

TITLE X

VEHICLES
AND
TRAFFIC

VEHICLES AND TRAFFIC

Chapters:

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Chapter 10.01

DEFINITIONS

Sections :

10.01.10 Definitions.

10.01.10 Definitions . Unless otherwise specified or a different meaning is plainly intended, the following definitions apply throughout this chapter:

- A. "Alley" means any public right-of-way or public thoroughfare twenty feet or less in width.
- B. "Central business district" means all streets and portions of streets within the area described as follows: All the lots paralleling Central Ave. and North Piegan.
- C. "Curb-loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers and/or freight and materials.
- D. Whenever certain hours are named in this title, they mean standard time or daylight-savings time as may be in current use in this Town.
- E. "Passenger curb-loading zone" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.
- I. "Bicycle" means a non-motorized vehicle consisting of a metal frame on two wheels and having handlebars and a seat.

Chapter 10.02

APPLICABILITY

Sections :

10.02.10 Title – Application of code.

10.02.10 Title – Application of code. The provisions of this title and other traffic ordinances of the municipality shall be designated as the Browning traffic code and may be cited as such.

The Sections of the traffic code are intended to be uniform with the Montana Uniform Traffic Act Regulating Traffic on Highway. No provision 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 conflicts or variance.

Chapter 10.03

TRAFFIC-CONTROL DEVICES

Sections :

- 10.03.10 Installation-Traffic control devices
- 10.03.20 Obedience required.
- 10.03.30 Interference with signals.
- 10.03.40 Crosswalks, traffic lanes and parking spaces--Designation authority.
- 10.03.50 Standards and specifications
- 10.03.60 No-passing zones--Establishment authority-Streets designated.
- 10.03.70 Lane designation signs--Erection.

10.03.10 Installation--Traffic control devices. A. The Public Works Department, with the approval of the Town Council, shall place and maintain traffic and parking control signs, signals and devices when and as required under the traffic laws of this Town, and per recommendations of the Manual on Traffic Control Devices, to make effective the provisions of the laws, and may place and maintain such additional traffic-control devices as necessary to regulate traffic under the traffic laws of this Town or under State law, or to guide or warn traffic.

10.03.20 Obedience required. The driver of any vehicle shall obey the instruction of any official traffic-control device applicable thereto placed in accordance with the traffic laws of this Town, unless otherwise directed by a Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

10.03.30 Interference with signals. It is unlawful for any person without lawful authority to attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon or any other part thereof.

10.03.40 Crosswalks, traffic lanes and parking spaces--Designation authority. The Public Works Department is authorized, with the approval of the Town Council, to:

- A. Install and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway and at such other places as deemed necessary;
- B. Mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the traffic laws of this Town.

10.03.50 Standards and specifications. All traffic control signs, signals and devices shall conform to the standards and guidelines set forth by the manual on Uniform Traffic Control Devices.

10.03.60 No-passing zones--Establishment authority-Streets Designated.

The Public Works Department is authorized to determine those portions of any roadway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may, by appropriate signs and markings on the roadway, indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

All streets within the Town are considered no passing zones with exception of those streets listed in Section 10.05 on One-way streets.

10.03.70 Lane designation signs --Erection. Official signs may be erected directing traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign.

Chapter 10.04

STOP INTERSECTIONS

Sections :

- 10.04.10 Designated.
- 10.04.20 Stop sign erection--Authority.

10.04.10 Designated. The following streets and parts of streets so described are through and preferential streets for the purpose of this chapter:

- A. 1st & 2nd St. N.W.
- B. W. boundary N.
- C. 1st St. N.E.
- D. N. Piegan
- E. Kipp St.
- F. 1st & 2nd St. S.W.
- G. W. Boundary S.
- H. 1st St. S.E.
- I. S. Piegan

Exceptions to those are the Intersections at the following:

- A. 1st St. N.E. & 2nd Ave. N.E.
- B. Popimi St. & 4th Ave. N.E.
- C. Popimi St. & S. Public Square
- D. 1st St. N.W. & W. Central Ave.
- E. 2nd St N.W. & W. Central Ave.
- F. NW. Boundary & W. Central Ave.
- G. 1st ST. N.E. & E. Central Ave.
- H. N. Piegan & Central Ave.
- I. 1st St. S.W. & W. Central Ave.
- J. 2nd St S.W. & W. Central Ave.
- K. SW. Boundary & W. Central Ave.
- L. 1st ST. S.E. & E. Central Ave.
- M. S. Piegan & Central Ave
- N. 2nd St. S.W. & 1st Ave. S.W.
- O. 1st St. S.W. & 1st Ave. S.W.
- P. S. Piegan & 1st Ave. S.W.
- Q. S. Piegan & 1st Ave. S. E.
- R. 1st St. S.E. & 1st Ave. S.E.
- S. S. Piegan & 2nd Ave. S.E.
- T. 1st St. S.E. & 2nd Ave. S.E.
- U. 2nd St. S.W. & 2nd Ave. S.W.
- V. 1st St. S.W. & 2nd Ave. S.W.
- W. N. Kipp St. & Pata St.

X. S. Kipp ST. 2nd Ave. N.W.

10.04.20 Stop sign erection--Authority. Whenever any law of this Town designates and describes a through or preferential street, it shall be the duty of the Public Works Department to place and maintain a stop sign on each and every street intersecting such through or preferential street or intersection that portion thereof described and designated as such by any law of this Town.

Chapter 10.05

ONE-WAY STREETS AND ALLEYS

Sections :

- 10.05.10 Sign placement and maintenance.
- 10.05.20 Direction designated.

