

**TITLE IX - CRIMINAL LAW AND TRAFFIC CODE**

**Chapter 1**

**STATE CRIMINAL AND TRAFFIC CODES**

**SECTION:**

- 9-1-1: Criminal Code Adopted**
- 9-1-2: Criminal Procedures Adopted**
- 9-1-3: Traffic Code Adopted**
- 9-1-4: Concurrent Jurisdiction**
- 9-1-5: Reference to Statute**

**9-1-1: CRIMINAL CODE ADOPTED:** The Town hereby adopts by reference all of Montana's criminal laws and penalties found in Chapters 1 through 10 in Title 45 of Montana Code Annotated, as currently written and as amended by the Montana legislature.

**9-1-2: CRIMINAL PROCEDURES ADOPTED:** The Town hereby adopts by reference all of Montana's criminal procedures applicable for misdemeanor violations, as set forth in Chapters 1 through 32 in Title 46 of Montana Code Annotated, as currently written and as amended by the Montana legislature.

**9-1-3: TRAFFIC CODE ADOPTED:** The Town hereby adopts by reference all of Montana's traffic, motor vehicle, motorcycle, and pedestrian laws and penalties, as set forth in Chapters 1 through 14 in Title 61 of Montana Code Annotated, as currently written and as amended by the Montana legislature.

**9-1-4: JURISDICTION:** The Town does not assert exclusive jurisdiction over criminal offenses which occur within the Town limits. Concurrent jurisdiction exists with Treasure County.

**9-1-5: REFERENCE TO STATUTE:** In the enforcement of any of the criminal laws set forth in this chapter, the law enforcement officer shall designate the violation by the parallel legal citation number designated in Montana Code Annotated as referenced in this chapter.

**Title IX Criminal Law and Traffic Code  
Chapter 2**

**LOCAL LAWS - SPEED, STOPPING, PARKING, TRUCK ROUTE, & SNOW MOBILE**

**SECTION:**

- 9-2-1: Definitions**
- 9-2-2: Speed Limits in Town**
- 9-2-3: Stop Signs—Required Stopping**
- 9-2-4: Stop Before Emerging From Alley, Driveway, or Building**
- 9-2-5: Stop Before Entering Through Streets**
- 9-2-6: Parking Time Limited on All Streets**
- 9-2-7: Type of Parking on Streets**
- 9-2-8: Parking Large Vehicles Prohibited**
- 9-2-9: Abandoned Vehicles**
- 9-2-10: Truck Parking and Route**
- 9-2-11: Procedure for Removal of Abandoned and Illegal Parked Vehicles**
- 9-2-12: Snow Mobile Use in Town**
- 9-2-13: Penalty**

**9-2-1: DEFINITIONS:**

(1) **Vehicle:** For purposes of this chapter, this term means a vehicle propelled by its own power and designed or used to transport persons or property upon the highways of the state, including Town streets, avenues, and alleys. For purposes of this code, the term includes trailers, semitrailers, recreation vehicles, campers, motor homes, utility trailers, and sport utility vehicles. The term does not include bicycles.

(2) **Commercial Vehicle or Commercial Motor Vehicle:** For purposes of this chapter, this term means all vehicles or combinations of vehicles with a GCVWR of 26,001 lbs. or more or a vehicle used to transport hazardous materials if the vehicle transports such materials in a quantity requiring the display of hazardous materials placards under federal hazardous materials regulations, i.e., the vehicle has a GVWR of 10,001 lbs. or more. This term is meant to include farm vehicles but not recreational vehicles (RV) or school buses.

**9-2-2: SPEED LIMITS IN TOWN:**

(1) **Hysham School:** The speed limit on Summit Street, Goodell Avenue, and Division Street surrounding the Hysham School property is set at fifteen (15) miles per hour.

(2) **Pioneer (Lion) Park:** The speed limit on Orchard Street, Sixth Avenue, and Seventh Avenue surrounding Pioneer (Lion) Park is set at fifteen (15) miles per hour.

- (3) Bufford Street: The speed limit on Buford Street is set by the State of Montana.
- (4) The speed limit on all other Town streets and avenues in other locations of Town not otherwise specified in this part, is set at twenty (20) miles per hour.
- (5) Penalty: Each person convicted of a misdemeanor for a violation this section shall for a first conviction be punished by a fine of not less than \$10 or more than \$100. For a second conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than \$25 or more than \$200. Upon a third or subsequent conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than \$50 or more than \$500. (*see MCA 61-8-310, 61-8-711*)

**9-2-3: STOP SIGNS—REQUIRED STOPPING:**

- (1) The Town may designate through streets and erect stop signs at specified entrances thereto, or may designate any intersection as a stop intersection and erect like signs at one or more entrances to such intersection.
- (2) Every said sign shall bear the word “STOP” in letters not less than eight inches in height. Such sign shall have sufficient reflecting elements on the face of the sign to be visible at nighttime.
- (3) Every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk. He shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway before entering the intersection, except when directed to proceed by law enforcement or traffic-control signal.

