permits at his discretion.
- L. Residential permits shall become void if either the owner or operator of the vehicle moves out of the area or if the owner or operator of the vehicle sells the vehicle to an individual living outside the area. A permit holder who moves within the area or purchases another vehicle may transfer the permit for a one dollar fee.

(Ord. 05-6 § 1, 2005: Ord. 05-2 § 1, 2005: Ord. 05-1 § 1, 2005: Ord. 283 § 1, 1986: Ord. 277 § 1, 1986)

#### **10.52.1035 Butte High School residential parking program.**

The area designated pursuant to this chapter as the Butte High School residential on-street parking permit program shall be as follows:

- A. Restricted Parking Area Designated.
  - 1. On the east side of Main Street beginning at the intersection of Main Street and Gold Street thence northerly on Main Street, a distance of seventy-two feet according to the official map and plat of the original Butte townsite.
  - 2. On both sides of Gold Street beginning at the intersection of Gold Street and Main Street, thence easterly to the intersection of Gold Street and that alley lying and running north and south within Block 1 of the original Butte townsite, a distance of one hundred ten feet.
- B. No vehicle other than emergency vehicles or vehicles providing services to the area or vehicles having a permit may park on any street in the area at any time. These regulations are in effect seven days a week twenty-four hours a day.
- C. These regulations will primarily be enforced by the Butte-Silver Bow parking commission parking control force and may also be enforced by the law enforcement department.

- D. The public works department will post a minimum of two signs per block within the district that indicate these restrictions.
- E. The basis of the fee reflects the costs of printing, signage and administration; and recognizes that the Butte-Silver Bow parking commission parking control force will perform the primary enforcement.
- F. There shall be a five dollar annual fee for each residential parking permit within this district. Permits shall be issued for a year beginning August 1st.
- G. There shall be a one dollar annual fee for each guest parking permit within this district. Guest permits shall be issued for a year beginning August 1st. No more than two guest permits shall be issued to each qualified resident for use by visitor vehicles.
- H. The fee for replacement of mutilated or lost residential and guest permits shall be one dollar.
- I. Permits shall be issued by the director of the Butte-Silver Bow parking commission. Permits may be issued for motor vehicles only upon application of the following persons:
  - 1. A legal resident of the residential permit parking area who has a motor vehicle or vehicles registered in his name, or who has a motor vehicle for his exclusive use and under his control.
  - 2. Proof of residency and vehicle ownership shall be demonstrated in a manner to be determined by the director or the Butte-Silver Bow parking commission.
- J. Nonresidential uses will be provided with posted time limit parking. The time limits shall be decided upon by the parking commission director and the nonresidential use owner.
- K. The parking commission director may issue special guest permits and temporary special gathering permits at his discretion.
- L. Residential permits shall become void if either the owner or operator of the vehicle moves out of the area or if the owner or operator of the vehicle sells the vehicle to an individual living outside the area. A permit holder who moves within the area or purchases another vehicle may transfer the permit for a one dollar fee.

(Ord. 03-2 § 1, 2003; Ord. 02-6 § 1, 2002)

**10.52.1037 Butte Central Elementary School residential parking program.**

The area designated pursuant to this chapter as the Butte Central Elementary School residential on-street parking permit program shall be as follows:

- A. Restricted Parking Area Designated.
  - 1. On the west side of Delaware Street beginning at the intersection of Front Street and

Delaware Street thence northerly on Delaware Street, a distance of three hundred seventy-four feet according to the official map and plat of the Clarks Addition;

2. No vehicle other than emergency vehicles or vehicles providing services to the area or vehicles having a permit may park on the west side of Delaware Street at any time. These regulations will be in effect seven days a week twenty-four hours a day.
- B. These regulations will primarily be enforced by the Butte-Silver Bow parking commission parking control force.
  - C. The public works department will post a minimum of two signs per block within the district that indicate these restrictions.
  - D. The basis of the fee reflects the costs of printing, signage and administration; and recognizes that the Butte-Silver Bow parking commission parking control force will perform the primary enforcement.
  - E. There shall be a five dollar annual fee for each residential parking permit within this district. Permits shall be issued for a year beginning August 1st.
  - F. There shall be a one dollar annual fee for each guest parking permit within this district. Guest permits shall be issued for a year beginning August 1st. No more than two guest permits shall be issued to each qualified resident for use by visitor vehicles.
  - G. The fee for replacement of mutilated or lost residential and guest permits shall be one dollar.
  - H. Permits shall be issued by the director of the Butte-Silver Bow parking commission. Permits may be issued for motor vehicles only upon application of the following persons:
    1. A legal resident of the residential permit parking area who has a motor vehicle or vehicles registered in his or her name, or who has a motor vehicle for his or her exclusive use and under his or her control.
    2. Proof of residency and vehicle ownership shall be demonstrated in a manner to be determined by the director or the Butte-Silver Bow parking commission.
  - I. Nonresidential uses will be provided with posted time limit parking. The time limits shall be decided upon by the parking commission director and the nonresidential use owner.
  - J. The parking commission director may issue special guest permits and temporary special gathering permits at his or her discretion.
  - K. Residential permits shall become void if either the owner or operator of the vehicle moves out of the area or if the owner or operator of the vehicle sells the vehicle to an individual living outside the area. A permit holder who moves within the area or purchases another vehicle may transfer the permit for a one dollar fee.