10.0510 Sign placement and maintenance. Whenever any laws of this Town designate any one-way street or alley, the Public Works Department shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

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

B. In accordance with Section 10.05.10 and when proper signs are posted, traffic shall move only in the direction indicated upon the following streets, avenues or alleys:

<u>Street, Avenue, or Alley</u>	<u>Permitted direction</u>
1. N. Public Square	West
2. S. Public Square	East
3. 1 st Ave. S.W. (between 2 nd St. S.W. & S. Piegan)	East
4. 5 th Ave N.E. (between E. Bondary and 1 st St. N.E.)	West
5. 3 rd Ave. N.W. (between N. Piegan and 1 st St. N.W.)	West

Chapter 10.06

SPEED RESTRICTIONS

Sections :

- 10.06.10 Established--Specific streets.
- 10.06.20 Established - Alleys.

10.06.10 Established--Specific streets. When signs are erected giving notice thereof, no person shall drive a motor vehicle at a speed greater than or less than the speed as set forth in the following schedule on the street or parts of streets as follows:

<u>Street and Avenue</u>	<u>Minimum/ Maximum M.P.H.</u>
1. 1 st Ave. N.W. (between N. Piegan & NW Boundary)	15 mph
2. 2 nd St. N.W. (between 2 nd Ave. N/W. & W. Central Ave)	15 mph
3. 1 st St. N.W. (between 2 nd Ave. N.W. & W. Central Ave.)	15 mph
4. Popimi St. (between S. Public Square & 2 nd Ave. N.E.)	15 mph
5. 2 nd Ave. N.E. (between N. Piegan & 1 st St. N.E.)	15 mph
6. 1 st St. N.E. (between 2 nd Ave. N.E. * 3 rd Ave. N.E.)	15 mph
7. 2 nd St. S.W. (between W. Central Ave. & 3 rd Ave. S.W.)	15 mph
8. 1 st St. S.W. (between W. Central Ave. & 1 st Ave. S.W.)	15 mph
9. S. Piegan (between Central Ave. & 3 rd Ave. S.)	15 mph
10. 1 st S.W. (between 2 nd Ave. S.W. & 3 rd Ave. S.W.)	15 mph
11. 1 st St. S.E. (between 2 nd Ave. S.E. & 3 rd Ave. S.E.)	15 mph
12. 1 st Ave. S (between SW. Boundary & SE Boundary)	15 mph
13. 2 nd Ave. S. (between SW Boundary & SE boundary)	15 mph
14. 1 st ST. S.E. (between E. Central Ave. & 1 st Ave. S.E.)	15 mph
15. ALL OTHER STREETS	25 mph

10.06.20 Established – Alleys. The speed limit for all alleys within the Town limits shall be 15 miles per hour.

Chapter 10.07

MISCELLANEOUS DRIVING RULES

Sections :

- 10.07.10 Loud noises - prohibited.
- 10.07.20 Driving on sidewalk prohibited--Exception.
- 10.07.40 Boarding or alighting from moving vehicles prohibited.
- 10.07.50 Passenger regulations.
- 10.07.60 Violation--Misdemeanor--Penalty.

10.07.10 Loud Noises--Prohibited. Refer to TOBCC 7.10.30(C).

10.07.20 Driving on sidewalk prohibited--Exception. The driver of a vehicle shall not drive upon any sidewalk area except at a permanent driveway.

10.07.40 Boarding or alighting from moving vehicles prohibited. It is unlawful for any person to board or alight from any vehicle while such vehicle is in motion.

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

10.07.60 Violation--Misdemeanor--Penalty. Every person convicted of a misdemeanor for the violation of any provisions of this chapter shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months or by both such fine and imprisonment.

Chapter 10.08

STOPPING, STANDING AND PARKING

Sections :

- 10.08.10 Stopping, standing or parking close to curb.
- 10.08.20 Lights on parked vehicles.
- 10.08.50 Operation of parking.
- 10.08.60 Stopping or parking on traffic ways.
- 10.08.70 Parking in alleys.
- 10.08.80 Parking for certain purposes prohibited.
- 10.08.90 Parking of commercial vehicles.
- 10.08.100 Signs required.
- 10.08.110 Parking controlled adjacent to schools.
- 10.08.120 Parking controlled on narrow traffic ways.
- 10.08.130 Parking controlled during certain hours of the day and/or days of the week.
- 10.08.150 Stopping, standing or parking controlled in hazardous or congested places.
- 10.08.160 Stopping, standing or parking controlled along arterial and collector traffic ways.
- 10.08.170 Special use zones.
- 10.08.180 Permits for special use zones.
- 10.08.190 Fees for permits for special use zones.
- 10.08.200 Use of special use zones.
- 10.08.210 Passenger loading zone.
- 10.08.220 Freight loading zone.
- 10.08.230 Delivery zone.

10.08.10 Stopping, standing or parking close to curb. It is unlawful for any person to stop, stand or park a vehicle in a traffic way other than parallel with the edge of the traffic way headed in the direction of the lawful traffic movement for the lane in which it is stopped, standing or parked and with the wheels of the vehicle within eighteen inches of the curb or edge of the traffic way except as otherwise provided in Sections 10.08.40 and 10.08.50.

10.08.20 Lights on parked vehicles. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

10.08.50 Operation of parking. Except for an emergency as determined by an officer of the Fire or Police Department or in compliance with the direction of a Police Officer or traffic-control device, when any vehicle is parked in any parking space the

driver of such vehicle shall park within the space and at the angle designated by the curb markings, and in the event such markings are obscured, where angle parking prevails, the vehicle shall be parked left side to or right side; where parallel parking prevails, the vehicle shall be parked front end to or rear end.

