

# TITLE 1 GENERAL PROVISIONS

## CHAPTER 1

### DEFINITIONS AND GENERAL PROVISIONS

1-1-01 TITLE AND CITATION OF CODE. This code shall be known as the Fromberg Municipal Code, and it shall be sufficient to refer to this code as the Fromberg Municipal Code in any prosecution for the violation of any provision of this code, or in any proceeding at law or equity.

1-1-02 HEADINGS. Title, chapter, and section headings within this code shall not be deemed to govern, limit, or modify, or in any manner affect the scope, meaning, or intent of any title, chapter, or section of this code.

1-1-03 DEFINITIONS. Unless the context otherwise requires, the following words shall have the meaning and construction given them in this section:

**"Code" or "this code" means the Fromberg Municipal Code.**

**"Council" means the council of the Town of Fromberg.**

**"County" means the county of Carbon.**

**"Law" denotes applicable federal law, the Constitution and statutes of the state of Montana, the ordinances of the town, and when appropriate, any and all rules and regulations which may be promulgated thereunder.**

**"MCA" is the abbreviation for the Montana Code Annotated, 2018.**

**"Month" means a calendar month.**

**"Municipality" means the Town of Fromberg.**

**An "Ordinance" is an act adopted by the town having effect only within the jurisdiction of the town. An ordinance is a municipal law that often imposes a sanction for violation.**

**"Owner," applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.**

**"Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, fraternal organization, business, trust, or their manager, lessee, agent, servant, officer, or employee of any of them.**

**"Personal property" means and includes money, goods, chattels, things in action and evidences of debt.**

**"Property" means and includes real and personal property.**

**"Real property" means and includes lands, tenements and hereditaments.**

**"Resolution" is a statement of policy by the governing body or an order by the governing body that a specific action be taken. Resolutions usually apply only within the municipal government itself.**

**"Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for use by pedestrians.**

**"State" means the state of Montana.**

**"Street" means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state.**

**"Tenant" and "occupant," applied to a building or land, mean and include any person who occupies the whole or a part of such building or land, whether alone or with others.**

**"Town" means the town of Fromberg.**



**“Written” means and includes printed, typewritten, copied, facsimiled, or otherwise reproduced in permanent visible form. (Prior code 1-1-03)**

#### **1-1-04 CONSTRUCTION.**

**The following grammatical rules shall apply to the ordinances and code of the town unless it is apparent from the context that a different construction is intended:**

1. Gender. The masculine gender includes the feminine and neuter.
2. Number. The singular number includes the plural, and the plural number includes the singular.
3. Tense. The present tense includes the past and future tenses, and the future tense includes the present tense.
4. “Shall” and “may.” Shall is mandatory; may is permissive. (Prior Code 1-1-04)

**1-1-05 CONTINUATION OF PROVISIONS.** Ordinances and resolutions heretofore adopted by the municipality which are not contradicted or duplicated as to subject matter by ordinances codified herein shall remain in full force and effect as laws of the municipality.

**1-1-06 EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS.** Neither the adoption of this code nor the consequent repeal or amendment of any ordinance shall in any manner affect the prosecution of violations of ordinances, which violations were committed prior to the effective date hereof.

**1-1-07 SEVERABILITY.** If any portion of this code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have adopted this code and each section, subsection, sentence, or portion thereof, whether or not any one or more sections, subsections, sentences, or portions be declared invalid or unconstitutional.

**1-1-08 CODIFICATION POWERS.** The Town attorney, or his or her designee, may change the wording of captions; rearrange sections and change reference numbers to agree with the renumbered chapters, sections or other parts; substitute the proper subsection, section, chapter or other division numbers; strike out figures or words that are merely repetitious; change capitalization and style for the purpose of uniformity; and correct manifest clerical or typographical errors.

#### **1-1-09 SUPPLEMENTATION OF CODE.**

**A.** By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Town council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the Town council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

**B.** In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages. The codifier may make any non- substantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning



or effect of ordinance material included in the supplement or already embodied in the Code.

**1-1-10 CODIFICATION.** At 5-year intervals, the ordinances shall be compiled into a uniform code and published. The recodification is not effective until approved by the governing body. (MCA 7-5-107(2))

## CHAPTER 2

### TOWN SEAL

1-2-01 TOWN SEAL. The Town of Fromberg shall have a corporate seal consisting of two concentric circles, with the words "TOWN OF FROMBERG" on the upper side, and the words "CARBON COUNTY, MONTANA" on the lower side, written between and in the center shall be inscribed the word "SEAL" and the same is hereby declared to be the seal of the town, to be used in all cases required by law or ordinance.