(Ord. 03-05 § 1, 2003)

## **Chapter 10.56**

### **TRUCK ROUTES**

Sections:

**10.56.010 Authority.**

**10.56.020 Purpose.**

**10.56.030 Scope.**

**10.56.040 Definitions.**

**10.56.050 Application of chapter--Trucks prohibited.**

**10.56.060 Exceptions.**

**10.56.070 Routes established.**

**10.56.080 Map indicating truck routes.**

**10.56.090 Weighing in.**

**10.56.100 Proof of violation.**

**10.56.110 Emergency restriction of vehicles--Temporary signs to be erected.**

#### **10.56.010 Authority.**

This chapter is adopted pursuant to and consistent with Chapter 1.01 of the Butte-Silver Bow City and County Municipal Code.

(Ord. 00-22 § 2, 2001)

#### **10.56.020 Purpose.**

The purpose of this chapter is to regulate the operation of vehicles whose body weight or whose combined body and load weight exceeds twenty-seven thousand pounds in order to protect the health and safety of the citizens of the city and county of Butte-Silver Bow (city-county) and to protect the streets and roads of the city-county from damage caused by such large vehicles.

(Ord. 00-22 § 3, 2001)

#### **10.56.030 Scope.**

The chapter restricts the operation of large trucks to those routes as set forth in Section 15.56.070 and recognizes certain exceptions to such restrictions.

(Ord. 00-22 § 4, 2001)

#### **10.56.040 Definitions.**

As used in this chapter:

"Deviating truck" means a truck that leaves and departs from a truck route while traveling inside the urban area of the city-county.

"Local service" means limiting the authorized use of Butte-Silver Bow city-county streets or avenues to those trucks which have a point of origin and a destination for immediate business purposes within the limits of the urban area.

"Truck" means any vehicle designated or operated for the transportation of property or people and whose body weight or whose combined body and load weight exceeds twenty-seven thousand pounds.

"Truck route" means a way over certain streets or avenues, as designated herein and shown on the attached map, over and along which trucks coming into, going out of, and traveling within the urban area of the city-county, must operate.

"Urban area" means all of the land included within the urban area which is more particularly described as Exhibit "A," including text description, and Exhibit "B," a map for complete description, attached to the ordinance codified in this section and adopted by reference.

(Ord. 00-22 § 5, 2001)

#### **10.56.050 Application of chapter--Trucks prohibited.**

All trucks shall be operated only over and along the truck routes established by this chapter. It is unlawful and constitutes a public offense for any person to drive or operate or for the owner to cause or knowingly permit to be driven or operated any truck not involved in local service as defined in Section 15.56.040 upon the streets and avenues of the city-county except upon the truck routes designated in Section 15.56.070 subject to those exceptions set forth in Section 15.56.060.

(Ord. 00-22 § 6, 2001)

#### **10.56.060 Exceptions.**

This chapter shall not prohibit the operation of trucks within the urban area as follows:

- A. The operation of emergency vehicles upon any street;
- B. The operation of school buses upon a designated school bus route;
- C. The operation of trucks owned or operated by the city-county, public utilities, or any contractor or material supplier, while engaged in the repair, maintenance or construction of streets, street improvements or street utilities;
- D. The operation of trucks while engaged in the collection of commercial and residential solid waste and the hauling of such solid waste to the Butte-Silver Bow sanitary landfill solid waste disposal site;
- E. The operation of trucks while being operated for actual leading and unloading purposes; provided that streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point;
- F. The operation of trucks upon any officially established detour and in any case where such trucks could lawfully be operated upon the streets for which such detour is established;
- G. The operation of an unloaded truck upon any street where such trucks are being driven to the

owner or operator's premises for storage. Parking of any such truck on the public right-of-way is not considered the owner's premises;

H. With the approval of the public works director or the council of commissioners, trucks may be allowed to haul on the nontruck route streets and avenues of the city-county for the duration of specifically approved projects. Those individuals desiring to be granted an exception under this section shall present a truck routing plan and a description of the project to the public works director or the council. The public works director or the council shall approve or disapprove of the request in writing and shall also stipulate the duration of time for which the exception is granted;

I. Trucks hauling off-road construction equipment from a location within the urban area to a location outside the urban area between the hours of eight-thirty a.m. to one p.m.

(Ord. 00-22 7, 2001)

#### **10.56.070 Routes established.**

The following truck routes are established within the urban area of the city and county of Butte-Silver Bow:

- A. Arizona Street from Park Street on the north to Platinum Street on the south;
- B. Basin Creek Road from U.S. Highway 2 on the north to S. Parkmont Street on the south;
- C. Centennial Avenue from Excelsior Avenue on the north and west to Montana Street on the east;
- D. Civic Center Road from Texas Avenue on the east to Harrison Avenue on the west;
- E. Continental Drive from Montana Highway 2 on the south to East Park Street on the north and west;
- F. East Park Street from Continental Drive on the east to Arizona Street on the west;
- G. Excelsior Avenue from Park Street on the north to Centennial Avenue on the south and west;
- H. Front Street from Harrison Avenue on the east to Montana Street on the west;
- I. Greenwood Avenue from Montana Street on the east and continuing for one-half mile to the west on Greenwood Avenue;
- J. Harrison Avenue from Montana Highway 2 on the south to Front Street on the north;
- K. Holmes Avenue from Harrison Avenue on the east to Rowe Road on the west;
- L. Iron Street from Montana Street on the east to I-15/I-90 on the west;

- M. Maryland Street from Iron Street on the north to Second Street on the south;
  - N. Mercury Street from Continental Drive on the east to Montana Street on the west;
  - O. Montana Street from Beef Trail Road on the south to Park Street on the north;
  - P. Mount Highland Drive from Continental Drive on the east to Harrison Avenue via Elizabeth Warren Avenue on the west;
  - Q. Park Street from its intersection with Granite Street west of Montana Tech on the west to Arizona Street on the east;
  - R. Rowe Road from Holmes Avenue on the south and east to Montana Street on the west and north;
  - S. Second Street from Utah Street on the east to Montana Street on the west;
  - T. Texas Avenue from Continental Drive on the north to Civic Center Road on the south;
  - U. Utah Street from Platinum Street on the north to Front Street on the south.
- (Ord. 00-22 8, 2001)

**10.56.080 Map indicating truck routes.**

The Butte-Silver Bow clerk and recorder's office shall keep and maintain an accurate map indicating truck routes and streets upon which truck traffic is permitted. The map shall be kept on file in the office of the clerk and recorder and made available to the public.