10.08.60 Stopping, standing or parking on traffic ways. It is unlawful for any person to stop or park (temporarily or otherwise) a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a Police Officer or traffic-control devices, in any of the following places.

- A. In front of or within five feet of a public or private driveway or alley or as otherwise designated;
- B. Within a properly signed and marked fire hydrant zone or, if not signed and marked, within ten feet of the fire hydrant;
- C. Within thirty feet upon the approach to any crosswalk (marked or unmarked) at an intersection (end zone);
- D. Within twenty feet upon the departure from any crosswalk (marked or unmarked) at an intersection (end zone);
- E. Within thirty feet upon the approach or to twenty feet upon the departure from any mid-block crosswalk (end zone);
- F. Upon the paved or main traveled part of the traffic-way when it is practical to stop, stand or park or so leave such vehicle off part of the traffic-way;
- G. In a traffic lane for the purpose of discharging or receiving passengers. Both the driver of such vehicle and such passenger or such pedestrian shall be equally guilty of violations of this section;
- H. At any place where official signs prohibit parking in a fire lane.

10.08.70 Parking in alleys.

- A. It is unlawful to stop, stand or park any vehicle or trailer in any alley unless the same shall be parallel to and within eighteen inches of the alley line and leaving at least ten feet of roadway for movement of through traffic;
- B. It is unlawful to stop, stand or park any vehicle or trailer in any alley so as to block entry to any private driveway, entrance to a building, or at any location which will prevent or hinder garbage collection.;
- C. It is unlawful to stop, stand or park any vehicle or trailer in any alley at any time in the area which may from time to time be designated central business district; save and excepting only commercial vehicles which are attended or in the process of loading or unloading. Such alleys shall be properly signed and marked by the Public Works Department;
- D. It is unlawful to stop, stand or park any vehicle or trailer in any one-way alley, except upon the right-hand side of the alley and heading in the proper direction of designated traffic flow.

10.08.80 Parking for certain purposes prohibited. It is unlawful for any person to do any of the following while a vehicle is parked upon any traffic way of the City:

- A. Display more than one vehicle for sale or advertising of such vehicle on the vehicle itself;
- B. Grease, paint or repair such vehicle, except repairs necessitated by an emergency.

10.08.90 Parking of commercial vehicles. It is unlawful for any motor vehicle used for commercial purposes to park on any traffic way for any continuous period in excess of twenty-four hours, unless otherwise provided for herein.

10.08.100 Signs required. When official signs controlling parking are erected upon such traffic ways as authorized herein, no person shall stop, stand or park a vehicle upon any such traffic way in violation of any such sign.

10.08.110 Parking controlled adjacent to schools. The Public Works Department is authorized to install and maintain signs that control parking upon either side of any traffic way adjacent to any school property when such stopping, standing or parking would, in their opinion, interfere with traffic or create a hazardous situation.

10.08.120 Parking controlled on narrow traffic ways. The Public Works Department is authorized to install and maintain signs that control parking upon any traffic way when the width of the traffic way does not permit safe passage of traffic flow under existing conditions.

10.08.130 Parking controlled during certain hours of the day and/or days of the week. The Public Works Department is authorized to install and maintain signs that control parking during certain hours of the day and/or days of the week upon any traffic way whenever it is deemed necessary

10.08.150 Stopping, standing or parking controlled in hazardous or congested places. The Public Works Department is authorized to install and maintain signs that control the stopping, standing or parking of vehicles that would create an especially hazardous condition or that would cause unusual delay to traffic along certain traffic ways.

10.08.160 Stopping, standing or parking controlled along arterial and collector traffic ways. The Public Works Department is authorized to install and maintain signs that control parking upon either side of any arterial or collector traffic way that may be hereafter designated as such by proper authority.

10.08.170 Special use zones. The Public Works Department is authorized to install and maintain parking control signs for all special use zones within the City. A special use zone may be a freight loading zone, delivery zone, daily use zone, residential zone or handicap zone. Bus zones and Passenger Loading zones outside school areas are also included.

10.08.180 Permits for special use zones. The Town Council, upon written application to it for a special use zone permit, which application shall state the

location of the desired zone, the type of zone and the number of parking stalls in such zone, shall approve or disapprove the request. If disapproved, the applicant shall be notified in writing with good cause and reason shown. If approved, the Town Council shall issue a permit upon payment by the applicant of the permit fee. All permits hereunder shall expire on December 31st of the calendar year of issuance. Application for renewal must be made to the Town Council by December 15th prior to the renewal calendar year. All renewal applications shall be reviewed and approved by the Mayor/Town manager/field supervisor before the renewal permit is reissued.

10.08.190 Fees for permits for special use zones. The annual permit fee shall be set by City Council resolution with guidelines as follows:

A. Freight Loading and Unloading Zones, Passenger loading and Unloading Zones. The charge for such special use zones shall be the same amount Town-wide per year per parking stall.

10.08.200 Use of special use zones. No vehicle shall stop, stand or park in any special zone at any time for any purpose except as herein provided and in addition to other penalties provided for in this chapter, upon proof to the Town Council of repeated violation of the limitation upon the use of the zone by the vehicle owned by or under the control of the applicant or any member of the family (or owned or controlled by any partner or principal officer of any corporation or a member of the family of any such partner or official in case the applicant is a partnership or corporation), such permit shall not be renewed at the end of the current fiscal year.

