

ORDINANCE Ord # 2016-005

**AN ORDINANCE TO ADOPT
CHAPTER 8. LAW ENFORCEMENT, TRAFFIC AND VEHICLES
ARTICLE 1. JURISDICTION AND GENERAL TRAFFIC CODE
ARTICLE 2. SPECIAL TRAFFIC REGULATIONS**

WHEREAS, the City Commission of Polson has determined that it is in the best interests of the citizens of Polson to reestablish, rewrite and reauthorize the Ordinances of the City;

WHEREAS, the Commission recognizes the most expeditious way of adopting such Ordinances is by adoption in a near sequential manner over a term of months to give the Commission and the public time to review the material;

WHEREAS, it appears in the best public interest that the following ordinances be adopted for the City of Polson;

NOW, THEREFORE, BE IT ORDAINED by the City of Polson that the following Articles of the Ordinances of the City of Polson be adopted in full as attachments hereto:

**CHAPTER 8. LAW ENFORCEMENT, TRAFFIC AND VEHICLES
ARTICLE 1. JURISDICTION AND GENERAL TRAFFIC CODE
ARTICLE 2. SPECIAL TRAFFIC REGULATIONS**

The clerk is hereby instructed to codify this Ordinance and to place the same in the Book of Ordinances of the City of Polson.

Date: 09/19/16

First Reading: 7 ayes ___nays ___abstentions

Date: 10/03/16

Second Reading: 5 ayes ___nays 1 absent

Effective Date: 11/03/2016

Mayor

Attest: _____
City Clerk

CHAPTER 8. LAW ENFORCEMENT, TRAFFIC AND VEHICLES

ARTICLE 1. JURISDICTION AND GENERAL TRAFFIC CODE

ARTICLE 2. SPECIAL TRAFFIC REGULATIONS

ARTICLE 1. JURISDICTION AND GENERAL TRAFFIC CODE

Sec. 8.01.100 Territorial application of police powers
Sec. 8.01.110. Enforcement of Montana criminal code.
Sec. 8.01.120 General traffic code
Sec. 8.01.130 Authority for construction
Sec. 8.01.140 Laws and rules of state applicable
Sec. 8.01.150 Penalty
Secs. 8.01.160-8.01.199. Reserved.

8.01.100. Territorial application of police powers.

Pursuant to state law, Polson police officers shall have powers to respond and control disturbances of the peace and have powers of arrest within the city and for three miles outside of the corporate city limits. Nothing herein shall limit the jurisdiction of a police officer pursuant to Title 7, Title 10, or Title 44, MCA or in regard to mutual or automatic aid agreements.

8.01.110. Enforcement of Montana criminal code.

It shall be the duty and responsibility of the Polson police officers as peace officers of the State of Montana to enforce, investigate and prosecute violations of the Montana criminal statutes applicable to the city of Polson as found in the Montana Code Annotated.

8.01.120 General traffic code.

This title shall constitute the traffic code of the city of Polson and may be cited as such. It comprises all general regulations relating to travel and traffic and parking and standing upon public highways, streets and alleys and all other places of said city open to the public for the use of vehicles, and the rights, duties and restraints of persons as the same pertain thereto.

8.01.130. Authority for construction.

This title is hereby declared to be an exercise of the police power of the state of Montana and of the city of Polson for the public safety, and its provisions shall be liberally construed for the accomplishment of that purpose.

8.01.140. Laws and rules of state applicable.

The laws of the state of Montana and the rules and regulations of the state department of justice regulating traffic are hereby adopted as rules and regulations of the city wherein the same are not in conflict with the rules contained in these ordinances, and any person violating any of such state laws or rules and regulations shall be considered as having violated the rules and regulations of the city and shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished as provided in these ordinances.

8.01.150. Penalty.

Any person violating any of the provisions of this title shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$500, or by imprisonment in the county jail for a period not exceeding 6 months, or by both such fine and imprisonment, unless a more restrictive penalty shall be set forth in this code.

Secs. 8.01.160-8.01.199. Reserved.

