

2. That it is in complete accord with the attached proposal and that it will carry out the acquisition and/or development in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the Dept. of Fish, Wildlife & Parks.

3. That it has, at the time of application, its share of the cost of the project and will initiate work within 90 days of project approval.

4. That the project will be operated and maintained at the expense of said Town of Fromberg for public outdoor recreation use.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for cost sharing.

6. That open public participation was encouraged throughout the planning phases of the project.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the Town of Fromberg at a legal meeting held on the 28th day of December, 19 82.

Donald Mandel  
Signature

Annie Kellwig  
Signature

Mayor  
Title

Clerk  
Title

# TOWN OF FROMBERG

Heart of the Clarks Fork Valley  
CARBON COUNTY  
Fromberg, Montana 59029

Office of \_\_\_\_\_

R E S O L U T I O N   N O .   241

A RESOLUTION TO SET THE FEES FOR AN ANIMAL LICENSE

WHEREAS: The Town Council of the Town of Fromberg  
has set the fees for obtaining an animal license as follows:

	<u>Previous</u>	<u>Current</u>
Male	\$2.00	\$5.00
Female (Spayed)	2.00	5.00
Female (Unspayed)	5.00	10.00

RESOLVED, The fees were approved by the Town Council  
with all members voting in favor of the increase.

Duly passed and adopted by the Town Council of the  
Town of Fromberg, Montana on 9th day of August 1982.

Town of Fromberg

ATTEST:

Don Vandeland  
Mayor

Rene Kallewig  
Clerk

A RESOLUTION TO ANNEX: Various tracts of lands into the Town Limits of the Town of Fromberg.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FROMBERG that it is in the best interest of the Town of Fromberg and its inhabitants that various parcels of land shall become a part and parcel of the Town Limits of the Town of Fromberg. Said tracts of land include but are not limited to Tracts B, C and D of Certificate of Survey Number 640, Tract of land 112' X 416' bordering River Street on the South of said lot, and bordering Tract 5 of the Dudley Addition to the Town of Fromberg on the East, and bordering the Rimrock View Subdivision on the West.

A map of the City Limits has been made by the appropriate authorities in Carbon County, indicating the City Limits as they exist.

IT IS HEREBY RESOLVED that the City Limits as shown on said map will be adopted as the corporate limits of the Town of Fromberg.

IT IS FURTHER RESOLVED that notice of this Resolution will specifically be given to Ewald, Foos, and any other parties who have property that may or may not be shown on City maps to be actually within the City.

BE IT FURTHER RESOLVED that notice shall be published in the Clarks Fork Record for two successive weeks which notice shall indicate that the Town intends to adopt City Limits according to the map which has been prepared by the County, annexing all portions that may not have previously been annexed therein.

  
MAYOR

ATTEST:

  
SECRETARY

A RESOLUTION TO ANNEX: Various tracts of lands into the Town Limits of the Town of Fromberg.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FROMBERG that it is in the best interest of the Town of Fromberg and its inhabitants that various parcels of land shall become a part and parcel of the Town Limits of the Town of Fromberg. Said tracts of land include but are not limited to Tracts B, C and D of Certificate of Survey Number 640, Tract of land 112' X 416' bordering River Street on the South of said lot, and bordering Tract 5 of the Dudley Addition to the Town of Fromberg on the East, and bordering the Rimrock View Subdivision on the West.

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MAYOR

ATTEST:

  
SECRETARY

# TOWN OF FROMBERG

Heart of the Clarks Fork Valley  
CARBON COUNTY  
Fromberg, Montana 59029

Office of \_\_\_\_\_

## RESOLUTION NO. 239

BE IT RESOLVED: that at the regular meeting of the Town Council of the Town of Fromberg, Montana held on the 9th day of August, 1982, the tax levy for the Town of Fromberg for the fiscal year 1982-83 was made by resolution of the Town Council and approved by the town Mayor as follows:

General (all purpose)	65 mills
Liability Insurance	3 mills

making a total of 68 mills.

SAID TOWN OF FROMBERG HAS CAUSED ITS CORPORATE NAME TO BE SUBSCRIBED HERETO AND ITS CORPORATE SEAL AFFIXED BY ITS MAYOR AND CLERK THIS NINTH DAY OF AUGUST, 1982.