10.08.210 Passenger loading zone . A. It is unlawful for any person to stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading of passengers in a passenger zone when any such zone has been officially designated and appropriately signed and then only for a period not to exceed three minutes, except a driver of a taxicab or bus may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with any passenger vehicle waiting to enter or about to enter such zone;
B. No special designation of passenger vehicles is required;
C. The applicant for a passenger loading zone permit is herein defined as the owner(s)/lessee of the property(ies) that front the zone;
D. Passenger loading zones adjacent to schools shall only be enforceable between 7:30 a.m. to 5:00 p.m. when school is in session.

10.08.220 Freight loading zone . A. It is unlawful for any person to stop, stand or park a vehicle for any purpose or period of time exclusive of loading and unloading of freight for a period not to exceed thirty minutes in a freight loading zone when such zone has been officially designated and appropriately signed except a driver of a taxicab, bus, or passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with any freight vehicle waiting to enter or about to enter such zone.
B. No special designation of freight vehicles is required;

C. The applicant for a freight vehicle loading zone permit is herein defined as the owner(s) of the property(ies) that front the zone;

10.08.230 Delivery zone . A. It is unlawful for any person to stop, stand or park a vehicle for any purpose or period of time other than those vehicles displaying a valid delivery zone permit in any delivery zone when any such zone has been officially designated and appropriately signed and then only for a period not to exceed forty-five minutes;

B. Each delivery zone applicant shall display the permit issued by the City on the inside of the displaying vehicle on the right-hand side where it is clearly visible. Whenever such applicant transfers or assigns the interests in such vehicles, the permit shall be removed and immediately surrendered to the Town Council together with a notice of transfer of interest in such vehicle. If another vehicle is acquired by the applicant, a new permit shall be issued by the Town Council or designated representative;

C. The applicant for delivery zone permit is herein defined as the owner/lessee of the vehicle that bears the permit and is a common conveyer of service agency and who submits satisfactory proof to the Town Council or designated representative that he is unable to have access to specific locations within the central business district other than through a delivery zone.

Chapter 10.09

COMMERCIAL VEHICLES

Sections :

- 10.09.10 Definitions.
- 10.09.20 Trucks--Prohibited where.
- 10.09.30 Trucks--Parking prohibited where--Exception.
- 10.09.40 Restriction of vehicles--Determined by City Commission--Signs to be erected.

10.09.10 Definitions . "Truck" and other "commercial vehicles" include motor buses.

10.09.20 Trucks--Prohibited where. A. It is unlawful and constitutes a public offense for any person to drive or operate or for the owner to cause or knowingly permit to be driven or operated any truck, not involved in local service as defined in subsection B of this Section, upon the streets and avenues of the Town except upon the truck routes designated as follows:

1. North Piegan
2. South Piegan
3. West Boundary
4. East Boundary

B. For the purpose of this section, the following definitions and terms shall apply:

1. "Truck" means any motor vehicle designed, used or maintained primarily for the transportation of property, which has a gross vehicle weight of over ten thousand pounds.
2. "Local service" means limiting the authorized use of Town streets or avenues to those trucks which have either point of origin or destination for immediate business purposes within the corporate limits of the Town.

C. In any hearing in Municipal Court, unless credible evidence is produced demonstrating such immediate business purposes such as a bill of lading or routing schedule, the operation of such truck on a prohibited street or avenue shall be prima facie evidence of violation of 10.09.20.

10.09.30 Trucks--Parking prohibited where--Exception. It is unlawful and constitutes a public offense for any person to park a truck (as defined in Section 10.09.20) on any street or avenue within the Town.

10.09.40 Restriction of vehicles--Determined by Town Council--Signs to be erected. A. The Town Council may, by law or resolution, prohibit the operation of vehicles upon any such streets or avenues or impose restrictions as to the weight of vehicles to be operated upon any such street, whenever any street by reason of

deterioration, rain, snow or other climate conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

B. The Town Council, in enacting any such law or resolution, shall erect or cause to be erected and maintained signs designating the provisions of the law or resolution at each end of that portion of any street affected thereby, and the law or resolution shall not be effective unless and until such signs are erected and maintained.

Chapter 10.10

ABANDONED AND JUNK VEHICLES, MACHINERY, TRAILERS AND PARTS

Sections :

- 10.10.10 Purpose.
- 10.10.20 Definitions.
- 10.10.30 Exemptions.
- 10.10.40 Junk vehicle deemed nuisance.
- 10.10.50 Administration and enforcement.
- 10.10.60 Administration costs.
- 10.10.70 Notices of intention to abate and remove; mailing; form of notices.
- 10.10.80 Appeal.
- 10.10.90 Abatement and removal.
- 10.10.100 Illegal off-street parking.
- 10.10.110 Continuing notice.
- 10.10.120 Penalty.
- 10.10.130 Nonexclusively of this chapter.

10.10.10 Purpose. The Town Council of the Browning, Montana hereby makes, finds and declares that the accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles, machinery, trailers, or parts thereof, on public property or illegally parked on private property is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harbor for rodents and insects, and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, or dismantled or inoperative vehicle, or part thereof, on public property or illegally parked on private property, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance, which may be abated as such in accordance with the provisions of this chapter.

10.10.20 Definitions. For the purpose of this chapter the following definitions shall apply:

- A. "Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a street, except a device which is designed to be exclusively moved by human power or used exclusively upon stationary rails or tracks. The term vehicle shall include, but is not limited to, an automobile, truck, van, sports utility vehicle, recreational vehicle, camper, motorcycle, trailer, watercraft, boat, canoe, jet skis, snowmobiles, ATV's or aircraft.
- B. "Machinery" is synonymous with and means the same as "machine" as defined by the current edition of Webster's New Collegiate Dictionary.
- C. "Trailer" means any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.
- D. "Parts" means any mechanical, structural, body or decorative part of any vehicle,

machinery or trailer.

