

ORDINANCE NO. 2014-05

ORDINANCE REVISING AND REPLACING ORDINANCE NUMBER 10.04.060-2013 AND DESIGNATING TRUCK ROUTES AND PROHIBITING THE OPERATION OF TRUCKS WHOSE BODY WEIGHT OR WHOSE COMBINED BODY AND LOAD WEIGHT EXCEEDS 20,000 POUNDS WITHIN THE TERRY TOWN LIMITS EXCEPT UPON DESIGNATED TRUCK ROUTES

WHEREAS, pursuant to its authority under Mont. Code Ann. § 7-14-4102 and 4103, the Town Council has the authority to regulate and prohibit traffic over and along the Town streets; and

WHEREAS, the Town Council has determined that serious deterioration of the Town’s streets, many of which are presently in need of repair or reconstruction, will occur as a result of the operation of trucks; and

WHEREAS, the Town Council has further determined that such deterioration will create a serious and continuing burden on the Town’s financial resources unless measures are taken to alleviate truck traffic on Town streets;

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF TERRY, MONTANA, as follows:

_____ : **Truck Routes**

Section I. Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section:

Deviating truck means a truck which leaves and departs from a truck route while traveling inside the Town.

Transacting business means the receiving or discharging of cargo.

Truck means any motor vehicle designed or operated for the transportation of property, and whose body weight or whose combined body and load weight exceeds 20,000 pounds.

Truck route means the designated course of street travel over and along which trucks coming into and going out of the Town shall operate.

Section II. Penalty for violation of ordinance

Any person who violates the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than \$100.00 and not more than \$500.00.

Section III. Use generally

All trucks traveling within the Town shall be operated only over and along the truck routes and other permissible streets established by this ordinance. Truckers utilizing the Town streets shall do so in such manner as to travel the most practicable route to their destination within the Town.

Section IV. Exceptions

This ordinance shall not prohibit:

- (1) *Operation on street necessary for destination.* The operation of trucks upon any street that is necessary to gain access to a destination point for the purpose of transacting business; provided that streets designated as the truck route are used until reaching the intersection nearest the destination necessitating departure from the truck route.
- (2) *Operation on street necessary for departure.* The operation of trucks upon any street that is necessary to gain access to a particular truck route from a point of departure; provided the most direct course providing such access is followed.
- (3) *Emergency vehicles.* The operation of emergency vehicles upon any street in the Town.
- (4) *Vehicles used by the Town or public utilities or in street repair.* The operation of trucks owned or operated by the Town or public utilities or any contractor or subcontractor while engaged in the repair, maintenance, construction or improvement of streets or street utilities within the Town.
- (5) *Detoured trucks.* The operation of trucks over streets designated as a lawfully established detour.
- (6) *Agricultural trucks.* The operation of agricultural or stock trucks which are not loaded and are being used at the time for the sole purpose of passenger

transportation to the place of residence of the driver or owner, provided such vehicle emits no noxious or offensive odors.

Section V. Truck routes

There are established within the Town the following truck routes:

(1) *North entry.*

(a) Trucks entering the Town from the north on Highway 253 shall enter the Town limits using (i) Montague Avenue; (ii) Laundre Avenue; or (iii) Spring Street.

(b) Trucks entering the Town from the north on Fair Grounds Road or Hoagland Street shall enter the Town limits using (i) Montague Avenue; (ii) Laundre Avenue; or (iii) Spring Street.

(2) *South entry.*

(a) Trucks entering the Town from the south on Ten Mile Road or Highway 253 shall enter the Town limits using (i) Spring Street; (ii) Laundre Avenue; or (iii) Montague Avenue.

(3) *East entry.*

(a) Trucks entering the Town from the east on Old Highway 10 shall enter the Town limits using (i) Spring Street; (ii) Laundre Avenue; or (iii) Montague Avenue.

(3) *West entry.*

(a) Trucks entering the Town from the west on Old Highway 10 or Cemetery Loop Road shall enter the Town limits using (i) Spring Street; (ii) Laundre Avenue; or (iii) Montague Avenue.

Section VI. Maps

The town clerk shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted. The maps shall be kept on file in the office of the city clerk and shall be available to the public.

Section VII. Authority to weigh trucks

The Prairie County Sheriff shall have the authority to require any person driving or in control of any truck not proceeding over a truck route or street over which truck traffic is permitted to proceed to any public or private scale available for the purpose of weighing and determining compliance with this ordinance.

DATE OF EFFECT:

This ordinance shall take effect thirty (30) days from the date of its final passage by the Town Council.

FIRST READING AND PASSAGE by a majority vote of the members present this _____ day of _____, 2014

YEAS _____

NAYS _____

Mayor

ATTEST:

Town Clerk

POSTED IN THREE (3) PUBLIC PLACES AND MADE AVAILABLE TO THE PUBLIC this _____ day of _____, 2014.

Town Clerk

SECOND READING AND PASSAGE by a majority vote of the members present this _____
day of _____, 2014

YEAS _____

NAYS _____

Mayor

ATTEST:

Town Clerk

ORDINANCE NO. _____