(Ord. 00-22 9, 2001)

**10.56.090 Weighing in.**

The law enforcement department shall have the authority to require any person driving, or in control of any truck, not proceeding over a truck route or street on which truck traffic is permitted, to proceed to any public or private weigh scale available for the purpose of weighing and determine whether this chapter has been complied with.

(Ord. 00-22 10, 2001)

**10.56.100 Proof of violation.**

In any hearing in city or district court, unless credible evidence is produced demonstrating such immediate business purpose, the operation of such truck on a prohibited street or avenue, shall be prima facie evidence of a violation of the ordinance codified in this chapter.

(Ord. 00-22 11, 2001)

**10.56.110 Emergency restriction of vehicles--Temporary signs to be erected.**

- A. The director of public works (director) may temporarily prohibit the operation of vehicles upon

any such truck routes or any other street or road within the city-county, or impose restrictions as to the weight of vehicles to be operated upon any such truck routes or any other street or road within the city-county, whenever any street or road by reason of deterioration, rain, snow or other climate conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

B. The director, in enacting any temporary restriction, shall erect or cause to be erected and maintained signs designating the emergency restriction at each end of that portion of any street or road affected thereby, and the temporary restriction shall not be effective unless and until such signs are erected and maintained.

(Ord. 00-22 12, 2001)

## **Chapter 10.60**

### **STREET CLEANING REGULATIONS**

**(Reserved)**

## **Chapter 10.64**

### **EQUIPMENT STANDARDS**

Sections:

- 10.64.010 When lighted lamps required.
- 10.64.020 Visibility distance--Mounted height of lamps.
- 10.64.030 Headlamps on motor vehicles.
- 10.64.040 Taillamps.
- 10.64.050 Stoplamps and turn signals.
- 10.64.060 Lamps on parked vehicles.
- 10.64.070 Number of driving lamps required or permitted.
- 10.64.080 Brakes.
- 10.64.090 Horns and warning devices.
- 10.64.100 Mufflers.
- 10.64.110 Mirrors.
- 10.64.120 Windshields to be unobstructed--Wipers required.
- 10.64.130 Bumpers.

#### **10.64.010 When lighted lamps required.**

Every vehicle operated upon a street or highway of the city and county of Butte-Silver Bow shall at all times from one-half hour after sunset of one day to one-half hour before sunrise on the following day, and at any other time where there is not sufficient natural light to render persons, vehicles and other objects clearly discernible on the streets and highways of the city-county at a distance of five hundred feet ahead, shall display lighted lamps or lights and other illuminating devices and equipment as required by the laws of this state and the provisions of this title respectively required for different classes of vehicles.

(Ord. 204 § 4(28.01), 1984)

#### **10.64.020 Visibility distance--Mounted height of lamps.**

A. Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this chapter. If a motorcycle is

registered under Section 61-3-411 MCA as collector's item, it need not be equipped with headlamps, but if it is not so equipped it may not be operated upon a highway or street from one-half hour after sunset to one-half hour before sunrise or if persons and vehicles are not clearly discernible at a distance of five hundred feet.

B. Whenever a requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, the provisions shall apply during the times stated in Section 10.64.010 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

C. Whenever a requirement is hereinafter declared as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without load.  
(Ord. 204 4(28.02), 1984)

#### **10.64.030 Headlamps on motor vehicles.**

A. Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this chapter.

B. Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this chapter.

C. Every headlamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the headlamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in subsection B of Section 10.64.020.  
(Ord. 204 § 4(28.03), 1984)

#### **10.64.040 Taillamps.**

A. Every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one taillamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the taillamp on the rearmost vehicle need actually to be seen from the distance specified. And further, every such above-mentioned vehicle, other than a truck tractor, registered in this state and manufactured after January 1, 1956 shall be equipped with at least two taillamps mounted on the rear, which when lighted as herein required, shall comply with the provisions of this section.

B. Every taillamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than fifteen inches to be measured as set forth in subsection B of Section 10.64.020.

C. Either a taillamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any taillamp or taillamps, together with any separate lamp for illuminating the rear registration plate, shall be so

wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

D. Taillamps are not required on a motorcycle that is registered under Section 61-3-411 MCA as a collector's item, but such motorcycle may not be operated on a highway or street from one-half hour after sunset to one-half hour before sunrise or when persons and vehicles are not clearly discernible at a distance of five hundred feet unless it is equipped with the required taillamps.  
(Ord. 204 § 4(28.04), 1984)

#### **10.64.050 Stoplamps and turn signals.**

A. It is unlawful for any person to sell any new motor vehicle, including any motorcycle or motor-driven cycle, unless it is equipped with at least one stoplamp. Stoplamps shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one or more other rear lamps.