E.. “Junk vehicle” means any vehicle, machinery, trailer, or parts thereof, located on public property or illegally parked on private property within the corporate limits of the Town of Browning, which, as to a vehicle or trailer, does not properly display license plates or stickers indicating current registration and/or, as to any vehicle, machinery, trailer, or parts thereof, which has any one or more of the following characteristics:

1. Lacks an engine, wheel, tire, properly installed battery or other structural parts which renders the vehicle inoperable for use as designed by the manufacturer; provided, that if there is more than one vehicle on the real property, there shall be the necessary number of engines, wheels, tires, batteries and other structural parts for each respective vehicle;

2. Has a broken or missing fender, door, bumper, hood, exterior door handle, running board, steering wheel, trunk top, trunk handle, tail pipe, muffler, driver's seat, fuel tank, driveshaft, differential, generator, alternator or other structural piece;

3. Has become or the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents or insects, or is otherwise used for the storage, harbor, caging or dwelling for an animal of any kind;

4. Has heavy growth of weeds or other noxious vegetation over eight inches in height under or immediately next to it;

5. Has become a point of collection for stagnant water;

6. Has junk, garbage, refuse, gasoline or fuel other than in its fuel tank, paper, cardboard, wood or other combustible materials, solid waste or other hazardous material present in it or which is primarily used for storage of any materials;

7. Has become a source of danger for children through entrapment in areas of confinement that cannot be opened from inside, through a danger of the vehicle falling or turning over, or through possible injury from exposed surfaces of metal, glass or other rigid materials;

8. Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle;

9. Has become illegal to operate on the public streets because it is missing one or more parts required by law;

10. Is an abandoned vehicle; or

11. Because of its defective, deteriorated or obsolete condition in any other way constitutes a nuisance or a threat to the public's health or safety.

F. “Abandoned vehicle” means any of the following. For the purposes of this subsection, the word “vehicle” includes a vehicle, machinery, trailer or parts thereof:

1. A vehicle that has been left unattended on public property for more than forty eight hours and lacks current registration, plates, or one or more wheels/tires or other parts which renders the vehicle totally inoperable;

2. A vehicle that has remained illegally parked on public property for more than forty-eight hours;

3. A vehicle that has been unlawfully parked on private real property or has been placed on private property without the consent of the real property owner or person in control of the property for more than forty-eight hours;

4. A vehicle that has been legally impounded by order of a law enforcement

authority and has not been reclaimed for a period of five days. However, a law enforcement authority may declare the vehicle abandoned within the five-day period by commencing the notification process in Mont. Code Annotated Title 61 Chapter 8 (2001)

5. Any vehicle parked on a street determined by a law enforcement authority to create a hazard to other vehicle traffic;

G. "Law enforcement authority" means a peace officer or any city, state or federal department or agency operating with arrest authority in Browning, Montana.

H. "Responsible parties if ascertainable, the last known registered owner of the junk vehicle as indicated in the official records of the State of Montana Department of Motor Vehicles or a sister state division of transportation or motor vehicles.

10.10.30 Exemptions. This chapter shall not apply to the following:

A. When such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise on land which such business or enterprise is authorized by the city's zoning regulations;

B. A vehicle which was recently involved in a collision, duly documented by a timely report filed with the appropriate law enforcement agency or the state department of transportation, or its equivalent in a sister state, shall not be deemed a junk vehicle unless the owner/operator of said vehicle fails to repair the same within a reasonable period of time after said collision.

C. Nothing in this chapter shall authorize the maintenance of a public or private nuisance as defined under provisions of law. (See Title 7 regarding Criminal Nuisances.)

D. Nothing in the chapter and none of these exemptions alter any zoning regulations for the land on which the vehicle is located. (See Title 13 for zoning regulations)

10.10.40 Junk vehicle deemed nuisance. The keeping, maintaining or allowing a junk vehicle to be on public or illegally parked on private property, except as provided by Section 10.10.30 above, shall constitute a nuisance. The owner of a junk vehicle shall be responsible for the maintaining or keeping of a nuisance.

10.10.50 Administration and enforcement. Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the Town Council, Town Manager and/or the Police Chief, or their respective designees, hereinafter collectively referred to as "enforcement officer". The enforcement officer and any person designated by the enforcement officer to abate the nuisance pursuant to this code or court order, are hereby authorized access to any property upon which a junk vehicle is located for the purpose of carrying out any and all actions necessary to enforce this chapter.

10.10.60 Administration costs. The Town Council shall determine and fix the administrative fee, an amount to be assessed as administrative costs under this chapter. Said administrative fee shall be in addition to the actual costs incurred regarding towing, storage and disposal of the vehicle. The administrative fee shall be set by resolution.

10.10.70 Notices of intention to abate and remove; Mailing; Form of notices.

A. A ten-day notice (exclusive of weekends or federally mandated holidays) of intention to abate and remove the vehicle or parts thereof as a public nuisance shall be given to the owner of the land and/or to the owner of the vehicle, if known. The notices of intention shall be in a form promulgated by the Town Council and/or Town Manger, and shall provide the following information at a minimum:

1. A description of the vehicle or parts which constitute(s) a nuisance under the provisions of the Browning Municipal Code;
2. That the nuisance must be abated within ten-days, (exclusive of weekends and federally mandated holidays) to-wit: the junk vehicle must be either \
 - i. Brought into a condition that it no longer is defined as a junk vehicle,
 - ii. Placed in a proper enclosure, or
 - iii. Removed from the property and properly disposed of or removed from the Town; and
3. Failure to properly abate said nuisance as prescribed shall be sufficient cause for the removal of the junk vehicle by the enforcement authority or his/her duly designated agent as set forth by the municipal code.

