

TITLE 7

TRAFFIC CODE

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CHAPTER 1

DEFINITIONS AND GENERAL PROVISIONS

7-1-01 APPLICATION OF THE REVISED CODES OF MONTANA, 1947. The provisions of this title and other traffic ordinances of this municipality shall be designated as the TRAFFIC CODE, and may be cited as such.

The sections of this traffic code are intended to be uniform with the Montana Uniform Act Regulating Traffic on Highways, R.C.M. Title 32, Chapter 21. No provisions of this title which is construed by a court of law to be in conflict or at variance with that act shall be enforceable, unless specific authority is given by the Act for such conflict or variance. (Montana Model Municipal Code).

7-1-02 DEFINITIONS. The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them by this section.

(a) "Vehicles" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used upon stationary rails or tracks.

(1) "Motor Vehicle" is every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(2) "Commercial Vehicle" is every vehicle designed, maintained, or used primarily for the transportation of property.

(3) "Authorized Emergency Vehicle" is a vehicle of the fire department (fire patrol), police vehicles, and such ambulance and emergency vehicles of municipal or public service corporations as are designed or authorized by the Mayor or the Town Marshall.

(4) "Bicycle" is every device propelled by human power upon which any person may ride, having two tandem wheels either of which is over twenty inches in diameter.

(5) "Motorcycle" is every motor having a 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.

(6) "Railroad" is a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

(7) "Railroad Train" is a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

(b) "Person" is every natural person, firm, copartnership, association, or corporation.

(6) "Official Traffic Control Devices," all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purposes of regulating, warning, or guiding traffic.

(7) "Traffic Control Signal" is any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(8) "Business District" is the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to, hotels, banks, 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 highway.

(9) "Central Business (or traffic) District" is all streets and portions of streets within the area described as follows: All that area bounded by

(10) "Residence District" is the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet (300) or more is in the main improved with residences or residences and buildings in use for business. (R.C.M. 32-2101 et. seq.)

7-1-03 REQUIRED OBSERVANCE OF TRAFFIC ORDINANCES. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this ordinance. (R.C.M. 32-2125).

7-1-04 DUTY OF OBEY OFFICIALS. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (R.C.M. 32-2126).

7-1-05 PUBLIC EMPLOYEES DUTY TO OBEY TRAFFIC REGULATIONS. The provisions of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this state, county, or town, and it shall be unlawful for any driver to violate any of the provisions of this title, except as otherwise permitted in this title or by state statute. (R.C.M. 32-2127).

7-1-06 AUTHORIZED EMERGENCY VEHICLE. (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not 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 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 posted 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 herein granted to an emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions for a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. (R.C.M. 32-2128).

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the 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. (R.C.M. 32-2128).

7-1-07 PUSH CARTS AND ANIMAL DRAWN VEHICLES. Every person propelling any push cart or riding an animal upon a roadway and every person driving an animal drawn vehicle, shall be subject to the provisions of this ordinance applicable to the driver of any vehicle, except those provisions of this ordinance which by their very nature can have no application. (R.C.M. 32-2129).

7-1-08 IMMEDIATE NOTICE OF ACCIDENTS. The driver of a vehicle involved in an accident resulting in injury or death to any person, or property damage to an apparent extent of one hundred dollars (\$100), or more, shall immediately by the quickest means of communication available, give notice of the accident to the police department if the accident occurs within this municipality. (R.C.M. 32-1207; authority R.C.M. 32-1215).

7-1-09 WRITTEN REPORTS OF ACCIDENTS. The operator of any motor vehicle which is in any manner involved in an accident within this municipality, in which any person is killed or injured, or in which damage to the property of any one person is in excess of two hundred and fifty dollars (\$250) is sustained, shall within ten (10) days after such accident report the matter in writing to the police department, as provided in the uniform accident reporting act. (R.C.M. 32-1215).

7-1-10 PENALTY. Any person violating a provision of this title for which another penalty has not been provided shall be subject to the general penalty as provided in this municipal code.

7-1-11 REGISTER AND LICENSE MOTOR VEHICLES. that all motor vehicles driven upon the streets of the town of Fromberg shall be duly registered with the County of Carbon, and shall be duly licensed with the State of Montana, in accordance with the registration and licensing laws of the State of Montana.

PENALTY. All drivers driving in violation of the above ordinance shall be guilty of a misdemeanor. Ordinance 152 (November 4, 1975)

7-1-14 REQUIRE LICENSING OF DRIVERS OF MOTOR VEHICLES.

(A) that all drivers of motor vehicles within the Town of Fromberg who drive a motor vehicle upon a public roadway shall have in their possession at all times a driver's license issued by the State of Montana.

(B) this ordinance shall amend the Town Code of the Town of Fromberg to add Chapter 14 to Title 7 of said Code

Ordinance 153 (November 4, 1975)

CHAPTER 2

TRAFFIC CONTROL DEVICES

7-2-01 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES. The town council shall place and maintain traffic control signs, signals, and devices as required under the code, to make effective the provisions of the code, and may place and maintain any such additional traffic control devices as they may deem necessary to regulate traffic under the code, or under state law, or to guide or warn traffic. All such signs, signals, and devices shall conform to the state manual and specifications, and so far as practicable shall be uniform as to type and location throughout the town. (R.C.M. 32-2135).

7-2-02 OBSERVANCE OF TRAFFIC CONTROL DEVICES. (a) The driver of any vehicle shall obey the instructions of traffic control devices placed in accordance with this code, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this code.

(b) No provisions of this ordinance 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 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.

7-2-03 TRAFFIC CONTROL SIGNAL. When used as a control light on a traffic control signal, a green light shall mean "go," a yellow light "caution," and a red light "stop." 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 or until a right turn, if permitted, can safely be made. (R.C.M. 32-2137).

7-2-04 FLASHING SIGNALS. Whenever an illuminated flashing red or yellow signal is used in a traffic signal, traffic shall obey it as follows:

(a) Flashing red (Stop Signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest cross walk at the intersection or at a limit line when marked, or, if none, then before entering the intersection. The right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles shall proceed through the intersection or past such signal 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 set forth in 7-2-05 of this title. (R.C.M. 32-2139).