B. No person shall sell or offer for sale or operate on the streets or highways any new motor vehicle, trailer, or semitrailer unless it is equipped with electrical turn signals meeting the following requirements. Any motor vehicle may be equipped and when required shall be equipped with lamps or showing to the front and rear for the purposes of indicating an intention to turn either to the right or left. Any motor vehicle may be equipped and when required under this chapter shall be equipped with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. When lamps are used for such purposes, the lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight. When actuated such lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

C. No stoplamp or signallamp or device shall project a glaring light.  
(Ord. 204 § 4(28.05), 1984)

#### **10.64.060 Lamps on parked vehicles.**

A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between one-half hour after sunset and one-half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway no lights need be displayed upon such parked vehicle.

B. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between one-half hour after sunset and one-half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: at least one lamp shall display a white or amber light visible from a distance of five hundred feet

to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of the lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.  
(Ord. 204 § 4(28.06), 1984)

#### **10.64.070 Number of driving lamps required or permitted.**

A. At all times specified in Section 10.64.010, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

B. Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary lamps or a spotlamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candle-power, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a street or highway.  
(Ord. 204 § 4(28.07), 1984)

#### **10.64.080 Brakes.**

Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a street or highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, as provided herein and in Sections 61-9-301 through 61-9-314 MCA inclusive.  
(Ord. 204 § 4(28.08), 1984)

#### **10.64.090 Horns and warning devices.**

A. Every motor vehicle when operated upon a street or highway 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 whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a street or highway.

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 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 event the driver of such vehicle shall sound the

siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.  
(Ord. 204 § 4(28.09), 1984)

#### **10.64.100 Mufflers.**

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, and no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a street or highway.

B. 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.

(Ord. 204 § 4(28.10), 1984)

#### **10.64.110 Mirrors.**

Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the roadway for a distance of at least two hundred feet to the rear of such vehicle.

(Ord. 204 § 4(28.11), 1984)

#### **10.64.120 Windshields to be unobstructed--Wipers required.**

A. It is unlawful for any person to drive any motor vehicle with any sign, poster, or other nontransparent material or any snow or ice or frost or steam upon the front windshield, side wings, or side or rear windows of such vehicle which obstructs the driver's clear view of the street or highway or any intersecting street or highway.

B. Motorcycles and motorbikes are excluded from the effect and operation of this section.

C. The windshield on every motor vehicle shall be equipped with a device for cleaning 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.

D. The windshield on every motor vehicle shall be equipped with a defrosting device for clearing steam or frost or other moisture from the windshield which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

E. Every windshield wiper upon a motor vehicle shall be maintained in good working order.  
(Ord. 204 § 4(28.12), 1984)

#### **10.64.130 Bumpers.**

A. All motor vehicles, except those specifically excluded in this section, operated upon or standing, stopping or parked upon any street or highway within the city-county shall be equipped with two bumpers as defined in subsection C of this section, one on the front and one on the rear of the motor vehicle.

B. Motorcycles and motorbikes are excluded from the effect and operation of this section.

C. A bumper is that certain apparatus which transverses the entire width of a motor vehicle and shall be constructed of steel or of a material resistant to shock and of sufficient thickness and strength to withstand reasonable collision with another object, firmly and permanently attached to the frame of the motor vehicle, extending such length beyond the front and rear of the vehicle to adequately protect other objects in which it comes in contact and such items as grill work, license plates and the holders thereof, headlights and tail-lights of the motor vehicle upon which the bumper is attached from damage by reason of reasonable collision.

D. It is unlawful for any person to operate, stop, stand or park, or permit the operation, standing, stopping or parking of any motor vehicle on any street or highway within the city-county without being equipped with bumpers as in this section required.  
(Ord. 204 § 4(28.13), 1984)

## **Chapter 10.68**

### **ABANDONED VEHICLES**

Sections:

**10.68.010 Abandoning vehicles in public place prohibited.**

**10.68.020 Wrecked vehicle--Leaving on streets prohibited.**

**10.68.030 Wrecked vehicle--Leaving in front yards or side yards prohibited.**

**10.68.040 Wrecked vehicle--Permitted in garage.**

**10.68.050 Unattended unlicensed vehicle deemed abandoned.**

**10.68.060 Liability for parking violation.**

**10.68.065 Removal and impoundment of disabled, wrecked or abandoned vehicles upon private property.**

**10.68.070 Violators to report within limited time.**

#### **10.68.010 Abandoning vehicles in public place prohibited.**

No person shall abandon any vehicle on a street, highway, parking lot or parking facility or other public place within the city-county. No person shall leave any wrecked and discarded, nonoperating or abandoned vehicle at any time within the city and county of Butte-Silver Bow off the property of the owner for any length of time greater than permitted in this chapter. No person shall permit any disabled motor vehicle to be parked, stored, placed or allowed to remain within the city-county off the property of the owner in violation of the ordinances of Butte-Silver Bow.

(Ord. 204 § 4(23.01), 1984)

#### **10.68.020 Wrecked vehicle--Leaving on streets prohibited.**

No person shall leave any partially dismantled, wrecked, abandoned or junked vehicle on any street or highway or alley within the city and county of Butte-Silver Bow. Disabled motor vehicles shall not be permitted in the rights-of-way of streets, highways or alleys of the city-county as provided in Section 10.52.870 provided, however that this section shall not apply to towing or similar transportation of such vehicles; and further provided, that a reasonable time (not to exceed forty-eight hours from the time of disability) shall be permitted for the removal or servicing of a disabled or towed vehicle in an emergency caused by an accident or sudden breakdown of the vehicle.

(Ord. 204 § 4(23.02), 1984)

**10.68.030 Wrecked vehicle--Leaving in front yards or side yards prohibited.**

Disabled, wrecked or abandoned vehicles shall not be permitted in a front yard or side yard or outer court which is defined in this section as the open unoccupied space opening on a yard or street. However, a reasonable time (not to exceed forty-eight hours from the time of disability) shall be permitted for the removal or servicing of a temporarily disabled motor vehicle in any emergency caused by an accident or sudden breakdown of the vehicle.

