

**25 MPH SPEED LIMIT ORDINANCE FOR NORTH COYOTE DRIVE, SOUTH COYOTE DRIVE, MOOSE DRIVE, BUFFALO DRIVE, GRIZZLY BEAR LOOP, AND BUGLE DRIVE IN THE HEBGEN LAKE ESTATES, PHASE 1, PLANNED UNIT DEVELOPMENT, IN GALLATIN COUNTY, MONTANA**

**1. Purpose.** On or about August 7, 2017, the Gallatin County Clerk and Recorder received a speed limit petition for North Coyote Drive, South Coyote Drive, Moose Drive, Buffalo Drive, Grizzly Bear Loop, and Bugle Drive. These roads are highways with a default speed limit of 70 miles per hour during the daytime. The roads are unpaved and located all or in part in the Hebgen Lake Estates, Phase 1, Planned Unit Development, in Gallatin County, Montana. The roads are dedicated to the public, and are therefore highways as set forth in § 61-8-102(2)(g), Montana Code Annotated (MCA). *See Amended Plat of a Portion of Hebgen Lake Estates, Phase 1, Planned Unit Development*, recorded as Subdivision No. J-8-A of the Records of the County Clerk and Recorder on July 9, 1993.

The petition requested a 25 miles per hour speed limit be placed on all roads within the Hebgen Lake Estates, Phase 1, Planned Unit Development “to ensure public safety of our residents, children, and pets as well as wild animals which also include a large number of buffalo and also families of foxes.” Further, the petition indicates that a 25 miles per hour speed limit “will also help reduce dust pollution on our unpaved streets.”

Levi Ewan, a professional engineer at the Gallatin County Road and Bridge Department, has worked to identify a reasonable speed limit for North Coyote Drive, South Coyote Drive, Moose Drive, Buffalo Drive, Grizzly Bear Loop, and Bugle Drive. Mr. Ewan conducted a site visit on August 2, 2017. He determined that considering road characteristics and adjacent land development, a 25 miles per hour speed limit is reasonable and appropriate on the roads.

**2. Legislative Findings.** North Coyote Drive, South Coyote Drive, Moose Drive, Buffalo Drive, Grizzly Bear Loop, and Bugle Drive are public highways that have been dedicated to the public’s use. § 61-8-102(2)(i), MCA. The roads are unpaved and the area has not yet been recognized as an urban district as that term is defined in § 61-8-102(2)(z), MCA. Accordingly, the default speed limit on the roads is 70 miles per hour during the daytime. § 61-8-303(1)(b), MCA. Mr. Ewan and the Gallatin County Road and Bridge Department identified a reasonable and safe speed, and based on road characteristics and adjacent land development have certified that a posted speed limit of 25 miles per hour is appropriate.

**3. Authority.** The Gallatin County Board of County Commissioners is authorized to set the speed limit on a public highway outside of an urban district pursuant to § 61-8-310(1)(c), MCA. The speed limit outside of an urban district may be set at not less than 25 miles per hour on an unpaved road. § 61-8-310(1)(c), MCA. An engineering and traffic investigation is not required prior to setting the speed limit outside of an urban district in conformance with § 61-8-310(1)(c).

**4. Regulation and Speed Limit.** It shall be unlawful for any person to operate a motor vehicle at a speed exceeding 25 miles per hour within the Hebgen Lake Estates, Phase 1, Planned Unit Development, in Gallatin County, Montana on the following roads in their entirety:

- (a) North Coyote Drive;
- (b) South Coyote Drive;
- (c) Moose Drive;
- (d) Buffalo Drive;
- (e) Grizzly Bear Loop; and
- (f) Bugle Drive.

**5. Penalty & Enforcement.** Violation of this Ordinance is a misdemeanor. A person convicted of violating this Ordinance shall be punished according to § 61-8-711, MCA. This Ordinance may be enforced by any law enforcement officer with jurisdiction.

**6. Severability.** If any part of this Ordinance is unenforceable then the remainder shall be enforceable.

**7. Absolute Liability Finding.** This Ordinance has the legislative purpose to impose absolute liability for any conduct described. Pursuant to § 45-2-104, MCA, any violation of this Ordinance is subject to absolute liability. A person may be guilty of the offense without having, as to each element of the offense, one of the mental states of knowingly, negligently, or purposely.

**8. Effective Date.** The Gallatin County Clerk and Recorder shall post a copy of this Ordinance and shall make copies available to the public upon the 1<sup>st</sup> reading and approval thereof. This Ordinance shall take effect thirty (30) days after its 2<sup>nd</sup> reading and approval and after the roads have been posted with the appropriate speed limit.

1<sup>st</sup> Reading & Approval on the 20 day of  
MARCH, 2018.

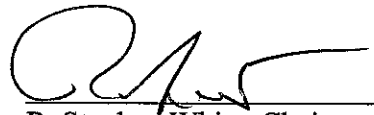
2<sup>nd</sup> Reading & Approval on the 3 day of  
APRIL, 2018.

Board of Gallatin County Commissioners

Board of Gallatin County Commissioners



R. Stephen White, Chair



R. Stephen White, Chair

ATTEST

ATTEST:

  
Charlotte Mills, Clerk and Recorder

  
Charlotte Mills, Clerk and Recorder