7-2-05 OBSERVANCE OF SIGNAL INDICATING APPROACH OF RAILROAD TRAIN. Whenever any person driving a vehicle approaches a railroad grade crossing, when a clearly visible or audible or mechanical signal gives warning of the immediate approach of a railroad train, the driver shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. (R.C.M. 32-2191).

7-2-06 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is in imitation of or resembles an official 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 traffic-control device or any railroad sign or signal. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice. (R.C.M. 32-2140).

7-2-07 INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS. No person shall, without lawful authority, alter any official traffic-control device or any railroad sign or signal. (R.C.M. 32-214).

(1) "Driver" is every person who drives or is in actual physical control of a vehicle.

(2) "Pedestrian" is any person afoot.

(3) "Police Officer" is any person of the municipal police department of this town, or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(4) "Traffic Division", the traffic division of the police department of this town, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the police office of this town.

(c) "Street or Highway" is the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(1) "Private Road or Driveway" is every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(2) "Roadway" is that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(3) "Sidewalk" is that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(4) "Laned roadway" is a roadway which is divided into two or more clearly marked lanes for vehicular travel.

(5) "Through Highway" is every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this act.

(6) "Controlled Access Highway". Every highway, street, or roadway in respect to which owners or occupants of abutting property or lands and other persons having no legal right of access to or from the same, except at such points only and in such a manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

(7) "Intersection." (i) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways o.

of two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in contact.

(ii) Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as separate intersection.

(8) "Cross Walk". (i) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversible roadway.

(ii) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(9) "Safety Zone" is the area or space officially set aside within a roadway 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.

(10) "Curb Loading Zone" is a space adjacent to a curb reserved for the exclusive use of vehicles during loading or unloading of passengers or materials.

(11) "Passenger Curb Loading Zone" is a place adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(12) "Freight Curb Loading Zone" is a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

(d) "Miscellaneous".

(1) "Traffic" is pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street for the purpose of travel.

(2) "Right of way" is the privilege of the immediate use of the roadway.

(3) "Stop". (i) When required, means complete cessation of movement. (ii) Stop, stopping, or standing, when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(4) "Park", when prohibited, 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.

(5) "Official Time Standard," whenever certain hours are named herein they shall mean standard time or daylight savings time as may be in current use in this town.

CHAPTER 3

RECKLESS AND DRUNKEN DRIVING

7-3-01 PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS. (a) It is unlawful and punishable as provided in this chapter for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any motor vehicle upon the streets of this town.

(b) It is unlawful and punishable as provided in this chapter for any person who is a habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle within the limits of this municipality. The fact that any person charged with a violation of this paragraph is or has been entitled to use of such drug under the laws of this state shall not constitute a defense against any charge of violating this paragraph. (R.C.M. 32-2142).

7-3-02 RECKLESS DRIVING. Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. (R.C.M. 32-2143).

7-3-03 STANDARDS OF INTOXICATION. In any criminal prosecution for a violation of this chapter relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance, shall give rise to the following presumptions:

(a) If there was at that time 0.05 per cent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

(b) If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

(c) If there was at that time 0.10 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;

(d) Per cent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) cubic centimeters of blood;

(e) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

7-3-04 CHEMICAL BLOOD, BREATH, OR URINE TESTS. (a) Any person who operates a motor vehicle upon the streets of this town shall be deemed to have given consent, subject to the provisions of section 32-2142, R.C.M., 1947, 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 intoxicating liquor. 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 the public highways of this state while under the influence of intoxicating liquor. 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 paragraph (a) of this section.

(c) If a person under arrest refuses upon the request of a peace officer to submit to a chemical test designated by the arresting officer as provided in paragraph (a) of this section, none shall be given but a report of the refusal shall be forwarded to the Montana Highway Patrol Board. (R.C.M. 32-2142.1).

7-3-05 ADMINISTRATION OF TESTS. (a) Only a physician or registered nurse acting at the request of a peace officer may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens.

(b) The person tested may, at his own expense, have a physician or registered nurse of his own choosing administer a test, in addition to any administered at the direction of a peace officer, for the purpose of determining the amount of alcohol in his blood at the time alleged as shown by chemical analysis of his blood, breath or urine. The failure or inability to obtain an additional test by a person shall not preclude the admissibility in evidence of the test taken at the direction of a peace officer.

(c) Upon the request of the person tested, full information concerning the test taken at the direction of the peace officer shall be made available to him or to his attorney.

(d) No physician or registered nurse shall incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a peace officer to administer such a test.

(e) If the test given under the preceding section is a chemical test of urine, the person tested shall be given such privacy in taking of the urine specimen as will insure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved. (R.C.M. 32-2142.3).

7-3-06 PENALTY. Any person violating a provision of this chapter, upon first conviction, shall be subject to the general penalty provided in this municipal code, except that he shall not be fined less than one hundred dollars (\$100).

(a) On a second conviction, he shall be punished by imprisonment in the town jail for not less than ten days nor more than six months, to which may be added, at the discretion of the police judge, a fine of not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500).

(b) On the third or subsequent conviction he shall be punished by imprisonment for a term of not less than thirty (30) days nor more than six months, to which may be added at the discretion of the police judge, a fine of not less than five hundred dollars (\$500). (R.C.M. 32-2142 d).

CHAPTER 4

SPEED REGULATIONS

7-4-01 SPEED REGULATIONS--BASIC RULE. (a) A person operating or driving a vehicle of any character on a street of this municipality 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 street, 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 or highway.

(b) Basic Speed. When no special hazard exists that requires lower speed in compliance with the basic rule, no person shall operate a vehicle at a speed in excess of twenty-five miles per hour, unless otherwise posted. (R.C.M. 32-2147).

7-4-02 MINIMUM SPEED REGULATION. 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. (R.C.M. 32-2147).

7-4-03 SPECIAL SPEED LIMITATION. A person may not drive a vehicle equipped with solid rubber or cushion tires at a speed greater than ten miles per hour. (R.C.M. 32-2149).