Town of Fromberg

ATTEST:

Don Handberg  
Mayor

(SEAL)

Annie Kallberg  
Clerk



Mountain Bell

April 27, 1982  
Helena, Montana

*9/9/82  
Sent copies to  
Clark's Recorder at Red Lodge  
State Examiner Helena  
& 2 copies to people below*

Annie Kallevig  
City Clerk - Treasurer  
Fromberg, Montana 59029

Dear Annie Kallevig:

Re: Tax Matters

In the past, you have sent tax notices, boundary changes, new mill levy schedules and notices of any other changes to our local exchange managers or to our Corporate tax department in Denver.

It would expedite the handling of our tax matters in the state if you would send the notices to our Corporate tax department in Denver, with a copy to our tax office in Helena. We would like to be advised in Helena of any proposed new mill levies. For example, rural library levies, rural fire districts, emergency levies of any kind, etc. If you would send us copies of the proposed levy and the scheduled hearing date, we could plan to have someone attend the meeting. This will keep us current with any proposed changes in our taxes.

Our Corporate and Montana addresses are as shown below:

Mountain Bell  
Mr. Randall Glick  
931 14th Street, Rm. 1210  
Denver, CO 80202

Phone: 303-624-8895

Mountain Bell  
Mr. Jim Burnham  
560 N. Park, Rm. 434  
P.O. Box 1716  
Helena, MT 59624

Phone: 406-449-2267

Thank you.

Jim Burnham  
Tax Coordinator

JB/lo

# TOWN OF FROMBERG

Heart of the Clarks Fork Valley  
CARBON COUNTY  
Fromberg, Montana 59029

Office of \_\_\_\_\_

## RESOLUTION NO. 238

A RESOLUTION TO TRANSFER MONIES FROM THE WATER AND SEWER ENTERPRISE FUNDS

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FROMBERG, MONTANA, that the Clerk have permission to transfer monies monthly from the Water Enterprise Fund to the Water Revenue Bonds and Interest Sinking Fund 1965 and 1978 Issues. Also to transfer monies monthly from the Sewer Enterprise Fund to the Sewer Revenue Bond and Interest Sinking Fund in the following amounts for the purpose of meeting bond obligations effective July 1, 1982.

Water Revenue Bond (1965 Issue)	\$135.00
Water Revenue Bond (1978 Issue)	225.00
Sewer Revenue Bond	172.00

Dated this J 28th day of June, 1982.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk

RESOLUTION PERMITTING ENCROACHMENT

WHEREAS, it appears that the garage now situated on the west end of Lot 5, Block 8, DUDLEY'S FIRST ADDITION, Fromberg, Carbon County, Montana, encroaches .56 feet (approximately 7 inches) into the alley adjacent on the west of said Lot 5, as shown on the attached certificate; and,

WHEREAS, the Town Council finds that such encroachment does not materially hinder the use of the alley by the public; and,

WHEREAS, the owners of said Lot 5 have petitioned the Town Council for a resolution permitting the encroachment in order to satisfy the requirements of a lending institution;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FROMBERG, MONTANA, AS FOLLOWS:

1. That the encroachment above-described is hereby permitted to remain for so long as the present garage building shall stand.

2. That in the event the present garage building should be removed or destroyed, this encroachment permit shall be of no further force or effect.

PASSED BY THE TOWN COUNCIL OF THE TOWN OF FROMBERG, MONTANA, AND APPROVED BY ITS MAYOR THIS DAY OF May 3, 1982.

(TOWN SEAL)

Ronald C. Vandelay  
Mayor

ATTEST:

Rene Kellerg  
Town Clerk

(TOWN SEAL)