## CHAPTER 3

### GENERAL PENALTY

1-3-01 GENERAL PENALTY. Unless a different penalty is specifically provided elsewhere in this code, any person who shall violate any of the provisions of this code shall, upon conviction, be subject to a fine not to exceed five hundred dollars (\$500), or imprisonment not to exceed six months, or both. Every day that a violation continues after the first day of violation shall constitute a separate offense.

1-3-02 REFERENCES TO GENERAL PENALTY. When any section of this code shall declare that a violator is subject to "the general penalty," that person shall be subject to a fine or imprisonment or both as provided in Section 1-3-01 of this chapter.

## CHAPTER 4

### GENERAL LEVY

**1-4-01 GENERAL LEVY (SUGGEST REPEAL)**

**1-4-02 MAXIMUM RATE (SUGGEST REPEAL)**

**1-4-03 DISPOSITION OF LEVY (SUGGEST REPEAL)**

**All of these provisions are already part of the states statutory requirements and it is superfluous to have same requirements in local ordinance. MCA 7-6-4401 et seq.**

## CHAPTER 5

### ELECTIONS

1-5-01 ELECTIONS AND TERMS OF OFFICE. On the first Tuesday following the first Monday of November of every odd year a municipal election shall be held at which the qualified electors of the municipality shall elect the officers of the municipality. The mayor shall hold office for a term of **four** years, **and until the qualification of his or her successor.** Each **council member** shall hold office for

four years, but the terms of **council members** shall be staggered, so that two **council members** will be elected every two years. (Ord. 162, 1977; Ord. No. 235, 1992; MCA 7-4-4302; 7-4-4402)

**1-5-11 thru 1-5-27 (SUGGEST REPEAL) See MCA Title 13 Elections procedures**

- **Polling Place**
- **Election Officials**
- **Certificates of Nomination**
- **Filing of Certificates**
- **Limitations**
- **Certificates to be Presented**
- **Filing Fee**
- **Candidates Declining**
- **Vacancies**
- **Interference with Electors**
- **Registration for Special Elections**

## CHAPTER 6

### ORDINANCES AND RESOLUTIONS

**1-6-01 ORDINANCE REQUIREMENTS. (1) All ordinances must be submitted in writing in the form prescribed by the town council; (2) no ordinance shall contain more than one subject, except ordinances for the codification and revision of this code. The subject of an ordinance shall be clearly expressed in its title; (3) an ordinance must be read and adopted by a majority vote of members present at two meetings of the town not less than 12 days apart. (Prior Ord. 1-6-03 and 04; MCA 7-5-103)**

**1-6-02 STYLE OF ORDINANCES.** Every ordinance or proposed ordinance shall be written in the following form and order:

1. The ordinance number, if available;
2. The title of the ordinance;
3. A statement of the purpose of the ordinance
4. The words, "Be it ordained by the Town Council of the Town of Fromberg, Montana:";
5. A statement of the ordinances repealed or amended by this ordinance;
6. The text of the ordinance. (MCA 7-5-4201(1))

**1-6-02 ORDINANCES AMENDING THE MUNICIPAL CODE (SUGGEST REPEAL. Nothing in state statutes require this).**

**1-6-03 SECTION NUMBERS WITHIN MUNICIPAL CODE. (SUGGEST REPEAL—numbering is self-explanatory)**

**1-6-03 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.**

1. An ordinance passed by the council may not become effective until 30 days after its passage except: (a) general appropriation ordinances providing for the ordinary and current expenses of the municipality; and (b) emergency measures.
2. A resolution is immediately effective, unless a delayed effective date is specified in the resolution. (Prior Code 1-6-05; MCA 7-5-4203)



**1-6-04 EMERGENCY ORDINANCES.** In the case of emergency ordinances, the nature of the emergency must be expressed in the preamble or in the body of the measure and the measure must receive a two-thirds vote of all the council members. Emergency ordinances shall only include measures as are immediately necessary for the preservation of peace, health, and safety. (Prior Code 1-6-05; MCA 7-5-4204)

**1-6-05 POSTING OF ORDINANCES.** Every ordinance shall be posted in three of the most public places of the Town of Fromberg for **14 days prior to passage of the ordinance following** first reading of the ordinance. The ordinance shall be declared official **upon passage and approval** after the second reading. (Prior Code 1-6-06)

**1-6-06 RECORDING OF ORDINANCES.** All ordinances, bylaws, and resolutions passed by the council and approved by the mayor, or the person acting in his stead, or the person acting in his stead, shall be recorded in a book kept by the clerk called "the ordinance book" and numbered in the order in which they are passed. All ordinances passed prior to the passage of this code may be kept by subject matter. (Formerly Code 2-5-31; MCA 7-5-4201)