7-4-04 PERMISSION OF AUTHORITIES TO HOLD SPEED CONTESTS. No race or contest for speed shall be held and no person shall engage in or aid or abet in any motor vehicle speed contest or exhibition of speed on a public highway or street of this town without written permission of the town marshall, and unless the same is fully and efficiently patrolled for the entire distance over which such race or contest for speed is held. (R.C.M. 32-2143.1).

7-4-05 CHARGING VIOLATIONS. In every charge of violation of any speed regulation of this chapter, the complaint, also the summons, or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed applicable within the district or at the location. (R.C.M. 32-2150).

CHAPTER 5

RULES OF THE ROAD

7-5-01 DRIVE ON RIGHT SIDE OF ROADWAY--EXCEPTIONS. (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (2) When the right half of a roadway is closed to traffic while under construction or repair;
- (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
- (4) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left-hand turn at an intersection or into a private road or driveway.

7-5-02 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic each direction, each driver shall give to the other at least one half of the main-traveled portion of the roadway as nearly as possible. (R.C.M. 32-2152).

7-5-03 OVERTAKING A VEHICLE ON THE LEFT. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules herein stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (R.C.M. 32-2153).

7-5-04 WHEN OVERTAKING ON RIGHT IS PERMITTED. (a) The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;
2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;
3. Upon a one-way street, or upon any other roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle on the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off of the pavement or main-traveled portion of the roadway. (R.C.M. 32-2154).

7-5-05 LIMITATIONS ON OVERTAKING ON THE LEFT. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet of any vehicle approaching from the opposite direction. (R.C.M. 32-2155).

7-5-06 FURTHER LIMITATIONS ON DRIVING TO LEFT OF CENTER OF ROADWAY. (a) No vehicle shall at any time be driven to the left side of the center of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
2. When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;
3. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.

(b) The foregoing limitations shall not apply upon one-way roadways. (R.C.M. 32-2156).

7-5-07 NO-PASSING ZONES. (a) The town council shall determine those portions of any street where overtaking and passing or driving to the left of the roadway would be especially hazardous and may be appropriate signs or markings on the roadway indicate the beginning and end of these zones. When the signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions of those signs.

(b) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (a) a driver may not drive on the left side of the roadway within the no-passing zone or on the left side of a pavement striping designed to mark the no-passing zone throughout its length.

7-5-10 ONE-WAY STREETS. The town council may designate streets under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice of that designation. Upon a roadway designated and signposted for one-way traffic a vehicle may be driven only in the direction designated.

7-5-11 DRIVING ON STREETS LANED FOR TRAFFIC. Whenever any street has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a street which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

(c) Official signs may be erected directing slow-moving 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.

7-5-12 FOLLOWING TOO CLOSELY. (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the street or highway.

(b) The driver of any truck-tractor, truck or motor vehicle drawing another vehicle when traveling upon a street outside of a business or residence district and which is following another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck-tractor, truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

or signs within or adjacent to intersections indicating the course to be traveled by the vehicles turning at such intersections. When authorized markers or other indications are placed within an intersection indicating the course to be traveled by vehicles turning there, no driver of a vehicle shall disobey the directions of such indications.

7-5-22 LIMITATIONS ON TURNING AROUND. (a) No driver of a vehicle shall turn the vehicle upon any street so as to proceed in the opposite direction in the central business district. No driver of a vehicle shall turn a vehicle upon any other street so as to proceed in the opposite direction unless the movement can be made in safety and without interfering with other traffic.

7-5-25 STARTING PARKED BEHICLE. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

7-5-26 TURNING MOVEMENTS AND REQUIRED SIGNALS. (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by this chapter, or turn a vehicle to enter a private road or drive-way, or otherwise turn a vehicle from a direct course or move left or right upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

7-5-27 SIGNALS BY HAND AND ARM OR SIGNAL DEVICE. (a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps, except as otherwise provided in paragraph (b).

(b) Any motor vehicle is use on a street shall be equipped with, and required signal shall be given by, a signal lamp or lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

7-5-28 METHOD OF GIVING HAND-AND-ARM SIGNALS. All signals herein required given by hand and arm shall be given from the left side of the behicle in the following manner and such signals shall indicate as follows:

- (1) Left Turn. Hand and arm extended horizontally.
- (2) Right Turn. Hand and arm extended upward.
- (3) Stop or decrease speed. Hand and arm extended downward.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

7-5-20 TURNS AT INTERSECTIONS. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right Turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.

(b) Left Turns on Two-way Roadways. At an intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection left turn shall be made so as to leave to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) Left Turns on other than Two-way Roadways. At any intersection where traffic is restricted to one direction on one or more of the roadway, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(d) Method of "U" turns at Permitted Intersections. The driver of a vehicle intending to U turn at a permitted intersection shall approach the intersection in the extreme right hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection shall move to the right as far as practical without interfering with cross walk and come to a full stop, then complete U turn as soon as possible without interfering with traffic in either lane.

7-5-21 SIGNS AT INTERSECTIONS. Authority to place restricted turn signs. The town council is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right turn, left turn, 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 the signs may be removed when such turns are permitted. The town marshal is authorized to place markers

7-5-30 VEHICLE ENTERING OR APPROACHING INTERSECTION.

(a) When two vehicles enter or approach an intersection from different streets 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 paragraph (a) is applicable at through-highways and otherwise as hereinafter stated in this title.

7-5-31 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 act, may make such left turn and the drivers of all other vehicles approaching the intersection from said 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.

7-5-32 VEHICLE ENTERING THROUGH STREET OR STOP INTERSECTION.

(a) The driver of a vehicle shall stop as required by this title at the entrance to a through street and shall yield the right of way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute an immediate hazard but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through street shall yield the right of way to the vehicle so proceeding into or across the through highway.

(b) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway or street 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.

7-5-33 VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD, DRIVEWAY, OR PUBLIC APPROACH RAMP. The driver of a vehicle about to enter or cross a highway from a private road, driveway, or public approach ramp shall yield the right of way to all vehicles approaching on the highway.