(Ord. 204 § 4(23.03), 1984)

**10.68.040 Wrecked vehicle--Permitted in garage.**

Storage, service, restoration and repair of a wrecked or disabled motor vehicle which is conducted within the confines of a garage shall be permitted; provided, that such vehicle is the property of the owner or occupier of the lot and provided that the storage, service, restoration or repair is not a commercial use of the property.

(Ord. 204 § 4(23.04), 1984)

**10.68.050 Unattended unlicensed vehicle deemed abandoned.**

Any unattended vehicle failing to display license plates or transfer sticker or bill of sale or other identification in violation of Chapter 10.76 which is stopped, standing or parked upon any street, alley, highway, parking lot or parking facility or other public place within the city and county shall be deemed to be an unidentified, abandoned or improperly parked vehicle, and shall be subject to removal under the provisions of this chapter with costs of removal and storage to be the liability of the registered owner.

(Ord. 204 § 4(23.05), 1984)

**10.68.060 Liability for parking violation.**

Whenever any vehicle shall have been parked in violation of any of the provisions of this chapter a citation shall be issued and affixed to the vehicle in a conspicuous place and the person in whose name the vehicle is registered shall be absolutely liable for such violation.

(Ord. 204 § 4(23.06), 1984)

**10.68.065 Removal and impoundment of disabled, wrecked or abandoned vehicles upon private property.**

Any disabled, wrecked or abandoned vehicle which is parked in a front or side yard or outer court, may be ordered removed and impounded by the city court judge when a complaint has been filed in city court for citations issued pursuant to Section 10.68.060, in addition to any other penalty imposed in accordance with the provisions of Chapter 10.96.

(Ord. 570 11, 1996)

**10.68.070 Violators to report within limited time.**

The registered owner of any motor vehicle parked in violation of the provisions of this chapter and for which a citation has been issued as provided in Section 10.68.060 may within seven days after the issuance of

such citation voluntarily pay the amount set by the city judge as bond for the specific violation for full satisfaction for the particular parking violation. If the registered owner of any motor vehicle parked in violation of the provisions of this chapter, and for which violation a citation has been issued shall decline to pay such amount to the parking commission within seven days after the issuance of such citation, the parking commission shall proceed to file a complaint against such person in the city court of Butte-Silver Bow. The maximum penalty for violation of the provisions of this chapter shall be a fine not to exceed five hundred dollars.

(Ord. 570 12, 1996: Ord. 204 § 4(23.07), 1984)

## **Chapter 10.72**

### **VEHICLE WEIGHT LIMITS**

Sections:

**10.72.010 Vehicle size and weight regulations--Generally.**

**10.72.020 Vehicle size and weight regulations--On residential streets.**

**10.72.030 Liability for street damage.**

**10.72.040 Owner and driver of vehicle jointly liable.**

**10.72.050 Civil action.**

#### **10.72.010 Vehicle size and weight regulations--Generally.**

It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit the driving or moving, on any street or highway within the city and county any vehicle or vehicles of a size or weight exceeding the limitations provided herein in Sections 61-10-101 through 61-10-109; 61-10-121 through 61-10-128 inclusive, and 61-10-141 through 61-10-147 inclusive, MCA.

(Ord. 204 § 4(27.01), 1984)

#### **10.72.020 Vehicle size and weight regulations--On residential streets.**

It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit the driving or moving, on any street within the city and county which has not been designated as a truck route, any vehicle or vehicles exceeding a gross vehicle weight of twenty-seven thousand pounds; provided, however, that trucks or other commercial vehicles carrying passengers, goods, merchandise and other articles to and from premises abutting a designated residential street may use such street for the purpose of local pickups and deliveries.

(Ord. 01-05 1, 2001: Ord. 204 § 4(27.02), 1984)

#### **10.72.030 Liability for street damage.**

Any person driving any vehicle 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 of such vehicle, or which was a result of operating, driving or moving any vehicle weighing in excess of the maximum weight allowed by Montana law, except where the operation of such vehicle is authorized by a special permit issued as provided in this title.

(Ord. 204 § 4(27.03), 1984)

#### **10.72.040 Owner and driver of vehicle jointly liable.**

Whenever such driver is not the owner of such vehicle, but is so operating, driving or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage.

(Ord. 204 § 4(27.04), 1984)

#### **10.72.050 Civil action.**

Such damage may be recovered in a civil action brought by the authorities in control of such streets or street structure.

(Ord. 204 § 4(27.05), 1984)

### **Chapter 10.74**

#### **WEIGHT AND SPEED RESTRICTIONS ON COUNTY RURAL ROADS\***

Sections:

**10.74.010 Authority to restrict right to use roadway.**

**10.74.020 Public works director shall determine those portions of road which require weight and speed restrictions.**

**10.74.025 Restrictions on use of Oro Fino Gulch Road and Bluebird Trail.**

**10.74.030 Penalties.**

\* Prior ordinance history: Ord. 352.

#### **10.74.010 Authority to restrict right to use roadway.**

A. As provided in Section 10.40.010D, where no special hazard exists that requires lower speed (as provided in subsection B of this section), the speed of any vehicle shall not exceed twenty-five miles per hour on any county road.

