



## CHAPTER 1

### SIDEWALKS, CURBS, AND GUTTERS

8-1-01 APPROVAL OF SIDEWALKS AND CURBS. No curbing or sidewalk shall be constructed except by the written approval of the town council. The construction and location of any sidewalk so approved shall be in accordance with such specifications as the council shall prescribe, but all construction shall as far as possible be uniform.

8-1-02 ESTABLISHED GRADE. Sidewalk and curb construction on improved or graded streets must conform with the established grade and sidewalk lines. On all other streets, the construction must be to the satisfaction of the municipal official appointed by the council to supervise such work.

8-1-11 PETITION FOR SIDEWALK. Whenever the owners of a majority of lots in any one block in this town, fronting upon the same street or avenue, shall petition the town council for the construction or reconstruction of a sidewalk, curb, or gutter along the side of the block, the town council shall order the construction or reconstruction of such sidewalk, curb, or gutter in accordance with the provisions of this chapter.

8-1-12 ORDER FOR SIDEWALK. The town council upon its own motion, or at the request of the owners of less than a majority of the lots in any one block, fronting on the same street or avenue in the town, may order the construction or reconstruction of any sidewalk, curb, or gutter.

8-1-13 NOTICE. Before any sidewalk, curb, or gutter is ordered constructed, a notice stating the time and place the town council shall consider the advisability of constructing or reconstructing the same, shall be sent by registered mail by the town clerk to all owners of any lots which will be compelled by this measure to bear any part of the cost of construction or reconstruction of the sidewalk, curb, or gutter. Service of notice made upon the duly authorized agent for any property affected shall be sufficient. The town clerk shall keep a record of the registry of such notices, and shall also make and keep on file an affidavit as to the names of persons upon whom service has been made by serving upon an agent, showing the name of the agent.

8-1-14 COST OF CONSTRUCTION. Whenever any street or avenue of the town shall be ordered improved by the construction, repair, or reconstruction of any sidewalk, curb, or gutter, the duty and expense of constructing, repairing, or reconstructing or maintaining the same shall devolve upon the owner of the property directly abutting on that side of the street on which the sidewalk, curb, or gutter is constructed, repaired, or reconstructed.

8-1-15 FAILURE TO CONSTRUCT. Whenever any sidewalk, curb, or gutter is ordered constructed, repaired, or reconstructed by the town council, if the work is not commenced by the owner within thirty (30) days from the service of notice on the owner or his authorized agent, or if after the commencement of such work it is not pursued with diligence, then such improvement shall be made by the town and the cost of construction, including the engineering cost, shall be assessed against the property in front of which the improvement has been made. (R.C.M. § 11-2228, 11-967)

8-1-16 PAYMENT OF COST. When any sidewalk, curb, or gutter is constructed by the town as provided in Section 8-1-15, payment shall be by special warrants drawn against the fund known as the Special Sidewalk and Curb Fund. The town council may provide for the payment of interest annually. Each year the town council shall, prior to the first Monday in October, pass and adopt a resolution levying an assessment and tax against each lot where sidewalks, curbs, or gutters have been ordered constructed, repaired, or reconstructed. (R.C.M. § 11-2226)

8-1-17 SPECIAL FUND. All moneys collected from assessments made for the construction of sidewalks, curbs, or gutters ordered by the town council shall be placed to the credit of the special sidewalk and curb fund.

8-1-21 DUTY OF OWNER TO REPAIR. It shall be the duty of the owners and tenants of any premises within the limits of the town to keep the sidewalk in front of and adjoining their premises in good, safe, and substantial conditions. The owners shall see that all breaks or unsoundness be repaired with all possible dispatch.

8-1-22 DUTY TO BARRICADE. When by any reason of the construction or repair of sidewalks from any cause whatsoever any sidewalk is rendered dangerous or impassable to the public, such sidewalk shall be securely fenced, and from dark until sunrise red lights shall be maintained thereon.

8-1-23 DUTY TO REMOVE SNOW. It shall be the duty of the owners and tenants of any premises within the limits of the town to keep the sidewalk in front of and adjoining the premises clear and safe for pedestrians, and to remove with reasonable dispatch snow, ice, slush, mud, and any other impediment to safe and convenient foot travel.

## CHAPTER 2

### SIGNS AND ENCROACHMENTS

8-2-01 DEFINITIONS. The following words and phrases when used in this chapter shall have the meanings assigned to them below.

a. "Encroachments" means all private devices placed upon the public right of way, including devices which overhang or underlie the right of way.

b. "Curb line" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the town officials.

8-2-02 REGULATION OF ENCROACHMENTS. No private signs, eaves, marquees, or similar devices shall encroach on the public rights of way in this town, except as provided in this chapter, and then only by permit revocable on ten days' notice issued by the town. No gainful private or commercial use of the public right of way will be allowed. Prohibited activities shall include non-emergency servicing of vehicles, parking, or placing of portable advertising devices on the public right of way.