7-5-34 VEHICLES APPROACHING "YIELD" SIGN. When the intersection is designated by the department of highways, or the local authority having jurisdiction, 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.

7-5-35 OPERATION OF VEHICLES ON APPROACH OF EMERGENCY VEHICLE. Upon the immediate approach of an authorized emergency vehicle giving an audible signal, and displaying a visual signal visible under normal conditions from a distance of five hundred feet in front of the emergency vehicle, 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 righthand 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 police officer. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (R.C.M. 32-2175)

7-5-40 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN.

a. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

- (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
- (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
- (3) A railroad train approaching within approximately one thousand five hundred feet (1,500) of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

b. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. (R.C.M. 32-2191)

7-5-41 ALL VEHICLES MUST STOP AT CERTAIN RAILROAD GRADE CROSSINGS. The department of highways and local authorities may designate particularly dangerous highway grade crossings of railroads and erect stop signs at these crossings. When these stop signs are erected, the driver of a vehicle shall stop within fifty (50) but not less than fifteen (15) feet from the nearest rail of the railroad and shall proceed only upon exercising due care. (R.C.M. 32-2192)

7-5-42 CERTAIN VEHICLES MUST STOP AT ALL RAILROAD GRADE CROSSINGS.

a. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track

or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as herein-after provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossings and the driver shall not shift gears while crossing the tracks.

b. No stop need be made at any such crossing where a police officer or highway patrolman or traffic-control signal directs traffic to proceed.

c. This section shall not apply at street-railway grade crossings within a business or residence district. (R.C.M. 32-2193)

7-5-50 OVERTAKING AND PASSING SCHOOL BUS.

a. The driver of a vehicle upon meeting or overtaking from either direction any school bus which has stopped on the roadway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said bus a visual flashing red signal as specified in section 32-21132, R.C.M. 1947, and the driver shall not proceed until such school bus resumes motion, and in addition, the driver of a vehicle must slow and proceed with caution when meeting or overtaking from either direction any school bus which is preparing to stop on the highway for the purpose of receiving or discharging any school children as indicated by flashing amber lights as specified in section 32-21-132, R.C.M. 1947.

b. Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "School Bus" in letters not less than eight (8) inches in height, and in addition, shall be equipped with visual signals meeting the requirements of Section 32-21-132. Amber flashing lights shall be actuated by the driver approximately one hundred and fifty (150) feet in cities, and approximately five hundred feet (500) in other areas before the bus is stopped to receive or discharge school children. Red lights shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children.

c. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.

d. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway, and where pedestrians are not permitted to cross the roadway. (R.C.M. 21-2197)

7-5-51 SPECIAL LIGHTING EQUIPMENT ON SCHOOL BUSES. It shall be unlawful to operate any flashing warning signal light on any school bus except when any school bus is preparing to stop or is on a highway for the purpose of permitting school children to board or alight from said school bus. (R.C.M. 32-2198)

7-5-60 LIMITATIONS ON BACKING.

a. No driver of any vehicle shall back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

b. No driver of any vehicle shall back more than thirty (30) feet on any street within the town limits.

c. No driver of any vehicle shall back around corners nor across cross walks on any street within the town limits. (R.C.M. 32-21-104)

7-5-65 RIDING ON MOTORCYCLES. (1) A person operating a motorcycle on public streets or highways shall ride only upon the permanent or regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

(2) No passenger shall be carried in a position that will interfere with the operation of the motorcycle or the view of the operator.

(3) No person operating a motorcycle shall carry any packages, bundles, or articles which would interfere with the operation of said vehicle in a safe and prudent manner.

(4) "Side Saddle" riding of a motorcycle is prohibited.

(5) Motorcycles are to be operated with lights on at all times when operated on any public highway or street.

(6) Not more than two motorcycles shall be operated side by side in a single traffic lane.

(7) All motor vehicles including motorcycles, are entitled to the full use of a traffic lane, and no vehicle shall be driven or operated in such a manner so as to deprive any other vehicle of the full use of a traffic lane, except that motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single traffic lane.

(8) Every person riding a motorcycle upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle except as to those provisions which, by their nature, can have no application.

(R.C.M. 32-21-105)

7-5-66 HEADGEAR REQUIRED FOR MOTORCYCLE RIDERS---NOISE SUPPRESSION DEVICES. (1) The operator and passenger, if any, of any motorcycle operated upon the streets or highways of this state shall wear protective headgear upon the head. Such headgear shall meet standards established by the department of justice.

(2) All motorcycles operated on the streets and highways of this town shall be equipped at all times with noise suppression devices, including an exhaust muffler, in good working order, and in constant operation. (R.C.M. 32-21-105.1)

7-5-70 OBSTRUCTION TO DRIVER'S VIEW OR DRIVING MECHANISM.

a. No person shall 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 driving mechanism of the vehicle.

b. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle. (R.C.M. 32-21-106)

7-5-71 COASTING PROHIBITED. The driver of any motor vehicle when travelling upon a down grade shall not coast with the gears of such vehicle in neutral or with the clutch manually disengaged. (R.C.M. 32-21-108)

7-5-75 FOLLOWING FIRE APPARATUS PROHIBITED. The driver of any vehicle other than one on official business shall not follow any fire apparatus travelling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (R.C.M. 32-21-109)

7-5-76 CROSSING FIRE HOSE. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command. (R.C.M. 32-21-110)

7-5-80 PUTTING GLASS, ETC. ON HIGHWAY PROHIBITED. (a) No person shall throw or deposit upon any roadway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such 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 highway shall remove any glass or other injurious substance dropped upon a highway from such vehicle. (R.C.M. 32-21-111)

substance dropped upon the highway from such vehicle.
(R.C.M. 32-21-111).

7-5-81 RIDING ON FENDERS OR RUNNING BOARDS PROHIBITED. Any person driving a vehicle shall not permit passengers to ride on the fenders or running boards nor shall any passenger ride on the fenders or running boards of a vehicle. (R.C.M. 32-21-112).