**9-2-4: STOP BEFORE EMERGING FROM ALLEY, DRIVEWAY, OR BUILDING:** The driver of a vehicle 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 an alleyway or driveway and shall yield the right-of-way to any pedestrian as may be necessary, and to yield the right-of-way to all vehicles approaching on said roadway.

**9-2-5: STOP BEFORE ENTERING THROUGH STREETS:** When signs are erected giving notice that a vehicle must stop before entering or crossing a through street or avenue, no driver of a vehicle shall disobey the direction of any such sign.

**9-2-6: PARKING TIME LIMITED ON ALL STREETS:** A vehicle may not be parked or left standing along the street, avenue, or town property for a period of longer than five (5) consecutive days. No vehicles shall be parked in alleys.

**9-2-7: TYPE OF PARKING ON STREETS:** The Town may erect signs designating the type of vehicle parking to occur on certain streets and avenues, or portions thereof. Drivers shall obey such signage by parking vehicles in the manner designated.

A person convicted of violating this section shall be punished by a fine of not less than \$25 or more than \$100. Upon a first violation, it is recommended (but not required) for law enforcement to issue the person a written warning.

**9-2-8: PARKING LARGE VEHICLES PROHIBITED:** All vehicles which exceed twenty-eight feet (28') in length, such length to include any extension of the vehicle, may not be parked upon any street or Town property for a period of longer than forty-eight consecutive hours.

**9-2-9: ABANDONED VEHICLES:** Abandonment of a vehicle on a town street, avenue, or Town property creates a prima facie presumption that the last registered owner of the vehicle is responsible for the abandonment and is liable for the costs incurred in the removing, storing, and disposing of the abandoned vehicle, less the amount realized if the vehicle is sold.

**9-2-10: TRUCK PARKING AND ROUTE:**

(1) Parking Restriction: No commercial vehicles shall be parked on any street, avenue, alley, or other Town Property within the Town limits EXCEPT to complete delivery to a local business or resident. When making a delivery, the commercial vehicle shall not be parked longer than needed to complete the delivery and never to exceed four (4) hours on any street, avenue, alley, or other Town property.

(2) Truck Route: All commercial vehicles shall follow the truck route as designated by the Town and attached as Exhibit A hereto, EXCEPT as follows:

- (a) Commercial vehicles making delivery to local business or resident not located on the truck route. In which case, the commercial vehicle shall take the shortest route from the truck route to such local business or resident to deliver and then take the shortest route back to the truck route.
- (b) Professional movers contracted to either deliver or remove residential furniture, appliances, and other large household items, who are actively performing such work.
- (c) This restriction does not apply to School Buses, as defined in Montana Code Annotated section 20-10-101.

*\* this section was revised and effective as of May 12, 2023.*

**9-2-11: PROCEDURE FOR REMOVAL OF ABANDONED AND ILLEGALLY PARKED VEHICLE:** Illegally parked and abandoned vehicles may be removed by law enforcement under this chapter following the process for removal of abandoned vehicles under Montana state law, which is currently found under Montana Code Annotated § 61-12-401 through 408 and as amended by the Montana legislature.

If the illegally parked or abandoned vehicle is a safety hazard or obstruction to the use of the Town street, avenue, or alley, the vehicle may be immediately moved by law enforcement. Then the process for removal of abandoned vehicle under Montana law shall be followed.

TOWN OF HYSHAM ORDINANCES - effective November 15, 2022

**9-2-12: SNOWMOBILE USE IN TOWN:** It is unlawful for any person to drive or operate any snowmobile upon the streets, avenues, and alleys of the town, EXCEPT such operation is allowed in order to transport the snowmobile by the shortest means possible on Town streets, avenues, or alleys to an authorized area of operation upon privately owned property within the town, or to remove the snowmobile to an area outside the town limits to a location where the snowmobile may be legally operated. This exception does NOT apply on Buford Ave and Old Highway 10.

The speed limit of snowmobiles operating on town streets, avenues, and alleys in accordance with section will be 10 miles per hour

**9-2-13: PENALTY:** Unless otherwise specified in this chapter, any person convicted of violating a section of this chapter shall be punished by a fine not exceeding five hundred dollars (\$500.00).