ARTICLE 2. SPECIAL TRAFFIC REGULATIONS

- Sec. 8.02.100. Enforcement and obedience.
- Sec. 8.02.110. Obedience to police and fire department officials.
- Sec. 8.02.130. Use of skate boards, roller skates and similar devices restricted.
- Sec. 8.02.140. Public employees to obey traffic regulations.
- Sec. 8.02.150. Exemptions to authorized police vehicles.
- Sec. 8.02.160. Traffic-control devices.
- Sec. 8.02.170. Speed regulations.
- Sec. 8.02.180. Special stops and yield requirements.
- Sec. 8.02.190. Damage to Street.
- Sec. 8.02.200. Vehicles prohibited.
- Sec. 8.02.210. Handicapped parking spaces.
- Sec. 8.02.220. Impoundment of vehicles authorized when; procedures required.
- Sec. 8.02.230. Restrictions on vehicle weight and speed.
- Sec. 8.02.240. Operation of vehicles upon the approach of authorized emergency vehicles.
- Sec. 8.02.250. Golf Carts Permitted.
- Sec. 8.02.260. Permit.
- Sec. 8.02.270. Commission to designate cart safe streets.
- Secs. 8.02.280-8.02.299. Reserved.

Sec. 8.02.100. Enforcement and obedience.

Authority of police and fire department officials: It shall be the duty of the officers of the police department and such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city. The officers of the police department and such officers as are assigned by the chief of police shall have authority to make arrests of persons for offenses committed within the city limits and within five miles of the city limits. Officers of the police department, or such officers as are assigned by the chief of police, are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws. Members of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

Sec. 8.02.110. Obedience to police and fire department officials.

It shall be unlawful for any person to fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

Sec. 8.02.120. Persons propelling pushcarts or riding animals.

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving an animal-drawn vehicle shall be subject to provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

Sec. 8.02.130. Use of skate boards, roller skates and similar devices restricted.

It shall be unlawful for any person upon skate boards, roller skates, or riding in or by means of any coaster, toy vehicle, or similar device to go upon any roadway except while crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by laws of this city.

Sec. 8.02.140. Public employees to obey traffic regulations.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county, or city and it shall be unlawful for any said driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute.

Sec. 8.02.150. Exemptions to authorized police vehicles.

A. The driver of an authorized police vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

B. The driver of an authorized police emergency vehicle may:

1. park or stand, irrespective of the provisions of this chapter;
2. proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. exceed the speed limits so long as he does not endanger life or property;
4. disregard regulations governing direction of movement or turning in specified directions.

C. The exemptions granted to an authorized police vehicle apply only when the vehicle is making use of an audible or visual signal, or both, meeting the requirements of state law.

D. The foregoing provisions shall not relieve the driver of an authorized police 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.

Sec. 8.02.160. Traffic-control devices.

A. Authority to install traffic- and parking control devices: The chief of police shall have placed and maintained traffic and parking control signs, signals and devices when and as required under the traffic laws of this city to make effective the provisions of said laws, and may place and maintain such additional traffic-control devices as or under state laws or to guide or warn traffic.

B. Standards and specifications for traffic and parking control devices: All traffic control devices shall conform to the state manual and specifications. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the

provisions of state law or this chapter shall be official traffic-control devices.

C. Obedience to official traffic-control devices: The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the traffic laws of this city, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

D. Display of unauthorized signs, signals, or markings: It shall be unlawful for any person to place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an 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.

E. Chief of police, or his designee, shall designate and mark traffic lanes and parking spaces: The chief of police is hereby authorized:

1. to designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway and at such other places as he may deem necessary;
2. to mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the traffic laws of the city;
3. to mark off individual parking spaces in parking zones and in such other zones as may hereafter be established, said parking spaces to be designated by lines painted or durably marked on the curbing or surface of the street; at each space so marked off it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.

Sec. 8.02.170. Speed regulations.

Any person driving a vehicle on a street, avenue, or alley in the city shall drive the same 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 such street, avenue, or alley, 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, avenue, or alley.

A. Subject to the provisions above, and except in those instances where a lower speed is specified in this chapter, it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not exceeding the following, but in any case when such speed would be unsafe it shall not be unlawful:

1. 25 miles per hour in the residential and commercial areas of the City unless otherwise designated by appropriate and maintained signage.
2. 15 miles per hour while operating any motor vehicle in or upon any roadway located within Riverside Park, Poison Golf Course, including the country club,

swimming beach and picnic area, Salish Point, and Sacajawea Park.

Sec. 8.02.180. Special stops and yield requirements.

The city commission shall designate through or preferential streets and the chief of police is authorized to erect stop signs or yield signs at specified entrances thereto or may designate any intersection as a stop intersection or as a yield right-of-way intersection and erect stop signs or yield signs at one or more entrances to such intersection.

Sec. 8.02.190. Damage to Street.

No person shall drag or haul any timber or any article along or over any public highway in such a manner that a portion of the same shall rest upon or come in contact with that surface of such public highway; nor shall any person on any paved street lock the wheel of any vehicle by the method commonly known as "rough lock"; nor by any method whereby anything other than the tire of such wheel or a smooth shoe shall come in contact with the surface of the street.