7-5-82 CLINGING TO VEHICLES PROHIBITED. No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or themselves to any vehicle upon a roadway. (Ord. #204, § 69).

7-5-83 RIDING IN HOUSE TRAILERS. No person or persons shall occupy a house trailer while it is being moved upon a public roadway. (R.C.M. 32-21-112.1)

7-5-84 OPENING AND CLOSING VEHICLE DOORS. No person shall 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. (R.C.M. 32-21-112.2).

7-5-85 SHOOTING ACROSS OR FROM A ROADWAY. No person shall shoot any firearm from or across any roadway. (R.C.M. 32-21-113).

7-5-90 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they 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 police officers. Ord. # 204, § 64).

7-5-91 DRIVERS IN PROCESSION. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe. (Ord. #204, § 65).

7-5-95 VEHICLES SHALL NOT BE DRIVEN ON A SIDEWALK. The driver of a vehicle shall not drive within any sidewalk area except at a driveway. (Ord. #204, §66).

7-5-96 PLAY STREETS. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then said driver shall exercise the greatest care in driving upon such street or portion thereof.

CHAPTER 6

STOPPING, STANDING AND PARKING

7-6-01 STOP SIGNS--REQUIRED STOP. (a) The town council may designate through streets and authorize stop signs at specified entrances to these streets, or may designate an intersection as a stop intersection and authorize 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.

(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 that there is no crosswalk, 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 police officer or highway patrolman or traffic-control signal. (R.C.M. 32-2195)

7-6-02 STOP BEFORE EMERGING FROM ALLEY, DRIVEWAY, OR BUILDING. The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway, yielding the right of way to any pedestrian, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway. (R.C.M. 32-2196)

7-6-10 PARKING, STOPPING, OR STANDING OUTSIDE OF BUSINESS DISTRICT OR RESIDENTIAL DISTRICT. (A) Upon any street outside of a business or residence district, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-travelled part of the roadway when it is practical to stop, park, or so leave such vehicle off that part of the roadway, but in every event, an unobstructed width of the roadway opposite a standing vehicle shall be left for the free passage of other vehicles; and no person shall stop, stand or park any vehicle upon such roadway unless such vehicle can be seen by the driver of any other vehicle approaching from either direction, within five hundred (500) feet and unless drivers approaching from opposite directions are visible to each other when both are at least five hundred feet from the vehicle to be stopped, turned, or parked, except in cases of justifiable emergency.

(B) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-travelled portion of a roadway in such manner and to such extent that

it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. (R.C.M. 32-2199)

7-6-15 STOP WHEN TRAFFIC OBSTRUCTED. No driver shall enter an intersection or a marked cross walk unless there is sufficient space on the other side of the intersection or cross walk to accomodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, not withstanding any traffic-control signal indication to proceed.

7-6-20 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. (a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or highway patrolman or traffic-control device, in any of the following places:

1. on a sidewalk
 2. In front of a public or private driveway
 3. within an intersection
 4. within fifteen (15) feet of a fire hydrant
 5. on a crosswalk
 6. within twenty (20) feet of a crosswalk at an intersection
 7. within thrity (30) feet upon the apprach of any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway
 8. between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the local authorities indicate a different length by signs or markings.
 9. within fifty (50) feet of the nearest rail or 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 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 of a curb or street
 13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel
 14. at any place where official signs prohibit stopping.
- (b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful. (R.C.M. 32-21-101)

7-6-25 PARKING AT CURB--PLACEMENT OF SIGNS. (a) No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as otherwise provided in this title.

(b) Whenever by this or any other ordinance of this town any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the town marshall to erect appropriate signs giving notice thereof, and no such regulations shall be effective unless such signs are erected and in place at the time of any alleged offense. (R.C.M. 32-21-102)

7-6-30 OFFICERS AUTHORIZED TO REMOVE ILLEGALLY STOPPED VEHICLES.

(a) Whenever any police officer finds a vehicle standing upon a roadway in violation of any of the foregoing provisions, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-travelled part of such highway.

(b) Whenever any police officer finds a vehicle unattended, upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer or highway patrolman is hereby authorized to provide for the removal of such vehicle to the nearest place of safety.

7-6-35 UNATTENDED MOTOR VEHICLES. (a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, and effectively setting the brake thereon, and, when standing upon any grade, turning the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the roadway.

(b) Parking any vehicle with the engine running while the driver is eating, resting, or sleeping, in or out of the vehicle, is prohibited between the hours of nine p.m. and seven a.m.

7-6-36 PARKING TIME LIMITED. (a) No person shall park a vehicle for longer than five (5) consecutive days at any time upon an alley, street, or highway within the municipality.

(b) A vehicle parked longer than five consecutive days on an alley, street, or highway within the municipality may be removed and sold as an abandoned vehicle in accordance with the provisions of R.C.M. 530901 through 53-909.

(c) No person shall junk any vehicle or park any vehicle on publicly owned property, other than alleys, streets, and highways, for longer than thirty (30) consecutive days.

(d) Any person junking a vehicle or parking any vehicle on public property, other than alleys, streets, and highways, for longer than thirty consecutive days, shall be notified by registered mail by the town marshall to remove such vehicle within five days. Upon non-compliance, the town marshall may haul the vehicle to the town dump, and assess all expenses and charges against the non-complying person. (Title 53, Chap. 9, R.C.M. 1947)

7-6-37 PARKING NOT TO OBSTRUCT TRAFFIC. (a) No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehiclular traffic.

(b) Double parking of any vehicle for the purpose of loading or unloading is prohibited on the section of River Street between Harley Avenue on the east and Montana Avenue on the west, unless under the direction of the town marshall.

7-6-40 LOADING OR UNLOADING AT AN ANGLE TO THE CURB. (a) The town marshall is authorized to issue special permits to allow the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privileges stated, as authorized herein.

(b) It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

7-6-45 PARKING IN ALLEYS. (a) No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehiclular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(b) No person shall park a vehicle within an alley for other than loading or unloading or for usual service activities such as garbage removal, etc.

(c) No person shall park a vehicle in an alley for longer than ten minutes unattended.

