FINAL

Stillwater County

ORDINANCE NO. 2004-01

Road Speed Limit Ordinance
on portions of
Limestone Creek Road
Benbow Road
North Stillwater Road
Countryman Creek Road
Stillwater River Road

COPY

AN ORDINANCE TO ESTABLISH A SPEED LIMIT ON PORTIONS OF FIVE COUNTY ROADS LOCATED IN STILLWATER COUNTY, MONTANA, AND TO PROVIDE PENALTIES FOR A VIOLATION THEREOF.

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

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

WHEREAS, the Board of Commissioners requested a Speed Limit Investigation be conducted on the following five roads: 1.) Limestone Creek Road, 2.) Benbow Road, 3.) North Stillwater Road, 4.) Countryman Creek Road, 5.) Stillwater River Road; and

WHEREAS, a Speed Limit Investigation was conducted by Entranco and a final report was submitted to the Board of Commissioners outlining the proposed speed zone on each of the roads investigated; and

WHEREAS, adjusting the speed limit on the these roads as recommended by the evidence of the speed investigation is necessary to reduce the risk of accidents caused by higher speeds and is a more reasonable and safe maximum speed given the conditions of the road in the speed zone area;

NOW THEREFORE, BE IT ORDAINED by the County Commissioners of Stillwater County, Montana, that a speed limit ordinance on the below described portions of Limestone Creek Road, Benbow Road, North Stillwater Road, Countryman Creek Road and Stillwater River Road in Stillwater County be enacted as follows in accordance with the aforementioned speed Limit Investigation:

1. **Application and Speed Limits:**
The special speed limit shall apply to:

Limestone Creek Road from Stillwater Road continuing 2 miles west be posted at the recommended speed limit of 35 mph.

Benbow Road from Route S-419 to USFS Boundary be posted at the recommended speed limit of 35 mph.

North Stillwater Road from Riverside Bridge to Johnson Bridge be posted at the recommended speed limit of 35 mph.

Countryman Creek Road from Ridgeview Road to Brumfield Road be posted at the recommended speed limit of 25 mph.

Stillwater River Road from Mile Post 0.00 to Mile Post 2.5 be posted at the recommended speed limit of 40 mph; Stillwater River Road from Mile Post 5.00 to Mile Post 7.5 be posted at the recommended speed limit of 40 mph; Stillwater River Road from Mile Post 7.5 to Mile Post 10.00 be posted at the recommended speed limit of 30 mph; and Stillwater River Road from Mile Post 10.0 to Mile Post 12.5 be posted at the recommended speed limit of 45 mph.

2. **Posting:**

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

3. **Penalties:**

61-8-711. Violation of chapter -- penalty. (1) It is a misdemeanor for a person to violate any of the provisions of this chapter unless the violation is declared to be a felony.
(2) Each person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction be punished by a fine of not less than $10 or more than $100. For a second conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than $25 or more than $200. Upon a third or subsequent conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than $50 or more than $500.
(3) Except as provided in subsection (4), failure to pay a fine imposed under this chapter is a civil contempt of the court. On failure of payment of a fine, the court may:
(a) order enforcement of the fine by execution in the manner provided in 25-13-204 and under the provisions of Title 25, chapter 13; or
(b) if the court finds that the person is unable to pay, order the person to perform community service.
(4) If property is not found in an amount necessary to satisfy the unpaid portion of the fine and if the court makes a written finding that community service is inappropriate, the person shall be imprisoned in the county jail in the county in which the offense was committed, and the imprisonment shall be the number of days that the fine is divisible by the dollar amount of the incarceration credit contained in 46-18-403.
(5) Upon conviction, the court costs or any part of the court costs may be assessed against the defendant in the discretion of the court.

Date of First Reading and approval: April 29th ,2004.

Date of Second Reading and approval: May 13th ,2004.

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

BOARD OF COUNTY COMMISSIONERS, STILLWATER COUNTY

STILLWATER COUNTY COUNTY CLERK SEAL MONTANA

By: Maureen Davey
Maureen Davey - Chair

By: Charles E. Egan
Charles E. Egan - Member

By: Clifford A. Bare
Clifford A. Bare - Member

ATTEST: Pauline M. Mishler
Pauline M. Mishler
Clerk and Recorder