Ronald C. Henderson  
Mayor

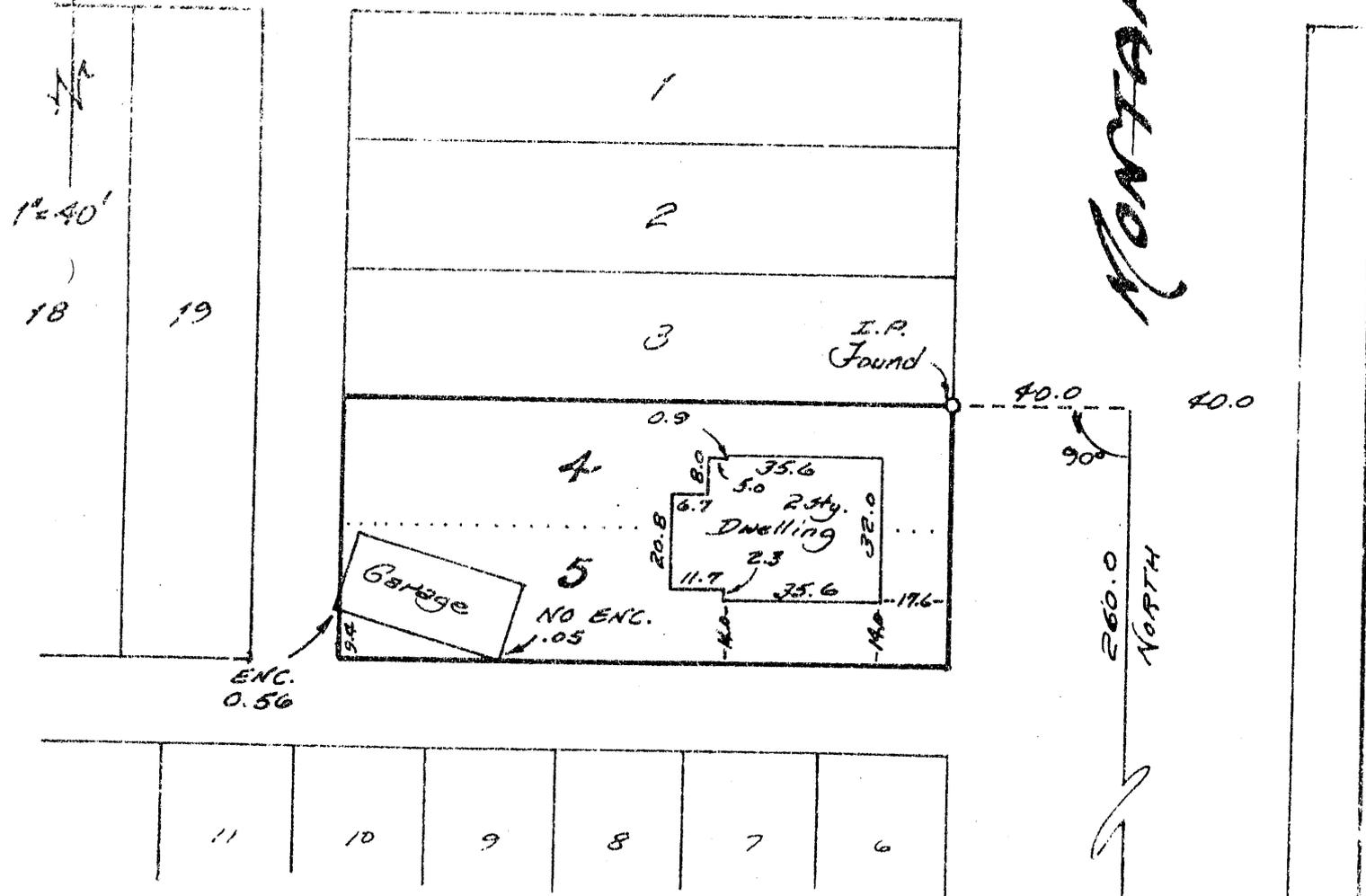
ATTEST:

Rainie Keller  
Town Clerk

City of Montana  
 Block 8 of Dudley 1st Addition  
 Fremberg, Montana  
 Order No. 118666

NORTH ST.

NORTH ST.



Surveyed For:

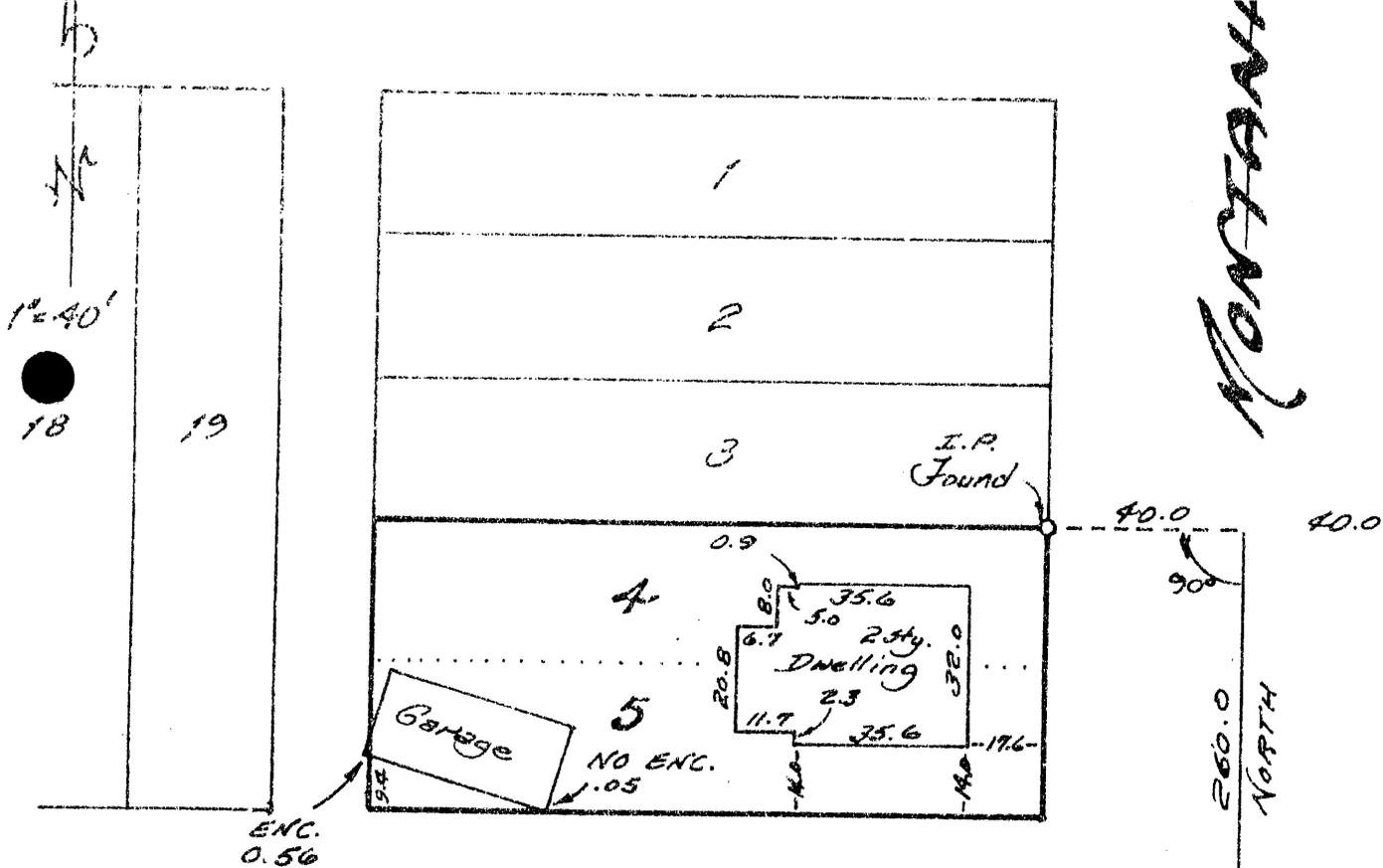
1st Montana Title of Red Lodge

PIN FOUND  
 & INT.  
 SCHOOL ST.

Certificate of

748.95  
 NORTH

PIN FOUND  
 & INT.



Surveyed For:

1st Montana Title of Red Lodge PIN FOUND & INT. SCHOOL ST.

# Certificate of

Surveyor: I hereby certify the attached plat is a true representation of an improvements survey.

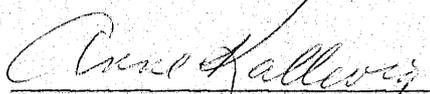


CERTIFICATE OF TRUE COPY

STATE OF MONTANA )  
                          ) ss.  
County of Carbon )

I am the duly appointed and acting Town Clerk of the  
Town of Fromberg, Montana, and I hereby certify that the  
attached is a true and correct copy of Resolution No. 237,  
adopted by the Town Council and approved by the Mayor  
on May 3, 1982.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE  
TOWN OF FROMBERG, MONTANA, this day of May 3, 1982.

