

TITLE 1

GENERAL PROVISIONS

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ORDINANCE NO. 151

AN ORDINANCE ADOPTING THE FROMBERG MUNICIPAL CODE AS THE CODIFICATION OF ALL OF THE LAWS OF THE TOWN OF FROMBERG AT THE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FROMBERG, MONTANA AS FOLLOWS:

SECTION 1: That the Fromberg Municipal Code, the original of which is hereto annexed, which shall henceforth be considered the official text of the Fromberg Municipal Code.

SECTION 2: Official text—there shall be but one official text of the Fromberg Municipal Code, and any discrepancies in the official text and any other copies thereof shall be controled by the wording of the official text.

SECTION 3: CHANGES: All changes in the Ordinances of the Town of Fromberg, which shall effect the Fromberg Municipal Code shall include therein the title and section numbers which will be changed, and all new ordinances shall be immediately codified and shall be made part of the Fromberg Municipal Code. All ordinances inconsistent with any statements or ordinances in the Fromberg Municipal Code are herewith repealed. All sections of the Code which were not previously ordained as ordinances of the Town of Fromberg, are herewith adopted and the same shall be the law of the Town of Fromberg as if it had been completely ordained, and is to be considered hereby to be ordained as the law and ordinances of the Town of Fromberg.

DATED this 9th day of Sept., 1975.

[Signature]
MAYOR

ATTEST:
[Signature]
Town Clerk

I hereby certify that the above ordinance was duly posted as required by the laws of the Town of Fromberg, in the State of Montana, in three public places, and was read and that the time of thirty days expired prior to passage thereof.

DATED THIS 9th day of Sept., 1975.

[Signature]
Town Clerk

CHAPTER 1

DEFINITIONS AND GENERAL PROVISIONS

1-1-01 TITLE AND CITATION OF CODE. This code shall be know 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 heading within this code shall not be deemed to govern, limit, 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.

- (a) "code" or "this code" means the Fromberg Municipal Code.
- (b) "council" means the council of the Town of Fromberg.
- (c) "municipality" means the Town of Fromberg.
- (d) "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 or any of them.
- (f) "M.C.A." is the abbreviation for the MONTANA CODE ANNOTATED, 1947.
- (g) "state" is the State of Montana.
- (h) "town" means the Town of Fromberg.

1-1-04 CONSTRUCTION. (a) Gender: The masculine gender includes th feminine and neuter.

(b) Number: The singular number includes the plural, and the plural number includes the singular.

(c) Tense: The present tense includes the past and future tenses, and the future tense includes the present tense.

(d) Shall and May: Shall is mandatory: may is permissive.

1-1- CONTINUATION OF PROVISIONS: Ordinances and resolutions heretofore adopted by 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 for violations o ordinances, which violations were committed prior to 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, subsection, sentences, or portions be declared invalid or unconstitutional.

CHAPTER 2

TOWN SEAL

1-2-01 TOWN SEAL. The Town of Fromberg shall have axorporate seal xonsisting of two concentric circles, with the words "TOWN OF FROMBERG" on the upper side, and 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 fine or imprisonment or both as provided in Section 1-3-01 of this chapter.

CHAPTER 4

GENERAL LEVY

1-4-01 GENERAL LEVY. An all-purpose levy, in lieu of multiple levies, shall be the manner of budgeting and levying to operate and maintain the town government, and the functions of the town. The all-purpose levy shall not include the levies imposed for bonded indebtedness, to pay judgments, or special improvement district revolving funds of the municipality, which levies may be made in addition to the all-purpose levy.

1-4-02 MAXIMUM RATE. maximum rate of such all-purpose levy upon the assessed value of all taxable property in the town for all town purposes shall not exceed the taxable amount of dollars levied in the year 1986, which levy shall not include any levy necessary to service and pay bonded indebtedness, or judgements in addition to such all-purpose levy

1-4-03 DISPOSITION OF LEVY. The town council shall appropriate the levy to the several departments of the town in its annual budget.

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 two years. Each alderman shall hold office for four years, but the terms of aldermen shall be staggered so that two alderman will be elected every two years.

1-5-11 POLLING PLACE. There shall be but one polling place for both wards in the town. That polling place shall be in the Town Hall. Amended 2nd day of August, 1977 (Ordinance 163)

1-5-20 ELECTION OFFICIALS. For general and special elections, one set of election judges and officials shall be sufficient to officiate.

1-5-21 CERTIFICATES OF NOMINATION. Candidates for municipal office may be nominated in the following manner. A certificate of nomination containing the name of the candidate for the office is to be filed with the town clerk. The certificate shall be signed by electors residing within the political subdivision in which the officer is to be elected. The number of qualified signatures shall be not less in number than five percent of the number of votes cast for the successful candidate for the same office at the last preceeding election. The signatures need not be appended to one paper. Each person signing the certificate shall add to their signature their place of residence, their business, and their business address.