B. Section 61-10-128, MCA, allows a local road authority to prohibit the operation of or impose restrictions on the weight and speed of a vehicle travelling on a county road or highway under its jurisdiction and for which it is responsible for maintenance whenever the county road or highway will be seriously damaged or destroyed by deterioration, rain, snow or other climatic conditions, unless the use of vehicles on the county road or highway is prohibited or the permissible vehicle weights and speed are reduced. The climatic conditions during the spring of each year can cause breakup of county roads or highways unless weights for vehicles are reduced. The council of commissioners of the city and county of Butte-Silver Bow, state of Montana, has authority over all county roads or highways pursuant to Section 7-14-2102, MCA.

(Ord. 580 2, 1997; Ord. 353 1, 1989)

#### **10.74.020 Public works director shall determine those portions of road which require weight and speed restrictions.**

Upon designating such portions of roadway which require a weight and speed restriction, the public works director shall determine what weight or speed shall be allowed on such portions of roadway. The public works director shall erect signs at each end of that portion of the roadway affected indicating the allowed weight and speed and designating the ordinance codified in this section as the authority for erecting the signs. When the public works director determines that the restriction is no longer necessary for any portion of roadway, he shall remove signs from that portion and this section shall have no further effect upon that portion. This section shall be effective upon the erection of such signs upon such portions of roadway.

(Ord. 580 3, 1997: Ord. 353 2, 1989)

#### **10.74.025 Restrictions on use of Oro Fino Gulch Road and Bluebird Trail.**

A. It shall be unlawful to use either Oro Fino Gulch Road or the Bluebird Trail as solid waste haul routes by commercial solid waste haulers.

B. A commercial solid waste hauler is defined as anyone hauling solid waste in a motor vehicle which is rated above eight thousand six hundred pounds gross vehicle weight.

C. Under the supervision of the director of public works, signs in substantial compliance with the Uniform Department of the state of Montana shall be erected giving notice of such restrictions on use of Oro Fino Gulch Road and Bluebird Trail.

D. A violation of this section shall be punished as provided in Section 10.74.030 of this code.  
(Ord. 462 1, 1993)

#### **10.74.030 Penalties.**

A violation of weight restrictions as provided by this chapter shall be punished as provided in Section 61-10-147, MCA. Fines and forfeited bonds shall be disposed of as provided in Section 61-10-148(2), MCA, to the Butte-Silver Bow treasurer for deposit in the county road fund. This chapter shall not impose a restriction on the weight of a vehicle loaded with perishable agricultural seeds that is traveling on a public highway if:

A. The vehicle is being operated within its legal licensed gross vehicle weight; and

B. The driver has in his possession a federal or state inspection certificate issued for the load.

A copy of the ordinance codified in this chapter shall be sent to each justice of the peace, the city court judge and the Butte-Silver Bow law enforcement agency office.

(Ord. 353 3, 1989)

### **Chapter 10.76**

#### **LICENSE PLATES AND REGISTRATION**

Sections:

**10.76.010 Registration--License plate required--Display--Exception.**

**10.76.020 Number assignment--County.**

**10.76.030 Unlawful display of license plate.**

**10.76.040 Vehicles to be registered and licensed.**

**10.76.050 Improperly licensed vehicles.**

#### **10.76.010 Registration--License plate required--Display--Exception.**

A. Except as otherwise provided in subsection B of this section, it is unlawful for any person to operate a motor vehicle upon the streets or highways of the city and county unless such vehicle is properly registered and has the proper number plates conspicuously displayed, one on the front and one on the rear of the

vehicle, each securely fastened to prevent it from swinging and unobstructed from plain view, except that trailers, semitrailers and motorcycles shall have but one number plate conspicuously displayed on the rear. It is unlawful for any person to display on such vehicle at the same time any number assigned to it under any motor vehicle law except as provided in Section 10.76.020.

B. 1. The provisions of this section shall not apply to the new owner of a transferred motor vehicle, who shall have a grace period of twenty calendar days from the date of purchase to make application for registration and pay the taxes or fees required by Montana law; provided however, that such transferred vehicle shall display an approved transfer sticker in the rear window of the vehicle if purchased from a dealer or a dated bill of sale or other dated proof of purchase if the motor vehicle was not purchased from a duly licensed motor vehicle dealer.

2. The provisions of subdivision 1 of this subsection and Section 61-4-111(1)(a) MCA, pertaining to the issuance of a sticker by the dealer, placement thereof upon the rear window of the vehicle prior to delivery, and transmission of a copy of the sticker to the county treasurer, either personally or by first class mail within ten days following delivery of the vehicle, shall be applicable to sales of new motor vehicles as well as to sales of used motor vehicles.

(Ord. 204 § 4(30.01), 1984)

#### **10.76.020 Number assignment--County.**

It is unlawful for any person to purchase or display on a vehicle any license plate bearing the number assigned to any county as provided in Section 61-3-332 MCA, other than the county of his permanent residence at the time of application for registration. However, the owner of any motor vehicle requiring a license plate on any motor vehicle used in the public transportation of persons or property may make application therefor in any county through which the motor vehicle passes in its regularly scheduled route, and the license plate so issued bearing the number assigned to said county may be displayed on the motor vehicle in any other county of the state.

(Ord. 204 § 4(30.02), 1984)

#### **10.76.030 Unlawful display of license plate.**

It is unlawful to use or display license plates issued to one vehicle on any other vehicle, trailer or semitrailer, or to repaint old license plates to resemble current license plates.

(Ord. 204 § 4(30.03), 1984)

#### **10.76.040 Vehicles to be registered and licensed.**

It is unlawful for any motor vehicle to be parked, operated or driven upon any street, highway or other public way or public place within the city and county of Butte-Silver Bow, without being properly registered and licensed under the laws of the state of Montana pertaining thereto, or in violation of the provisions of this chapter.

