

**Ordinance to Limit Truck Traffic on Certain County Roads**

WHEREAS, pursuant to Sections 7-14-2101, 7-14-2102 and 7-14-2103 of the Montana Code Annotated, the Yellowstone County Board of County Commissioners has the authority to manage the county roads in Yellowstone County.

WHEREAS, the Yellowstone County Public Works Department has noticed a substantial deterioration of various county roads. The roads have deteriorated because of a high volume of truck traffic. Despite the Department's best efforts to maintain the roads, they continue to deteriorate. To stop the further deterioration of the roads, the Department would like the Yellowstone County Board of County Commissioners to enact a "no truck traffic except for local deliveries" ordinance that directs truck traffic onto 72<sup>nd</sup> Street West and 56<sup>th</sup> Street West. A truck for the purposes of the ordinance is a vehicle with a combined gross vehicle weight of 16,000 pounds or more. Entities on the restricted roads that use trucks would be required to take the shortest route to the unrestricted roads. For example, West End Sand and Gravel uses a gravel mine located on Neibauer Road between 72<sup>nd</sup> Street West and 64<sup>th</sup> Street West. West End Sand and Gravel uses trucks to transport gravel from the mine. If the Board enacts the ordinance, West End Sand and Gravel would have to send its trucks west on Neibauer Road to 72<sup>nd</sup> Street West and could not send its trucks east on Neibauer Road to eventually intersect with 56<sup>th</sup> Street West. The Department believes truck traffic restriction would allow it to better maintain the roads in the area. The no truck traffic except for local deliveries would apply to:

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| 1. Yard Office Road –                    | Old Highway 10 to Laurel Airport Road                              |
| 2. Seitz Ronan Road –                    | Old Highway 10 to Laurel Airport Road                              |
| 3. Allendale Road –                      | Laurel South Frontage Road to South Laurel Road                    |
| 4. South Laurel Road –                   | Allendale Road to Berhardt Road                                    |
| 5. Berhardt Road –                       | South Laurel Road to Highway 212                                   |
| 6. 21 Mile Road –                        | Highway 87 to Highway 3  |
| 7. Buffalo Trail Road –                  | Highway 3 to Molt Road   |
| 8. 62 <sup>nd</sup> Street West –        | Rimrock Road to Grand Avenue                                       |
| 9. Central Avenue –                      | Shiloh Road to 64 <sup>th</sup> Street West                        |
| 10. Hesper Road –                        | Shiloh Road to South 80 <sup>th</sup> Street West                  |
| 11. Neibauer Road –                      | Shiloh overpass to South 80 <sup>th</sup> Street West              |
| 12. River Road –                         | Duck Creek Road to Thiel Road                                      |
| 13. Thiel Road –                         | River Road to Highway 212  |
| 14. Shorey Road –                        | Highway 3 to Molt Road   |
| 15. Duck Creek Road –                    | Rudio Road to River Road   |
| 16. 64 <sup>th</sup> Street West –       | Grand Avenue to Laurel Airport Road                                |
| 17. Danford Road –                       | 48 <sup>th</sup> Street West to South 80 <sup>th</sup> Street West |
| 18. Laurel Airport Road –                | South 64 <sup>th</sup> Street West to Buffalo Trail Road           |
| 19. Drury Lane –                         | Hoskins Road to Highway 312  |
| 20. South 80 <sup>th</sup> Street West – | Laurel Airport Road to King Avenue West                            |
| 21. 48 <sup>th</sup> Street West –       | Grand Avenue to Danford Road                                       |

Attached is a map of the roads.

WHEREAS, on October 23, 2007, the Yellowstone County Board of County Commissioners passed a resolution of intent to enact an ordinance to limit truck traffic on certain county roads and set public hearings and votes on the ordinance for November 6, 2007 and November 20, 2007. On October 26, 2007 and November 2, 2007, the Yellowstone Clerk and Recorder published notice of the public hearing in the *Billings Gazette*. On November 6, 2007, the Board held a public hearing on the ordinance. The Board heard comments on the ordinance. The Board determined that it would be in the best interest of the public to enact the ordinance. The Board voted to enact the ordinance. After the public hearing and vote, the Clerk and Recorder posted the ordinance and made copies of the ordinance available to the public. On November 20, 2007, the Board held a public hearing on the ordinance. The Board heard comments on the ordinance. The Board determined that it would be in the best interest of the public to enact the ordinance. The Board voted to enact the ordinance.

NOW THEREFORE, BE IT ORDAINED,

The Yellowstone County Board of County Commissioners limits truck traffic to no truck traffic except for local deliveries on those county roads specified above to reduce the further deterioration of the roads. A truck for the purposes of the ordinance is a vehicle with a combined gross vehicle weight of 16,000 pounds or more. A person found in violation of the ordinance for the first time shall be fined \$250.00. A person found in violation of the ordinance for the second time shall be fined \$500.00. A person found in violation of the ordinance for a third or subsequent time shall be fined \$500.00 and at the discretion of the court sentenced from one day of incarceration to six months incarceration in the Yellowstone County Detention Facility. The ordinance shall be effective 30 days from the second vote to enact the ordinance, December 20, 2007, and shall continue until otherwise amended or repealed.

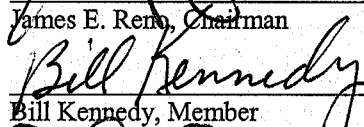
The Board orders the Yellowstone County Public Works Department to install the necessary signs to advise the public of the restriction and to advise the Yellowstone County Sheriff's Department of the restriction so it may enforce it. The Board orders the Yellowstone County Clerk and Recorder to place the ordinance in the book of ordinances for the County.

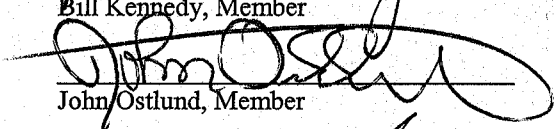
The ordinance supercedes all prior resolutions related to truck traffic on the roads, in particular, the Resolution dated June 5, 1984, Resolution No. 96-18, Resolution No. 05-82 and Ordinance No. 07-65. The Montana Department of Transportation has assumed control of portions of the roads covered by the old resolutions. The Board no longer has jurisdiction over those roads now controlled by the Montana Department of Transportation.

Passed and Adopted on the 20<sup>th</sup> day of November 2007.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

  
\_\_\_\_\_  
James E. Reno, Chairman

  
\_\_\_\_\_  
Bill Kennedy, Member

  
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John Ostlund, Member

ATTEST:

  
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Tony Nave, Clerk and Recorder  
Yellowstone County, Montana