B. The notice required by this section shall be served in any one of the following manners:

1. Posting notice on or near the junk vehicle(s) in question and by certified mail, return receipt requested to the last registered-owner of said vehicle, if ascertainable, at the address listed in the state's records concerning ownership of the vehicle (for the purposes of this provision service shall be deemed to have been perfected the day after the notice is mailed); or
2. If the last registered owner's name is not ascertainable, by posting notice on or near the junk vehicle(s) in (for the purposes of this provision, service shall be deemed to have been perfected the day the notice is posted on or near the junk vehicle).

10.10.80 Appeal.

Any interested party may appeal the decision of the enforcement officer by filing a written notice of appeal with the Town Council ten-days (exclusive of weekends and federally mandated holidays) days after service of notice as required by Section 10.10.70 above. Such appeal shall be heard by the Municipal Court Judge or the Town Council which may affirm, amend or reverse the notice/order or take other action deemed appropriate. The Clerk of Municipal Court or the Town Treasurer shall give at least five-day written notice of the time and place of the hearing to the appellant by first-class mail or personal service.

10.10.090 Abatement and removal.

A) The responsible party, after service of notice is perfected, shall abate the nuisance within ten-days (exclusive of weekends and federally mandated holidays) days of service being perfected. Abatement shall consist of:

1. Providing for the current registration of each and every vehicle including the affixing the registration plate or current sticker to the vehicle;
2. Repairing any and all conditions which cause such vehicle(s) to be a

nuisance under the provisions of the municipal code; and

3. Having all of the required equipment and parts for each vehicle which was described in the notice; or

4. Removing the junk vehicle or causing the junk vehicle to be removed to a licensed dismantler, salvage yard, licensed vehicle dealer, a junk dealer, an auto body shop or to any other location provided the same complies with all applicable provisions of the municipal code.

B. If the responsible parties fail to abate the nuisance as prescribed, or after such abatement has been affirmed by the Court or the Council on appeal, the city, through the enforcement officer, may abate such nuisance by causing the junk vehicle(s) to be removed, impounded and sold or disposed of as provided for abandoned vehicles under the laws of the State of Montana. All costs of such abatement and the administrative fee provided by this chapter shall be charged to the responsible parties, jointly and severally.

10.10.100 **Illegal off-street parking.** A. No person shall park a vehicle onto or upon privately owned real property or area developed as an off-street parking facility without the consent of the owner, lessee or person in charge of said property or facility.

B. No person shall park a vehicle onto or upon publicly owned real property or area developed as an off-street parking facility, if said property is not properly designated and signed for parking of private vehicles; contrary to any signs set forth upon said property or facility; or contrary to the laws of the state of Montana, county of Glacier or the Town of Browning without proper consent of said state, county or city.

C. Any vehicle parked in violation of this section shall be deemed an abandoned vehicle.

10.10.110 **Continuing notice.** A notice issued as provided in Section 10.10.70 above shall be deemed a continuing notice regarding the vehicle(s) described in the notice for a period of one year from the date of service and is valid for all locations within the Town of Browning. No further notice by an enforcement officer or ten-day period to abate is necessary to abate a nuisance created by said vehicle(s) within the one year period.

10.10.120 **Penalty.** Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of this code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation.

10.10.130 **Nonexclusively of this chapter.** This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the Town of Browning. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the city, the state, or any other legal entity or agency having jurisdiction.

Chapter 10.11

ABANDONED, WRECKED, JUNKED OR DISMANTLED VEHICLES ON PRIVATE PROPERTY

Sections :

10.11.10	Definitions.
10.11.20	Enforcement.
10.11.30	Prohibited.
10.11.40	Permitted in a building.
10.11.50	Repair.
10.11.60	Person responsible.
10.11.70	Notice.
10.11.80	Violation and penalty.

10.11.10 Definitions . The following definitions shall apply in the interpretation and enforcement of this chapter unless otherwise noted: When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

A. "Vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a public highway or upon p property, including trailers, semi-trailers, travel or camp trailers, as well as machinery used in farming, logging, excavating, but not including mobile homes presently utilized for human habitation.

"Vehicle" shall not include a bicycle, but shall include motorbikes, motorcycles, motorscooters, tractors, go-carts and golf carts.

B. "Abandoned, wrecked, junked or dismantled motor vehicles" means any motor vehicle described in 61-1-102, MCA, which does not have lawfully affixed thereto both an unexpired license plate or plates and the condition of which is wrecked, dismantled, inoperative, abandoned or discarded.

C. "Abandoned, wrecked, junked or dismantled vehicle" means any vehicle described in Subsection B of this section which is not being utilized for its manufactured or intended purpose and has been discarded, abandoned, wrecked, junked, dismantled or partially dismantled, including parts thereof.

D. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

E. "Private property" means any real property within the Town which is privately owned.

10.11.20 Enforcement. A. Authority. The Town Council or duly authorized representative, is authorized and directed to enforce all the provisions of this chapter, and all enforcement agencies of the Town shall cooperate in this regard.

B. Right of entry. The Town Council or a duly authorized representative's right of entry in the enforcement of this chapter shall be in accordance with Section 10.11.25 of this Code.