  
\_\_\_\_\_  
Anne Kallevig, Town Clerk

(TOWN SEAL)

LAW OFFICES

MCNAMER, THOMPSON & CASHMORE

620 FIRST BANK BUILDING  
303 NORTH BROADWAY  
P. O. BOX 1980

BILLINGS, MONTANA 59103-1980

WILLIAM R. McNAMER  
JAMES W. THOMPSON  
CHARLES R. CASHMORE

AREA CODE 406  
TELEPHONE 252-5678

May 7, 1982

Honorable Mayor &  
Town Council  
Fromberg, Montana 59029

RE: 110 North Montana Avenue

Gentlemen:

I recieved the certified copies of Resolution No. 237,  
RESOLUTION PERMITTING ENCROACHMENT, adopted and approved  
May 3, 1982.

I wish to take this opportunity to thank you for your kind  
consideration and prompt action in this matter.

Sincerely,



JAMES W. THOMPSON

JWT:ylh

BRIDGER LAW OFFICE

JOSEPH E. MUDD  
WAYNE L. VICK

---

BOX 471  
BRIDGER, MONTANA 59014  
(406) 662-3384

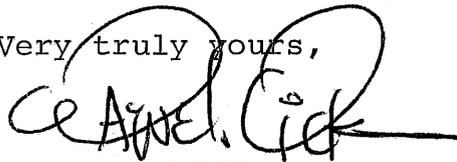
April 7th, 1981

Town of Fromberg  
Fromberg, Montana 59029

To the Fromberg Town Council:

Enclosed is the requested resolution as to business license fees. I have inserted the fees of \$5.00 and \$10.00, however, you should be aware that the different fees may not be upheld if ever challenged. In other words, it may not be constitutional to charge one fee to residents and a different fee to non-residents. Perhaps you will want to avoid possible future problems by making both fees identical.

Very truly yours,



WAYNE L. VICK  
Bridger Law Office

WLV/asf

enc.

Clerk

March 4, 1981

Mr. Joe Mudd  
Bridger, Mt. 59014

Dear Joe,

Enclosed are the deeds from Ed and Ruby Hager for the land we purchased for our new sewer lagoon site. We would like to have these recorded.

Also enclosed is a check from Ruby Hager for making out the deeds and recording fees. It was agreed between them since he paid for the title insurance, she was responsible for this fee.

We would like to have an ordinance written for title fees on Title 3-3-01

PERSONAL SERVICE BUSINESS LICENSE:

Resident	\$ 5.00 per quarter
Non-resident	\$10.00 per quarter

Sincerely yours,

Town of Fromberg

Annie Kallevig  
Clerk

# TOWN OF FROMBERG

Heart of the Clarks Fork Valley  
CARBON COUNTY  
Fromberg, Montana 59029

Office of \_\_\_\_\_

## RESOLUTION NO. 236

A RESOLUTION TO TRANSFER MONIES FROM THE WATER ENTERPRISE FUND

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FROMBERG, MONTANA, that the Clerk have permission to transfer monies monthly from the Water Enterprise Fund to the Water Revenue Bonds and Interest Sinking Fund 1965 and 1978 Issues, in the following amounts for the purpose of meeting bond obligations, effective April, 1982.

Water Bond (1965 Issue)	\$100.00
Water Bond (1978 Issue)	275.00

Dated this 5th day of April, 1982.

*Von Mandel*  
Mayor

ATTEST:

*Janice Hallberg*  
Clerk

# TOWN OF FROMBERG

Heart of the Clarks Fork Valley  
CARBON COUNTY  
Fromberg, Montana 59029

Office of \_\_\_\_\_

RESOLUTION NO. 235

BE IT RESOLVED by the Town Council of the  
Town of Fromberg that we request purchase of 15  
yards of the first oil mix material to be used for  
s treet repair and maintenance.

WHEREAS, the purchase price shall be the  
current rate charged on the delivery date.

Dated and passed this 1st day of  
March, 1982.

Donald Vandeland  
Mayor

ATTEST:

Janice Hallway  
Clerk

# DEPARTMENT OF HIGHWAYS



TED SCHWINDEN, GOVERNOR

## STATE OF MONTANA

March 15, 1982

Mr. Donald Handeland, Mayor  
Town of Fromberg  
Fromberg, Montana 59029

Dear Sir:

In reference to your request for purchasing fifteen(15) cubic yards of road oil mix, we presently do not have any mix available. If you will contact Frank Foltz, Sectionman, at Bridger sometime during July he should be able to coordinate your purchasing this mix.