8-2-03 PROJECTION AND CLEARANCE. The outermost portion of an overhanging device shall be at least two feet behind the face of the curb, or where there is no curb, from the shoulder of the roadway, and the lowest portion of an overhanging device shall be at least seven and one-half feet above the top of the curb, sidewalk, or roadway shoulder elevation.

8-2-04 UNIFORM BUILDING NUMBER SIGNAGE. Every building within the Town of Fromberg shall display the street address number on the structure, displayed and clearly visible from the facing street. Such numbers shall be at least 3 inches high, and are the responsibility of the property owner to provide and display. The number to be displayed shall be determined by the Town of Fromberg and shall be available to property owners at the town hall.

## CHAPTER 3

### TRAILER COURTS

8-3-01 DEFINITIONS. The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section.

a. "Trailer coach" is any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

b. "Trailer court" means any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located.

c. "Trailer coach space" means any plot of ground within a trailer court designated for the accomodation of one trailer coach.

d. "Dependent trailer coach" is a trailer coach which does not have a toilet and a bath or shower.

e. "Independent trailer coach" is a trailer coach which has a toilet and a bath or shower.

f. "Service building" means a building housing separate toilet and bathing facilities for men and women and also having laundry facilities and a slop sink.

8-3-02 REGULATION OF TRAILER COURTS. All trailer courts within the town shall be constructed, maintained, and operated in accordance with the regulations provided in this chapter.

8-3-05 SITE OF TRAILER COURT. Every trailer court shall be on a well-drained site, so located that its drainage will not endanger any water supply. All trailer courts shall be in areas free from marshes, swamps, or other potential breeding places for insects, or rodents.

8-3-06 TRAILER COACH SPACE. Each trailer coach space shall contain a minimum of one thousand (1,000) square feet, shall be at least twenty-five (25) feet wide, and shall abut on a driveway or other public clear area with unobstructed access to a public street. Such spaces shall be clearly defined, and trailer coaches shall be parked in such spaces so that there is a minimum of fifteen (15) feet between trailer coaches, and so that no trailer coach is less than ten (10) feet from the exterior boundary of the trailer court.

8-3-07 PARKING. No trailer coach shall be parked closer than twenty-five (25) feet from any street or highway, or so that any part of such trailer coach obstructs any roadway or walkway. No trailer coach shall be allowed in a trailer court unless there is a trailer coach space available. Sufficient area shall be provided for the parking of at least one motor vehicle for each trailer coach space.

8-3-20 REFUSE DISPOSAL. The storage, collection, and disposal of refuse in the court shall be in a manner so as not to create health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution. All refuse shall be stored in flytight, watertight, rodent-proof containers, and such containers shall be provided of a number and capacity to prevent any refuse from overflowing onto the ground. Satisfactory container racks or holders shall be provided and located not more than one hundred fifty feet (150) from any trailer coach space.

8-3-30 ELECTRICITY. An electrical outlet supplying at least one hundred ten (110) volts shall be provided for each trailer coach space, and the installation shall be in compliance with all state and local electrical codes. Such electrical outlets shall be weatherproof, and no power line shall be permitted to lie on the ground or be suspended less than ten feet above the ground.

8-3-35 FUEL. Bottled gas for cooking purposes shall not be used at individual trailer coach spaces unless the containers are properly connected by copper or other suitable metallic tubing. Bottled gas cylinders shall be securely fastened in place and adequately protected from the weather. No cylinder containing bottled gas shall be located in a trailer coach or within five feet of a door to a trailer coach.

8-3-40 REGISTRATION OF OCCUPANTS. Every trailer court owner or operator shall maintain a register containing a record of all trailer coaches and occupants using the trailer court. Such register shall be available to any authorized person inspecting the court, and shall be preserved for the period required by the health officer. Such register shall contain:

- a. the names and addresses of all trailer coach occupants stopping in the court
- b. the make, model, and license number of each motor vehicle and trailer coach
- c. the state, territory, or county issuing the vehicle and trailer coach licenses
- d. the dates of arrival and departure of each trailer coach.

CHAPTER 8

RECONSTRUCTION OF ROADWAYS

8-8401 RECONSTRUCTION OF ROADWAYS

(A) This ordinance shall be referred to as the Road Rebuilding Security Ordinance.

(B) the purpose of this ordinance shall be to guarantee reconstruction of roadways, including pavement, or other surface after said roadways have been disrupted by digging or excavation by private concerns.

- (C)
1. Any person, partnership, association, or corporation, other than the State of Montana or its subdivisions including counties and towns who are digging for the direct benefit for the Town of Fromberg, shall be responsible for re-establishing grade, and surfacing conditions, at all excavation done within dedicated city streets, alleys and roadways.
  2. In the event that the surface established shall fail, slip, or change within 12 months after resurfacing has been completed, said individual organization, partnership, or corporation shall be responsible to again establish the surface and roadway.
  3. All parties excavating the roadways within the Town of Fromberg shall place with the Town of Fromberg security in the form of a bond, or other valuable security, to guarantee the re-establishment of said roadway, which security shall be held to guarantee performance in accordance with the requirements of this ordinance, not to exceed a period of twelve (12) months after completion.
  4. The Town Council may upon recommendation of its street commissioner or upon its own action, release the bond at an at an earlier date in the event that it is satisfied with the reconstruction.
  5. In the event that reconstruction and resurfacing has not been satisfactorily completed, or in the event that rebuilding or resurfacing fails as a result of slippage, or washout within the time of set forth in this statute, and in the event said repairs are not again made satisfactory to the town, the town shall be entitled to make the necessary repairs after notice at the expense of the party responsible for the original excavation.
  6. In the event that repayment or reimbursement to the town for its labor and materials is not made, the bond duly posted may be charged.