10.11.25 Enforcement--Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, the Town Administrator and/or his designee has reasonable cause to believe there exists in any building or upon any premises any condition or Code violation which makes such building or premises in violation of this Code, the Town Administrator and/or his designee or an authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Town Administrator by this Code, provided that if such building or premises be occupied, the Town Administrator or authorized representative shall first present proper credentials and request entry; and if such building or premises be unoccupied, the Town administrator and/or his designee or an authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Town Official or an authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Town Administrator or an authorized representative shall have first obtained a proper inspection/search warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Town Administrator or an authorized representative for the purpose of inspection and examination pursuant to this Code.

10.11.30 Prohibited. No person shall park, store, keep, place, leave or permit the same, any abandoned, wrecked, junked or dismantled motor vehicle or vehicle upon any private property within the Town limits for a period in excess of seventy-two hours. The presence of any abandoned, wrecked, junked or dismantled vehicle or motor vehicle, or parts thereof, upon private property as specified in this chapter, is declared a public nuisance which shall be abated as such in accordance with the provisions of this chapter.

This section shall not apply to any vehicles enclosed within a building, or covered by a fabric cover specifically designed for covering vehicles or motor vehicles or to any vehicle held in connection with a business enterprise lawfully licensed and properly operated in an appropriate zone, pursuant to the zoning laws of the Town or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town or to any vehicle or motor vehicle validly and properly retained by the owner thereof for antique collection purposes, pursuant to 61-3-411, M.C.A. Any motor vehicle whether in operable or inoperable condition designed, adapted or used for dragstrip racing or raceway racing shall be covered, as set forth in this chapter, or placed within a building.

10.11.40 Permitted in a building. Storage, service, restoration and repair of an abandoned, wrecked, junked or dismantled vehicle or motor vehicle which is conducted within the confines of a building shall be permitted provided that such vehicle or motor vehicle is the property of the owner or occupier of the lot and provided that the storage service, service, restoration or repair is not a commercial use of the property.

10.11.50 Repair. This chapter shall not be construed to prevent any occupant of premises within the Town limits from repairing his own motor vehicles or vehicle or machinery on his premises even though exposed to public view, so long as the person pursues the work to completion with reasonable diligence; provided, however, that any vehicle which remains out of running condition with any wheel, tire, engine, body or other major part removed there from for a period in excess of twenty days, while remaining exposed to public view, shall be deemed to be prima facie evidence that the vehicle or motor vehicle is not being diligently repaired and constitutes a violation of this chapter.

10.11.60 Person responsible. The owner of any private property within the Town limits shall be absolutely responsible for any violation of the chapter.

10.11.70 Notice. Whenever it comes to the attention of the Town Council that a nuisance exists within the Town limits due to the maintenance or presence of abandoned, wrecked, junked or dismantled motor vehicles or vehicles upon private property within the Town limits, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the person being the owner of the property, notifying them of the existence of the nuisance and ordering its removal in the time specified in this chapter.

A. Notice shall be given by United States mail, postage prepaid, addressed to the occupant or the person who is the owner at the last known address as exists upon the records of Town. An alternative notice may be served in the same manner as other legal process is served in the State.

B. The Town Council or Town Manager shall give the notice for the removal of the items which constitute the nuisance at least fourteen days before the time of compliance with the notice. The notice shall specify clearly the abandoned, wrecked, junked or dismantled motor vehicles or vehicles, or parts thereof upon the private property, which constitutes the nuisance and shall order the removal of the same as specified within this chapter. The notice shall advise that failure to remove or cover as specified in the notice shall render the person so served subject to prosecution for violation of this chapter and the penalty therefore as set forth in this chapter. The notice shall contain the name, address and telephone number of the Town Council or Town Manager for contact by the occupant or owner.

10.11.80 Violation and penalty. A. Failure of the person or persons responsible for the removal or covering of abandoned, wrecked, junked or dismantled motor vehicles or vehicles or parts thereof to remove or cover the same within the time specified in the notice, after the same has been served as provided in this chapter, constitutes a violation of the chapter which shall be punishable by a fine not to exceed

five hundred dollars. It is specifically provided that each day a violation continues after the time for removal or covering specified in the notice, constitutes a separate offense, thereby subjecting the person or persons in violation thereof to a daily fine until the abandoned, wrecked, junked or dismantled motor vehicles or vehicles or parts thereof are removed from the private property, or covered, as provided in the notice.

B. In any action or proceeding brought for the violation of this chapter, as defined in this chapter, the reasonable cost and expense to Town in connection with the mailing or serving of notice and the inspection of the private property in question, shall be awarded to Town as part of the court's sentence.

Chapter 10.12

SNOWMOBILES

Sections :

- 10.12.10 Definitions.
- 10.12.20 Prohibited where.

10.12.10 Definitions . A. "Operator" includes every person who operates or is in actual physical control of the operation of the snowmobile.

B. "Person" includes any individual, partnership, association or corporation, or any other body or groups of persons, whether incorporated or not, and regardless of the degree of formal organization.

C. "Snowmobile" includes any self-propelled vehicle designed primarily for travel on the snow or ice or natural terrain, which may be steered by wheels, skis or runners, and which is not otherwise registered or licensed under the laws of the State.

10.12.20 Prohibited where. It is unlawful for any person or operator to drive any snowmobile upon any public streets, avenues, highways, roadways, alleys or sidewalks within the Town, or upon any public parks or public grounds within the Town.