Sec. 8.02.200. Vehicles prohibited.

It shall be unlawful for any person to operate any snowmobile or all-terrain vehicle on any of the streets, avenues, alleys, parks, golf course, or upon any other public way or property owned by the city, unless licensed for street operations.

Sec. 8.02.210. Handicapped parking spaces.

The city commission shall establish appropriate parking spaces reserved for handicapped parking in the city for use only by vehicles displaying a special parking permit in the vehicle's windshield or a handicapped license plate to be issued by the state of Montana or other states' registrar of motor vehicles.

Sec. 8.02.220. Impoundment of vehicles authorized when; procedures required.

A. Members of the police department are authorized to remove a vehicle from a street, highway or public parking lot to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by this city under the circumstances hereinafter enumerated:

1. When any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;
2. When a vehicle upon a street or highway is 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 or highway and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;
4. When any vehicle is parked in a tow-away zone;

5. When any vehicle is parked illegally for a period of more than six hours;
6. When any vehicle is abandoned on any street, highway or public parking lot operated by the city by not being moved or used for more than five consecutive days, and such a vehicle is apparently deserted.

B. Whenever an officer calls for the removal of a vehicle from a street, highway or public parking lot 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, the officer, or his/her designee shall, within a reasonable time, make every reasonable effort to ascertain the identity of and to locate the owner of the vehicle and to give or cause to be given notice in writing to the owner of the fact of such removal and the reasons therefor, and of the place to which the vehicle has been removed.

C. Before the owner or person entitled to possession of any vehicle removed and impounded, as provided herein, is permitted to remove the same from the custody of the city, the owner shall furnish evidence of such owner's 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 city in towing said vehicle, and shall pay such charges for the storage of the vehicle as shall have been incurred by the city.

D. The payment of such fees and charges, as provided in this article, 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.

E. These sections shall be read in conjunction with the provisions for abandoned and junk vehicles as found at Chapter 7, Article 4 of these ordinances.

Sec. 8.02.230. Restrictions on vehicle weight and speed.

The city street superintendent shall have the authority to prohibit the operation of or impose reasonable restrictions upon the weight and speed of vehicles traveling on said public roads when, in the discretion of the superintendent, the subgrades of public roads within the city limits have been weakened by water saturation, frost, road deterioration, or other causes.

Adequate signs designating the weight or speed prohibition or restriction as described above shall be posted at each end of that portion of the public road affected, and the prohibition or restriction shall not be effective until this is done.

Sec. 8.02.240. Operation of vehicles upon the approach of authorized emergency vehicles.

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of state law, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a 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 roadway.

Sec. 8.02.250. Golf Carts Permitted.

A "golf cart" is a motor vehicle that is designed for use on a golf course to carry a person or persons and golf equipment and that has an average speed of less than 15 miles per hour. The use of golf carts on the permitted roadways of the city within the exterior boundaries of the city of Polson is permitted under the following terms and conditions:

- A. No cart may be driven, operated or controlled:
 - 1. Between sunset and sunrise;
 - 2. Without the use of lights, if equipped with same;
 - 3. During inclement conditions when visibility is reduced or impaired by weather, smoke, fog or other conditions or at any time when there is insufficient light;
 - 4. Contrary to any traffic law of the city or the State of Montana;
 - 5. Driven by a person without a valid driver's license;
 - 6. Driven with no more than the number of persons recommended for the vehicle;
 - 7. Without a valid city of Polson cart permit;
 - 8. Must be operated to the far right of the right lane of traffic;
 - 9. On MT Highway 93 or 35;
 - 10. In any area where vehicle traffic is prohibited, blockaded or presents hazardous travel.

Sec. 8.02.260. Permit.

All golf carts operating upon the permitted roadways of the city shall apply for and obtain, after inspection, a permit to operate. Such permit will be issued upon the authority and direction of the golf board upon satisfactory completion of the application therefore. Such permit may be revoked upon good cause shown and in the discretion of the chief of police. Any permit issued shall be valid for a period of one year commencing January 1 and ending December 31.

The application shall contain the following:

- a. full name, address and phone number;
- b. current driver's license number;
- c. \$25.00 nonrefundable application fee, such fee may be included in other fees and charges for service by the golf course.

All carts rented to the public by the Polson Bay Golf Course shall be exempt from the permit requirements of this ordinance but shall drive only within the designated cart safe streets. .

Sec. 8.02.270. Commission to designate cart safe streets.

It shall be the duty of the commission to promulgate a list of streets and roadways within the city that shall be open to golf cart travel. Such list may be changed, replaced or amended by resolution of the commission.

Secs. 8.02.280-8.02.299. Reserved.