The purchase price of this mix at this time is \$26.00 per cubic yard. It is adjusted from time to time as the materials incorporated into this product change in price.

Yours truly,

M. D. Knapp, Chief  
Field Maintenance Bureau

MDK/drc

cc: F. Foltz - Bridger  
H. Baker  
C. Dunn

Intent

This Resolution is passed in order to comply with the Montana Floodplain and Floodway Management Act (Chapter 5, Title 76-M.C.A.) and to ensure compliance with the requirements for the continued participation by the Town of Fromberg in the National Flood Insurance Program. Land-use regulations which are hereby adopted are to be applied to all identified 100-year floodplains within the town of Fromberg and are attached as Appendix A.

Statutory Authority

By city ordinance powers and Montana Floodplain and Floodway Management Act, Chapter 5, Title 76 M.C.A.

Adoption

This Resolution adopts the set of comprehensive land-use regulations attached as Appendix A for identified 100-year floodplains within Fromberg. Identification of 100-year floodplains is based on the Fromberg Flood Insurance Study, dated May 4, 1981. All other resolutions are hereby repealed to the extent of the inconsistency only.

APPENDIX A

CHAPTER I

TITLE AND PURPOSE

1.01 Title

These Regulations shall be known and cited as the town of Fromberg Floodplain Regulations. These Regulations are in accordance with exercising the authority of the laws of the State of Montana.

1.02 Purpose

To promote the public health, safety, and general welfare, to minimize flood losses in areas subject to flood hazards, and to promote wise use of the floodplain. These Regulations have been established with the following purposes intended:

- A. To guide development of the 100-year floodplain areas of Fromberg consistent with the enumerated findings by:

1. Recognizing the right and need of water courses to periodically carry more than the normal flow of water;
2. Participating in coordinating efforts of federal, state and local management activities for 100-year floodplains; and,

## CHAPTER II

### DEFINITIONS

#### 2.01 Definitions

Unless specifically defined below, words or phrases used in these Regulations shall be interpreted so as to give them the meaning they have in common usage and to give these Regulations its most reasonable application.

Alteration - Any change or addition to a structure that increases its external dimensions.

Appeal - A request for a review of the interpretation of the Floodplain Administrator of any provision of these Regulations or a request for a variance.

Area of Special Flood Hazard - The land in the floodplain within the community subject to inundation by a one percent (1%) or greater chance of flood in any given year, i.e. the 100-year floodplain.

Artificial Obstruction - Development - Any obstruction which is not natural and includes any dam, diversion, wall, riprap, embankment, levee, dike, pile, abutment, projection, revetment, excavation, channel rectification, bridge, conduit, culvert, building, refuse, automobile

body, fill or other analogous structure or matter in, along, across or projecting into any 100-year floodplain which may impede, retard or alter the pattern of flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the natural flow of water would carry the same downstream to the damage or detriment of either life or property.

Base Flood - A flood having a one percent (1%) chance of being equalled or exceeded in any given year.

Channelization Project - The excavation and/or construction of an artificial channel for the purpose of diverting the entire flow of a stream from its established course.

Establish - To construct, place, insert or excavate.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry lands from the overflow of a stream, or the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain - The areas adjoining a stream which would be covered by floodwater.

Floodway - The channel of a stream and the adjacent over-bank areas that must be reserved in order to discharge a base flood without cumulatively increasing the water surface elevation more than one-half (1/2) foot.

Floodway Fringe - That portion of the floodplain outside the limits of the floodway.

Flood Insurance Rate Map - The map on which the Federal Insurance Administration has delineated both the 100-year floodplains and the risk premium zones.

Flood Insurance Study - The report which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary and Floodway Map and the water surface profiles.

Lowest Floor Elevation - Any floor usable, or could be converted to a use for living purposes, storage or recreation.

Mobile Home - A structure that is transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

New Construction - Structures for which the start of construction, substantial improvement or alteration commences on or after the effective date of these Regulations.

Non-Conforming Use - A land use not in accordance with these regulations.