7-6-50 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon any roadway for the principal purpose of:

- a. displaying such vehicle for sale,
- b. washing, greasing, or repairing such vehicle except repairs necessitated by an emergency,
- c. selling merchandise or soliciting subscriptions.

7-6-60 CURB LOADING ZONES. The town council is empowered to issue one year permits designating curb loading zones, upon application of any person for permission to create such a zone. Upon granting a permit, the council shall authorize the town marshall to issue two signs to mark the limits of the curb loading zone, and to collect a five dollar (\$5.00) service fee per year, to be deposited in the town treasury. The town marshall may be authorized to impose conditions upon the use of such signs, and to collect reimbursement for the town for the value of the signs if they are lost, stolen, or damaged. Every permit issued shall expire automatically after one year.

7-6-61 STOPPING, STANDING, AND PARKING IN CURB LOADING ZONES.

(a) Passenger curb loading zone. No person shall stop, stand, or park a vehicle for any purpose other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone, during hours when the regulations applicable to such curb loading zone are effective, in no case shall the stop exceed three minutes.

(b) Freight curb loading zone. No person shall stop, stand, or park a vehicle for any purpose other than for the expeditious unloading and loading of materials in any place marked as freight curb loading zone during hours during which the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

7-6-70 PUBLIC CARRIER STOPS AND STANDS. (a) The town council is authorized to establish bus stops, bus stands, taxi cab stands, and other public carrier stops and stands, and to designate them by appropriate signs.

(b) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

(c) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their luggage other than at a bus stop, bus stand, or passenger loading zone so designated, as provided herein, except in case of emergency.

(d) The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheels not farther than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(e) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of loading or unloading passengers.

(f) No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxi in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stop does not interfere with any bus, or taxicab waiting to enter or about to enter such zone.

CHAPTER 7

PEDESTRIANS

7-7-01 PEDESTRIANS SUBJECT TO TRAFFIC REGULATIONS. (a) Pedestrians shall be subject to traffic control signals at intersections as follows:

1. Green alone or "Go"; pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

2. Yellow alone or "Caution"; when shown following the green or "Go" signal, pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then entering the crosswalk shall yield the right of way to all vehicles.

3. Red alone or "Stop"; no pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

b. At all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter. (R.C.M. 32-2175)

7-7-10 PEDESTRIANS' RIGHT OF WAY IN CROSS WALK. (a) When 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 within a cross walk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, 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.

(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, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(c) It is unlawful for any person to drive a motor vehicle through a column of school children crossing a street or highway or past a member of the school safety patrol while the member of the safety patrol is directing the movement of children across a street or highway and while the school safety patrol member is holding an official signal in the stop position. (R.C.M. 32-2177)

7-2-20 CROSSING AT OTHER THAN CROSS WALKS. (A) Every pedestrian crossing at any point other than within a marked cross walk or within an unmarked cross walk at an intersection shall yield the right of way to all vehicles upon the roadway.

(B) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked cross walk. (R.C.M. 32-2178.)

7-7-30 PEDESTRIANS TO USE RIGHT HALF OF CROSS WALK. Pedestrians shall move whenever practicable upon the right half of crosswalks. (R.C.M. 32-2180)

7-7-40 CROSSING AT RIGHT ANGLES. No person shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

7-7-50 PEDESTRIANS WALKING ALONG ROADWAY. (a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided, any pedestrian walking along and upon a 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. (R.C.M. 21-2181)

7-7-55 PEDESTRIANS SOLICITING RIDES OR BUSINESS. (a) No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of a vehicle.

(b) No person shall stand on or in 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.

7-7-60 INTOXICATED PEDESTRIAN. No person shall walk upon or along a street or highway while under the influence of intoxicating liquor or other intoxicating drugs. (R.C.M. 32-2183)

7-7-65 USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED. No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a cross walk, and when so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinances of this town.

7-7-70 DRIVERS TO EXERCISE DUE CARE. Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon a roadway 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 a roadway.

CHAPTER 8

BICYCLES

7-8-01 EFFECT OF REGULATIONS. (a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

(b) The parent of any child and guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

(c) The regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein. (R.C.M. 32-2184)

7-8-10 TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES. Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state except as to special regulations in this chapter and except as to those provisions of ordinances which by their nature can have no application.

7-8-11 OBEDIENCE TO TRAFFIC CONTROL DEVICES. (a) Any person operating a bicycle shall obey the instructions of official traffic-control devices or signals applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

7-8-20 RIDING ON BICYCLES. (a) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(b) No person propelling a bicycle shall carry more persons at one time than the number for which the bicycle is designed and equipped. (R.C.M. 32-2186)

7-8-25 RIDING ON ROADWAYS AND BICYCLE PATHS. (a) A person propelling a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except when on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) 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.

7-8-30 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

7-8-35 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 said sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on the roadway.

7-8-40 CLINGING TO VEHICLES. No person riding upon any bicycle shall attach the same or himself to any vehicle upon a roadway.

7-8-45 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

7-8-50 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against the building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

7-8-55 RIDING ON SIDEWALKS. Whenever a person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

7-8-60 LAMPS AND OTHER EQUIPMENT ON BICYCLES. (a) Every bicycle when in use at nighttime shall be 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) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal 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) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

7-8-65 PENALTY. Every person convicted of a violation of any provision of this chapter shall be punished by impounding of such persons bicycle for a period not exceeding ten days.

CHAPTER 9

EQUIPMENT

7-9-01 SCOPE AND EFFECT OF REGULATIONS. (a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

(b) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(c) The provisions of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(d) State law with respect to lighting equipment required by R.C.M. 32-21-116 through 32-21-142, 1947, is hereby incorporated into this chapter and shall be enforced within the town.

(e) State law with respect to brake equipment and performance required by R.C.M. 32-21-143.1 through 32-21-144 is hereby incorporated into this chapter and shall be enforced within the town.

(f) State law with respect to safety equipment required by R.C.M. 32-21-149.1 through 32-21-153 is hereby incorporated into this chapter and shall be enforced within the town.