Chapter 10.13

MOTORCYCLES

Sections :

10.13.20 Driving on sidewalks and in public parks or grounds prohibited.

10.13.20 Driving on sidewalks and in public parks or grounds prohibited. It is unlawful for any person or operator to drive any motorcycle or other power driven two-wheel vehicle upon the sidewalks within the Town or upon that portion of any public park or public grounds where no roadway is provided.

Chapter 10.14

HANDICAP ZONE

Sections :

10.14.10 Handicap Zone.

- 10.14.10 Handicap Zone.** A. No person shall park a motor vehicle in a parking space designated and reserved for the physically handicapped, unless:
1. Such person is physically handicapped in a manner rendering it difficult and burdensome for such person to walk, or such person was operating the vehicle under the direction of such a physically handicapped person; and
 2. The vehicle visibly bears or contains the certificate or insignia issued to physically handicapped persons by the Town or visibly bears or contains a special handicapped license plate or permit issued to physically handicapped persons by any State or Town.
- B. Notice of such designation of handicapped parking spaces shall be given by posting appropriate signs.
- C. In any prosecution charging a violation of the above provisions, the owner or person or corporation in whose name said vehicle is registered shall be held absolutely responsible for said violation and subject to the penalty therefore.
- D. A violation of this section shall constitute a misdemeanor. Vehicles in violation may be removed, impounded, and kept in custody at the direction of the Chief of Police, Mayor, Town Manager or their representatives.

Chapter 10.15

BICYCLES

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Sections :

10.15.10 Riding on sidewalks--Prohibited where--Regulation.

10.15.10 Riding on sidewalks--Prohibited where--Regulation. A. It is unlawful for any person to ride a bicycle upon a sidewalk within the central business district
B. Whenever any 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.

Chapter 10.16

TRAILERS

Sections :

10.16.10 Occupancy regulations.

10.16.10 Occupancy regulations. No trailer as defined in 61-1-111 M.C.A. and a motor vehicle as defined in 6-1-102 shall be occupied either permanently or temporarily as a dwelling place, or living abode while parked on any street, avenue, alley or highway, or other public place unless otherwise authorized by law.

Chapter 10.18

LIABILITY FOR STREET DAMAGE

Sections :

- 10.18.10 Applicability.
- 10.18.20 Owner and driver of vehicle jointly liable.
- 10.18.30 Civil action.

10.18.10 Applicability. Any person driving any vehicle, object or contrivance upon any street or street structure shall be liable for all damage which the street or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, or as a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the Gross Vehicle Weight [GVW] as defined in 6-1-502 M.C.A.

10.18.20 Owner and driver of vehicle jointly liable. Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage.

10.18.30 Civil action. Such damage may be recovered in a civil action brought by the authorities in control of such streets or street structure.

Chapter 10.20

VIOLATION--PENALTY

Sections :

10.20.10	Definitions.
10.20.20	Illegally parked vehicle--Notice--Procedure.
10.20.30	Illegally parked vehicle--Notice--Failure to comply.
10.20.40	Illegally parking vehicle--Presumption.
10.20.50	Illegally parked vehicle--Warrant issued when.
10.20.60	Disposition of fines and parking meter revenue.
10.20.70	Fines and forfeitures--Official misuse.
10.20.80	Penalty.

10.20.10 **Definitions** . A. "Parking official" for purposes of Title 10, Chapter 20 means: peace officers, and other persons designated by the Town Council.

10.20.20 **Illegally parked vehicle--Notice--Procedure**. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by the laws of this Town or by State law, the Parking Official, Police Officer and/or the Town Council's designees finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner and shall conspicuously affix to such vehicle a notice in writing on a form provided by the clerk for the owner to answer to the charge against the driver within five days, during the hours and at a place specified in the notice.

10.20.30 **Illegally parked vehicle--Notice--Failure to comply**. If a violator of the restrictions on stopping, standing or parking under the traffic laws does not appear in response to a notice affixed to such motor vehicle within a period of five days, the Clerk of the Municipal Court, Town Manager, Mayor or a Town designee or other person authorized by the proper magistrate shall send to the owner of the vehicle a written notice informing the driver of the violation and warning the driver that in the event such written notice is disregarded for a period of ten days a warrant of arrest will be issued.

10.20.40 **Illegally parked vehicle--Presumption**. If any vehicle is found stopped, standing or parked in any manner violating of the provisions of Title 10 of this code, the owner, person, or corporation in whose name said vehicle is registered shall be held absolutely responsible for said violation and subject to the penalty therefore.

10.20.50 **Illegally parked vehicle--Warrant issued when**. In the event any person fails to comply with a notice so given to the person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the municipal

court, or if any person fails or refuses to deposit bail as required and within the time permitted by law, the proper magistrate shall, in their discretion, issue a warrant of arrest.

10.20.60 Disposition of fines and parking meter revenue. A. All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this Title except Chapter 10.15 shall be paid to the Town of Browning and deposited in the general fund, to be expended to defray the expense of proper regulation of traffic and parking upon the public streets of the Town, to provide for the cost of supervision, regulation, and control of parking vehicles and to cover the cost of purchase, supervision, operation, maintenance, control and use of parking meters.

10.20.70 Fines and forfeitures--Official misuse. Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in the fund, to comply with the foregoing provisions of this chapter, shall constitute misconduct in office and shall be grounds for removal there from.

10.20.80 Penalty. The penalty for all other standing or parking violations including, but not limited to, hydrant zone, crosswalk, end zone, double parking, bus or passenger zones, driveway, alley and fire lane shall be ten dollars for each offense. In the event that citations issued for violations of any of the provisions of this chapter, except Chapter 10.15, are disregarded for a period of 30 days, the Town may charge an administrative fee to recover the costs of processing the violations.