(Ord. 204 § 4(30.04), 1984)

#### **10.76.050 Improperly licensed vehicles.**

Any unattended vehicle failing to display license plates or transfer sticker or bill of sale or other proof of purchase or other identification shall be deemed abandoned and may be removed as provided in Section 10.68.050.

(Ord. 204 § 4(30.05), 1984)

## **Chapter 10.80**

### **SNOWMOBILES**

Sections:

**10.80.010 Prohibited where.**

#### **10.80.010 Prohibited where.**

It is unlawful for any person to operate or drive any snowmobile upon any public streets, avenues, highways, roadways, alleys or sidewalks within the city-county, or in or upon any public parks or recreational areas or public parking areas within the city-county.

(Ord. 204 § 4(25.01), 1984)

## **Chapter 10.84**

### **BICYCLES**

Sections:

**10.84.010 Effect of regulations.**

**10.84.020 Traffic laws apply.**

**10.84.030 Obedience to official traffic-control devices.**

**10.84.040 Riding generally.**

**10.84.050 Riding on roadways and bicycle paths.**

**10.84.060 Speed.**

**10.84.070 Emerging from alley or driveway.**

**10.84.080 Clinging to vehicles.**

**10.84.090 Carrying articles.**

**10.84.100 Parking.**

**10.84.110 Riding on sidewalks.**

**10.84.120 Lamps and other equipment.**

#### **10.84.010 Effect of regulations.**

A. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of the chapter.

B. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any public street, highway or thoroughfare or public path set aside for the exclusive use of bicycles.

(Ord. 204 § 4(26.01), 1984)

#### **10.84.020 Traffic laws apply.**

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of any other vehicle, except as to special regulations set out in this chapter

and except as to those provisions of this chapter which by their very nature can have no application.  
(Ord. 204 § 4(26.02), 1984)

#### **10.84.030 Obedience to official traffic-control devices.**

A. A person operating a bicycle shall obey the instructions of official traffic-control signs, signals and other traffic control devices applicable to vehicles unless otherwise directed by a law enforcement officer, except when turning left such person may act as provided in subsection B of this section.

B. A person operating a bicycle who intends to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the person shall make the turn as close as practicable to the curb or edge of the roadway on the far right side of the intersection. After turning, the person shall yield to through traffic and shall comply with any official traffic-control device or police officer regulating traffic on the highway along which he intends to proceed.

C. Whenever authorized signs are erected indicating that no right, left or U-turn is permitted it is unlawful for any person operating a bicycle to disobey the direction of any such sign, except where a person dismounts from the bicycle to make such turn in which event such person shall then obey the regulations applicable to pedestrians.  
(Ord. 204 § 4 (26.03), 1984)

#### **10.84.040 Riding generally.**

A. A person propelling a bicycle shall not ride other than upon or 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.  
(Ord. 204 § 4(26.04), 1984)

#### **10.84.050 Riding on roadways and bicycle paths.**

A. A person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the right side of the roadway as practicable except when:

1. Overtaking and passing another vehicle proceeding in the same direction;
2. Preparing for a left turn at an intersection or into a private road or driveway; or
3. Necessary to avoid a condition that makes it unsafe to continue along the right side of the roadway, including, but not limited to a fixed or moving object, parked or moving vehicle, pedestrian, animal, surface hazard, or a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

B. A person operating a bicycle upon a one-way highway with two or more marked traffic lanes

may ride as close to the left side of the roadway as practicable.

C. Persons riding bicycles upon a roadway shall ride in single file except when:

1. Riding on paths or parts of roadways set aside for the exclusive use of bicycles;
2. Overtaking and passing another bicycle;
3. Riding on a paved shoulder or in a parking lane, in which case the persons may ride two abreast; or
4. Riding within a single lane on a laned roadway with at least two lanes in each direction, in which case the persons may ride two abreast if they do not impede the normal and reasonable movement of traffic more than they would otherwise impede such traffic by riding single file and in accordance with the provisions of this chapter.

D. 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. A person riding a bicycle defined in subsection 5 of Section 10.04.040 is excluded from the provisions of this subsection when such bicycle is prohibited from using such paths.

E. A bicycle, as defined in subsection 5 of Section 10.04.040, is excluded from the provisions of subsections A and B.  
(Ord. 204 § 4(26.05), 1984)

#### **10.84.060 Speed.**

It is unlawful for any person to operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.  
(Ord. 204 § 4(26.06), 1984)

#### **10.84.070 Emerging from alley or driveway.**

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.  
(Ord. 204 § 4(26.07), 1984)

#### **10.84.080 Clinging to vehicles.**

It is unlawful for any person riding upon any bicycle to attach the same or himself to any vehicle upon any public street or thoroughfare, but a bicycle trailer or bicycle semitrailer may be attached to a bicycle if that trailer or semitrailer has been designed for such attachment.  
(Ord. 204 § 4(26.08), 1984)

#### **10.84.090 Carrying articles.**

It is unlawful for any person operating a bicycle to carry a package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.  
(Ord. 204 § 4(26.09), 1984)

#### **10.84.100 Parking.**

It is unlawful for any person to park a bicycle in such a manner as to interfere or obstruct pedestrian traffic.  
(Ord. 204 § 4(26.10), 1984)

#### **10.84.110 Riding on sidewalks.**

A. A person operating a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing any pedestrian.

B. A person may not ride a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk where the use of a bicycle is prohibited by official traffic-control devices.