7-9-10 WHEN LIGHTED LAMPS ARE REQUIRED. Every vehicle upon a highway or street within this town from a half hour after sunset to a half hour before sunrise and at any other time when due to insufficient light, or unfavorable atmospheric conditions, person and vehicles on the streets or highway are not clearly discernable at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as respectively required for different classes of vehicles in R.C.M. 32-21-116 through 32-21-131.

7-9-20 HORNS AND WARNING DEVICES. (a) Every motor vehicle when operated upon a 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 a 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 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 chapter.

(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 maybe 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 and of a type approved by the highway department, 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 said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

7-9-30 MUFFLERS, PREVENTION OF NOISE. (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 cut-out, by-pass, or similar device upon a motor vehicle on a 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.

7-9-40 MIRRORS. Every motor vehicle, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such motor vehicle.

7-9-50 WINDSHIELDS MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS. (a) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, isde wings, or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

(b) The windshield on every motor vehicle shall be equipped with a device for clearing 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.

(c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

7-9-60 RESTRICTIONS AS TO TIRE EQUIPMENT. (a) A solid rubber tire on a vehicle shall have rubber on its entire traction

surface at least one inch thick above the edge of the flange of the entire periphery.

(b) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a metal tire in contact with the roadway.

(c) A tire on a vehicle moved on a highway may not have on its periphery a block, stud, flange, cleat, or spike or other protuberance of a material other than rubber which projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances which will not injure the highway. It is also permissible to use tire chains of reasonable proportions or pneumatic tires, the traction surfaces of which have been embedded with material such as wood, wire, plastic or metal, which may not protrude more than ~~one~~ sixteenth of an inch beyond the tire tread, upon a vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. The use of pneumatic tires embedded as provided in this section is permitted only between the first day of October and the Last day of May of each year, except that one of those tires may be used for a spare in case of tire failure. School buses equipped with such embedded pneumatic tires may operate from August 15 through the following June 15.

(d) Local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of farm tractors or other farm machinery, or of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks, the operation of which upon the highway would otherwise be prohibited under this act. (R.C.M. 32-21-149)

7-9-70 AUTHORIZED EMERGENCY VEHICLE EQUIPMENT--SCHOOL BUSES.

(a) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this title, be equipped with a siren, exhaust whistle or bell capable of giving an audible signal.

(b) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this ordinance be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level, and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(c) Every bus used for the transportation of school children shall, in addition to any other equipment and distinctive markings required by this ordinance, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, displaying to the front two red and two amber alternating flashing lights and to the rear two red and two amber alternating flashing lights. These lights shall have sufficient intensity to be visible at five hundred feet and in normal sun-

light. The warning lights shall be of a type, and located on each bus, as prescribed by the state board of education and approved by the supervisor of the highway patrol.

(d) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights specified herein. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in this traffic code.

7-9-80 VEHICLES WITHOUT REQUIRED EQUIPMENT. No person shall drive or move on any highway any motor vehicle, trailer, semi-trailer, or pole trailer, or any combination thereof unless the equipment upon any and every such vehicle is in good working order and adjustment as required in this chapter and the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

(R.C.M. 32-21-154)

CHAPTER 10

ENFORCEMENT ON ARREST

7-10-01 PROCEDURE OF POLICE OFFICER UPON MAKING AN ARREST.

Every police officer who arrests a person for violation of a traffic law shall take the name, address, and operator's license number of the alleged violator, and the registered number of the motor vehicle involved. The arresting officer shall issue a citation on the form provided by the town clerk, specifying the alleged violation, and giving the alleged violator notice to appear in police court within a stated time. The alleged violator may be released from custody upon posting of bond in accordance with the schedule of bonds promulgated by the police judge. Failure of the alleged violator to appear as summoned shall constitute a forfeiture of the bond posted. The bond required by this section may be posted with the police judge, or with the arresting officer.

7-10-02 FORMS OF CITATIONS. (a) The town clerk shall provide books to include traffic citation forms for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances in the traffic court of the town. The books shall include serially numbered sets of citations in the form prescribed by the town council.

(b) The town clerk shall issue the citation books to the town marshal and shall maintain a record of, and obtain a receipt for, every book so issued.

(c) The town marshal shall be responsible for the issuance of the citation books to individual members of the police department. The town marshal shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein.

7-10-03 DISPOSITION OF CITATIONS. (a) Upon issuing a traffic citation, the arresting officer shall cause the original copy, and one duplicate copy, to be delivered to the town clerk. The clerk shall deliver the original copy to the police judge, or judge of the traffic court. One duplicate copy shall be provided at the time of citation to the alleged violator, and a second duplicate copy shall be retained in the traffic citation book and shall be delivered to the town clerk together with the book when all traffic citations in the book have been used.

(b) It shall be unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint, or warrant, in a manner other than required in this section.

7-10-04 ILLEGAL CANCELLATION OF TRAFFIC CITATIONS. It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than provided by this chapter.

7-10-05 CITATION DEEMED A LAWFUL COMPLAINT. In the event the form of citation provided under 7-10-02 includes information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offense alleged in the citation to have been committed, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this ordinance.

7-10-06 FAILURE TO OBEY TRAFFIC CITATION. It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued.

7-10-07 CITATION ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of this town or by state law, the officer finding such vehicle shall take its registration number and may take other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the town clerk, for the driver to answer to the charge against him within five days during the hours and at a place specified in the citation.

7-10-08 FAILURE TO OBEY PARKING CITATION. If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days the clerk of the traffic court shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued.

7-10-09 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. (a) In any prosecution charging a violation of any law or regulation governing the standing of parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(b) The foregoing stated presumption shall apply only when the procedure as described in sections 7-10-07 and 7-10-08 has been followed.

7-10-10 WHEN WARRANT TO BE ISSUED. In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make appearance pursuant to summons directing an appearance in the traffic court, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the clerk of the traffic court shall secure and issue a warrant for his arrest.

7-10-11 AUTHORITY TO IMPOUND VEHICLES. (a) Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the town under the circumstances hereinafter enumerated.