1-5-22 FILING OF CERTIFICATES. Each certificate of nomination shall contain the name of the person nominated, his place of residence, his business, and his business address. The certificate shall be filed with the town clerk not more than forty-five days and not less than thirty days previous to the day of election.

1-5-23 LIMITATIONS. No certificate of nomination shall contain the name of more than one candidate for each office to be filled. No person shall join in nominating more than one persons for each filled office. No person shall accept the nomination for more than one office.

1-5-24 CERTIFICATES TO BE PRESERVED FOR ONE YEAR. The Town Clerk shall preserve all certificates filed under the provisions of this chapter for one year. The certificates shall be open to public inspection.

1-5-25 FILING FEE. Upon filing a certificate of nomination, all candidates shall pay a filing fee of ten dollars (\$10) to the elections administrator.

1-5-26 CANDIDATES DECLINING. Any candidate declining nomination in a municipal election shall make such declination at least five days before an election.

1-5-27 VACANCIES. When a vacancy occurs in an office of candidate before the printing of the ballot for the general election, or if a candidate declines the nomination as provided in this chapter, or if any certificate of nomination is or becomes insufficient for any cause, the vacancy or vacancies thus occasioned may be filled in the manner required for the original nomination, except that certificates of nomination need not be filed thirty days previous to the day of the election.

1-5-31 INTERFERENCE WITH ELECTORS. No person shall be bribed or other improper means or device directly or indirectly attempt to influence any elector in the casting of any ballot or interfere or hinder any voter in the full and free exercise of his right to vote.

1-5-51 REGISTRATION FOR SPECIAL ELECTIONS. Whenever any special election shall be ordered by the Town Council of Fromberg, for the purpose of submitting any question to the taxpayers only, The Town of Fromberg shall have one registration district for such registration, and such registration district shall be known as District No. 1 District No. 1 shall include Wards 1 and 2 of said Town of Fromberg.

For all special elections hereinafter ordered by the Town Council for the purpose of submitting any question to the taxpayers only, it shall be the duty of the Mayor, with the consent of a majority of the Members of the Town Council, to appoint at least three weeks prior to the election, a registry agent in and for such registration district, provided that no person shall be eligible who is not a qualified elector at said election or entitled to register as such, or who is holding any office under the government of said Town.

CHAPTER 6

ORDINANCES

1-6-01 STYLE OF ORDINANCES. Every ordinance or proposed ordinance shall be written in the following form and order:

- (a) The ordinance number, if available.
- (b) the title of the ordinance,
- (c) the words, "Be it ordained by the Town Council of the Town of Fromberg, Montana:",
- (d) a statement of the purpose of the ordinance,
- (e) a statement of the ordinances repealed or amende by this ordinance,
- (f) the text of the ordinance.

1-6-02 ORDINANCES AMENDING THE MUNICIPAL CODE. Any ordinance or proposed ordinance which amends the municipal code, or deals with a subject which should properly be included within the municipal code shall:

- (a) include in the text of the ordinance a verbatim statement of the new section or sections to appear in the municipal code, and the title of the section or sections of the municipal code, and title of the section or sections.
- (b) assign a section number within the municipal code to each new section. The section number shall be chosen to place the new section as close as is reasonably possible to similar or related sections within the municipal code.

1-6-03 SECTION NUMBERS WITHIN MUNICIPAL CODE. Each section within the municipal code shall be numbered so that the section number contains three numbers, separated by hyphens. The first number shall be the number of the title in which the section is to be placed. The second number shall be the number of the chapter within the title in which the section is to be placed. The third number shall be the number of the section, as it appears within the chapter. Each section shall be a separate and unique section number.

1-6-04 ORDINANCES TO HAVE ONE SUBJECT. No ordinance shall contain more than one subject, except ordinances for the codification and revision of the municipal code. The subject of an ordinances shall be clearly expressed in its title.

1-6-05 EFFECTIVE DATE OF ORDINANCES. No ordinance or resolution passed by the council shall become effective until thirty days after its passage, except general appropriation ordinances providing for the ordinary and current expenses of the municipality, and emergency ordinances. In the case of emergency measures, the nature of the emergency shall be expressed in the statement of the purpose of the ordinance, and the measure shall receive a unanimous vote of all the elected councilmen. Emergency ordinances shall include only such measures as are immediately necessary for the preservation of peace,

health, and safety, and shall not include a franchise or license to a corporation or individual, nor any provisions for the sale of real estate, nor any lease or letting of any property for a period exceeding one year, nor the purchase or sale of personal property exceeding five thousand dollars (\$5,000) in value.

1-6-06 POSTING OF ORDINANCES. Every ordinance shall be posted in three of the most public places of the Town of Fromberg for thirty (30) days prior to passage of the ordinance following the first reading. The ordinance shall be declared official after the second reading.