Ordinance 197 (April 25, 1983)

## 8-9-01 MONTANA DAKOTA UTILITIES FRANCHISE TO CONSTRUCT.

SECTION I. For convenience, herein, said municipal corporation is designated and referred to as "Municipality" and Montana-Dakota Utilities Co. is designated and referred to as "Grantee". Any reference to either includes their respective successors and assigns.

SECTION II. There is hereby granted to Montana-Dakota Utilities Co., a corporation, Grantee, its successors and assigns, subject to the limitations herein stated, the right and franchise to occupy and use the streets, alleys and public grounds of the municipality as now, or hereafter constituted, for the purpose of constructing, maintaining, and operating, within, upon, in and under the same, a gas distribution system for transmitting and distributing natural or manufactured gas, or a mixture of both, for all public and private use.

SECTION III. Grantee shall maintain an efficient distribution system for furnishing natural or manufactured gas, or a mixture of both, for public and private use at such reasonable rates, and under such regulations as may be approved by the Public Service Commission of the State wherein said municipality is located.

SECTION IV. This franchise shall not be exclusive and shall not be construed to prevent the Municipality from granting to any other party the right to use the streets, alleys, and public grounds of the Municipality for like purposes.

SECTION V. The Municipality reserves any right it may have, under its police power, or otherwise, to control or regulate the use of said streets, alleys and public grounds by Grantee.

SECTION VI. Grantee shall indemnify and save and hold the Municipality harmless from any loss or damage due to the construction, installation and maintenance of its distribution system, and its use of the streets, alleys and public grounds of the Municipality.

SECTION VII. Grantee shall have the right to assign this franchise to any party, or corporation, but all obligations of Grantee hereunder shall be binding upon its successors and assigns.

SECTION VIII. Within thirty (30) days after Grantee is notified of passage and final approval of this Ordinance, Grantee shall file with the clerk or auditor of the Municipality its written acceptance of this franchise.

SECTION IX. This franchise shall continue and remain in full force and effect for a period of twenty-five (25) years from the date upon which this ordinance shall become effective as provided by law.

1. Mountain Microwave Systems, Inc., its successors and assigns, is hereby granted a non-exclusive franchise to maintain and operate within the Town of Fromberg, a cable television system, and with said franchise the right to occupy any of the streets, alleys or public places of the Town of Fromberg for the following purposes: To place, construct, bury, and maintain upon and through the streets and alleys and rights-of-way of said Town, all poles, guys, supports and all other wires, cables and fixtures proper and necessary for supplying to the television and related service.
2. Cable television system shall mean a system composed of, without limitation, antenna, cables, wires, lines, towers, wave guides, or any other conductors, converters, equipment or facilities, designed, constructed or wired for the purpose of producing, receiving, amplifying, and distributing by coaxial cable, either audio or visual radio, television, electronic or electrical signals to and from persons, subscribers, and locations in the license area, and, in addition, the Mountain Microwave Systems, Inc. shall be permitted to provide communications service, including, but not by way of limitation, pay TV, burglar alarm service, data or other electronic transmission services, facsimile reproduction services, meter reading services and home shopping services.
3. The poles, lines and cables of said cable television system shall be placed and maintained so as not to interfere with travel on said streets, alleys, avenues and public grounds and places. All streets and alleys shall be promptly repaired to their original condition if disturbed by any installation and/or maintenance by Mountain Microwave Systems, Inc.. This grant is made and is to be enjoyed subject to such reasonable regulations made by ordinance as the Town Council may deem proper, at any time to adopt.
4. Said cable television company will indemnify and hold harmless the Town of Fromberg from all claims and demands for any loss or damage whatsoever which may arise from acts of said company and to have and maintain in effect sufficient insurance to cover such claims. Said cable company shall maintain on file with the

City Clerk a certificate of insurance showing that it has in effect such insurance coverage.

5. The Town, by and through the Town Council, reserves the right to order at any time the change or removal of any poles or wires when the public good or the convenience of travel requires it without incurring any liability to the owners of said system for damage occasioned thereby.
6. This franchise shall be in effect for twenty-five (25) years from and after the date of its passage, subject to revocation by unanimous vote of the Town Council, for just cause. Any transfer of this franchise shall be subject to the approval of the Town Council, which approval shall not be unreasonably withheld.
7. This ordinance is being passed to meet an emergency in that there is a high demand for cable television to be provided to the citizens of this community, and shall take effect upon its passage and approval.