(1) When any vehicle is left unattended upon a bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.

(2) When a vehicle is left upon a highway so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(b) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to proprietor of such garage.

(c) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and 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 removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

(d) Before the owner or person entitled to possession of any vehicle removed and impounded, as provided herein; shall be permitted to remove the same from the custody of the municipality he shall furnish evidence of his identity and ownership of the vehicle, or right of possession thereto, shall sign a receipt for the vehicle, and shall pay any towing charges incurred by the municipality in towing the vehicle, and shall pay such charges for the storage of the vehicle as shall have been incurred by the municipality.

(e) The payment of such fees and charges, as provided herein, shall not operate to relieve the owner or operator of such vehicle from liability from any fine or penalty for the violation of any law or ordinance on account of which such vehicle was removed and impounded.

(f) Any vehicle left or parked on any street for five consecutive days or longer shall be removed and sold in accordance with 7-6-36 and R.C.M. 53-901-53-909.

7-10-12 UNLAWFUL OPERATION BY CHILD UNDER EIGHTEEN. The district courts and the justice courts of the state of Montana and the municipal and police courts of the town shall have con-

current original jurisdiction in all proceedings concerning the unlawful operation of motor vehicles by children under the age of eighteen years. Whenever, after a hearing before the court, it shall be found that a child under the age of eighteen years has unlawfully operated a motor vehicle, the court may:

(a) impose a fine, not exceeding fifty dollars provided such child shall not be imprisoned for failure to pay such fine,

(b) may revoke the driver's license of such child, or suspend the same for such time as may be fixed by the court, and

(c) may order any motor vehicle owned or operated by such child to be impounded by the probation officer for such time, not exceeding sixty days, as shall be fixed by the court; provided, however, that if the court shall find that the operation of such motor vehicle was without the consent of the owner, then such vehicle shall not be impounded. Upon nonpayment of any fine herein provided for, the court may order that any motor vehicle owned by said child or operated by said child with the consent of the owner shall be impounded until the fine shall be paid, or may order that the driver's license of the child be taken up and held by the probation officer until payment of the fine, or may cause both the motor vehicle and the child's driver's license be taken up and impounded until the fine is paid; but, no child shall be committed to or held in any detention facility or jail by reason of nonpayment of such fine.

CHAPTER 11

SPEED LIMITS ON PARTICULAR STREETS

7-11-01 SPEED LIMITS ON PARTICULAR STREETS

(a) The speed limits specified in chapter 4 of the title are changed on the following streets to the limits specified herein. When signs are in place, no person shall drive a vehicle at a speed in excess of the posted limit.

(b)

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>MAX. SPEED</u>
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CHAPTER 12

7-12-01 THROUGH STREETS DESIGNATED.

(a) The streets listed herein are designated as through streets. When signs are in place giving notice that a vehicle must stop before entering or crossing a through street, no driver of any vehicle shall disobey such direction.

THROUGH STREET

FROM

TO

CHAPTER 13

ONE-WAY STREETS

7-13-01 ONE-WAY STREETS DESIGNATED.

(a) The streets listed herein are designated one-way in the direction indicated. When appropriate signs are in place indicating a one-way street and showing the proper direction of travel, no driver of any vehicle shall disobey such direction.

(b)

ONE-WAY STREET	FROM	TO	DIRECTION OF TRAVEL
_____	_____	_____	_____

CHAPTER 14

PARKING RESTRICTED IN CERTAIN AREAS

7-14-01 LIMITATIONS ON PARKING ON CERTAIN STREETS. The town council may prohibit or restrict parking on certain streets, and when signs are in place giving notice of any prohibition or restriction on parking, no person shall disobey such restriction or prohibition, except when it is necessary to stop a vehicle to avoid conflict with other traffic, or to comply with the directions of a police officer. (Ord. #204, §§110-114).

7-14-02 LIMITATIONS. (a) Main Street. When signs are in place in each block giving notice thereof, no person shall park a vehicle on Main Street between Carbon Avenue and Park Avenue for longer than two hours at any time between the hours of 8 a.m. and 6 p.m. on any day, except Sundays and public holidays.

(b) Side Streets. On the first block off each side of Main Street, from Carbon Avenue to Park Avenue, angle parking is permitted at all times. In addition, parallel parking without restriction as to length is permitted between the hours of 9 p.m. and 7 a.m.. (Ord.#204,§115).

CHAPTER 15

SNOWMOBILE REGULATION

- 7-15-01 OPERATION RESTRICTED TO CERTAIN STREETS. No snowmobile shall be operated on Main Street except in transit over a cross street at a 90 degree angle.
- 7-15-02 SPEED. Snowmobiles will travel in single file only on the right side of the street at a pseed not to exceed 20 miles per hours.
- 7-15-03 USES RESTRICTED. Snowmobiles may be operated on the streets only as a means of transportation, and shall not be operated on the streets for recreational purposes.
- 7-15-04 SIDEWALKS AND PRIVATE PROPERTY. Snowmobiles may not be operated on private property without the permission of the owner, and at no time shall they be operated on sidewalks or posted areas.
- 7-15-05 HOURS OF OPERATION. No snowmobiles shall be operated on the streets after 10:00 o'clock P.M. and prior to 7:00 o'clock A.M.
- 7-15-06 LOUD NOISE. All snowmobiles shall be equipped with exhausts required by the laws of Montana, and shall not be operated in a manner to produce excessive noise or be set in a manner commonly known as tuned exhaust so as to disturb the peace.
- 7-15-07 PULLING SLEDS. No snowmobile shall pull any skier, sled, or other combination vehicle by rope or flexible coupling.
- 7-15-08 OPERATION. Snowmobiles must be equipped with brakes in working order, with head lights and tail lights which shall be turned on at all times while operating on streets.
- 7-15-09 DRIVERS LICENSE REQUIRED. Snowmobile operators must have a valid Montana's Driver's license in their possession to operate on the streets of Fromberg.
- 7-15-11 PENALTY. Any person violating the provisions of this Chapter shall be subject to fine and imprisonment in accordance with the general penalty o this code.