C. Except as provided in subsections A and B of this section, a person operating a vehicle by human power upon and along a sidewalk or across a roadway upon and along a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances.  
(Ord. 204 § 4(26.11), 1984)

#### **10.84.120 Lamps and other equipment.**

A. It is unlawful for any person to operate a bicycle at night unless such bicycle is 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 and with a red reflector on the rear of a type which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

B. It is unlawful for any person to operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

C. It is unlawful for any person to operate a bicycle unless such bicycle is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.  
(Ord. 204 § 4(26.12), 1984)

### **Chapter 10.88**

### **PEDESTRIANS**

Sections:

**10.88.010 Pedestrians subject to traffic regulations.**

**10.88.020 Pedestrians' right-of-way in crosswalk.**

**10.88.030 Crossing at other than crosswalk.**

**10.88.040 Drivers to exercise due care.**

**10.88.050 Use of right half of crosswalk required.**

**10.88.060 Use of sidewalk and roadway.**

**10.88.070 Soliciting rides or business.**

**10.88.010 Pedestrians subject to traffic regulations.**

Pedestrians shall be subject to official traffic-control signals at intersections as provided in Chapter 10.24, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

(Ord. 204 § 4(29.01), 1984)

**10.88.020 Pedestrians' right-of-way in crosswalk.**

A. When official 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 of a street or highway within a crosswalk when the pedestrian is upon the half of the roadway which the vehicle is traveling upon, 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 subsection B of Section 10.88.030.

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 of a street or highway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(Ord. 204 § 4(29.02), 1984)

**10.88.030 Crossing at other than crosswalk.**

A. Every pedestrian crossing a street or highway 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 upon the roadway.

B. Any pedestrian crossing the roadway of a street or highway at a point where a pedestrian tunnel or overhead pedestrian crossway has been provided shall yield the right-of-way to all vehicles upon the roadway.

C. Between adjacent intersections at which official traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(Ord. 204 § 4(29.03), 1984)

**10.88.040 Drivers to exercise due care.**

Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway of a street or highway 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 any roadway.  
(Ord. 204 § 4(29.04), 1984)

**10.88.050 Use of right half of crosswalk required.**

Pedestrians shall move, whenever practicable, upon the right of crosswalks.  
(Ord. 204 § 4(29.05), 1984)

**10.88.060 Use of sidewalk and roadway.**

A. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon the roadway of any adjacent street or highway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a street or 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.  
(Ord. 204 § 4(29.06), 1984)

**10.88.070 Soliciting rides or business.**

A. It is unlawful for any person to stand in the roadway of a street or highway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

B. It is unlawful for any person to stand on or in close 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.  
(Ord. 204 § 4(29.07), 1984)

**Chapter 10.92**

**ENFORCEMENT**

Sections:

**10.92.010 Traffic laws--Law enforcement department and fire department authority.**

**10.92.020 Traffic laws--Obedience required.**

**10.92.030 Obedience to law enforcement department and fire department officers required.**

**10.92.010 Traffic laws--Law enforcement department and fire department authority.**

A. It shall be the duty of the officers of the law enforcement department, or such officers as are assigned by the sheriff, to enforce the traffic laws of the state of Montana and the traffic ordinances of the city-county within the city and county of Butte-Silver Bow.

B. Officers of the law enforcement department, or such officers as are assigned by the sheriff, are

authorized to direct all traffic by voice, hand or signal in conformance with applicable traffic laws or ordinances; provided, however, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the law enforcement department may direct traffic as conditions may require notwithstanding provisions of the traffic laws or ordinances.

C. Officers of the fire department, when at the scene of a fire, may direct or assist the law enforcement department officers in directing traffic thereat or in the immediate vicinity.  
(Ord. 204 § 4(4.01), 1984)

**10.92.020 Traffic laws--Obedience required.**

It is unlawful for any person to do any act forbidden or to fail to perform any act required in this title.  
(Ord. 204 § 4(4.02), 1984)

**10.92.030 Obedience to law enforcement department and fire department officers required.**

It is unlawful for any person to knowingly or purposely fail or refuse to comply with any lawful order or direction of any law enforcement department officer or fire department officer.  
(Ord. 204 § 4(4.03), 1984)

**Chapter 10.96**

**VIOLATION--PENALTY**

Sections:

**10.96.010 Liability--Enforcement--Penalty.**

**10.96.010 Liability--Enforcement--Penalty.**

It is unlawful for any person to violate any of the provisions of this title by doing any act forbidden or by failing to perform any duty imposed herein and any such act or omission shall be deemed a misdemeanor and jurisdiction for prosecution thereof shall be vested in the city court of Butte-Silver Bow.

- A. Whenever a specific penalty is provided in this title for a particular violation of this title, then such penalty shall be imposed and in addition a ten dollar surcharge shall be imposed and such ten dollar surcharge shall be deposited in the law enforcement patrol vehicle replacement fund, except that no surcharge shall be added to citations issued for parking violations pursuant to Chapter 10.52.
- B. Whenever no penalty is specified for a particular violation of this title, then the penalty imposed shall be a fine not to exceed five hundred dollars or imprisonment in the county jail for a term not to exceed six months, or both, except as provided in subsection C of this section and in addition a ten dollar surcharge shall be imposed and such ten dollar surcharge shall be deposited in the law enforcement patrol vehicle replacement fund, except that no surcharge shall be added to citations issued for parking violations pursuant to Chapter 10.52.
- C. In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation

of any provision of this title, the registered owner of the vehicle is legally accountable for his own conduct and the conduct of another, and, proof that the particular vehicle described in the complaint was parked in violation of any such provision, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall impose absolute liability upon the registered owner of such vehicle for such violation, and such person may be punished by a fine not exceeding five hundred dollars.

(Ord. 02-21 § 1, 2002: Ord. 204 § 4(35.01), 1984)