Official Floodplain Maps - The Flood Insurance Rate Maps and Flood Boundary - Floodway Maps provided by the Federal Insurance Administration for Tromberg , dated October 5, 1981.

Permit Issuing Authority -

Riprap - Stone, rocks, concrete blocks or analogous material that is placed along the banks or bed of a stream for the purpose of alleviating erosion.

Start of Construction - The first placement of permanent construction of a structure (other than a mobile home) on a site, such as pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets, and/or walkways; nor does it include the excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivisions, start of

construction is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and the installation of utilities) is completed.

Structure - A walled and roofed building, mobile home, or a gas or liquid storage tank, that is principally above ground.

Substantial Improvement - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- (1) before the improvement or repair is started, or
- (2) if the structure has been damaged and is being restored before the damage occurred.

For the purposes of this definition, 'substantial improvement' is considered to occur when the first construction to any wall, ceiling, floor or other structural part of the building commences. A substantial improvement differs from the alteration of a structure in that it is not defined to include increasing or affecting the external dimensions of the structure. The term also does not include either:

(1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or

(2) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

Suitable Fill - Fill material which is stable, compacted, well graded, pervious, generally unaffected by water and frost, devoid of trash or similar foreign matter, and tree stumps or other organic material; and is fitted for the purpose of supporting the intended use and/or permanent structure.

Variance - A grant or relief from the requirements of these Regulations which would permit construction in a manner that would otherwise be prohibited by these Regulations.

## CHAPTER III

### GENERAL PROVISIONS

#### 3.01 Jurisdictional Area

These Regulations shall apply to all lands within the jurisdiction of the town of Fromberg, State of Montana, shown on the Official Floodplain Maps as being located within a 100-year floodplain district.

#### 3.02 Floodplain District Establishment

The floodplain districts established are defined by the 100-year floodplains as delineated in the Fromberg Flood Insurance Study. The basis for the Flood Insurance Study is a scientific and engineering report entitled, "The Flood Insurance Study for Fromberg, Montana", dated October 5, 1981 with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps. The Official Floodplain Maps, together with the Flood Insurance Report are on file in the Office of the Fromberg Floodplain Administrator.

#### 3.03 Floodplain Administrator

The Fromberg Floodplain Administrator has been designated to be whoever the town council selects. The responsibilities  
(Mayor - Town of Fromberg)

of this position are outlined in Chapter IV of these Regulations.

### 3.04 Rules for Interpretation of Floodplain District Boundaries

The boundaries of the 100-year floodplain and floodway shall be determined by scaling distances on the Official Floodplain Maps. Where there appears to be a conflict between a mapped floodplain boundary and actual field conditions, the Fromberg Floodplain Administrator may determine that the area is not to be included within the 100-year floodplain. The property owner or developer would then not have to satisfy the provisions of these Regulations.

### 3.05 Compliance

No structure or land use shall be located, extended, converted or structurally altered without full compliance with the provisions of these Regulations and other applicable regulations. These Regulations meet the minimum floodplain development requirements as set forth by the Montana Board of Natural Resources and Conservation and in the National Flood Insurance Program regulations.

### 3.06 Abrogation and Greater Responsibility

It is not intended by these Regulations to repeal, abrogate or impair any existing easements, covenants, deed

restrictions or underlying zoning. However, where these Regulations impose greater restrictions, the provisions of these Regulations shall prevail.

### 3.07 Regulation Interpretation

In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statute.

### 3.08 Warning and Disclaimer of Liability

These Regulations do not imply that areas outside the delineated floodplain boundaries or permitted land uses within such areas will always be totally free from flooding or flood damages. These regulations shall not create a liability on the part of, or a cause of action against the Town of Fromberg , or any officer or employee thereof for any flood damages that may result for reliance upon these Regulations.

### 3.09 Severability

If any section, clause, provision or portion of these Regulations is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these Regulations shall not be affected thereby.

### 3.10 Disclosure Provision

All owners of property in an identified 100-year floodplain as indicated on the Official Floodplain Maps must notify potential buyers or their agents that such property is subject to the provisions of these Regulations. Upon resale of property, the lending institution must notify potential buyers ten days prior to closing that the property is located within a special flood hazard area. The lender must also notify potential buyers whether, in the event of a flood disaster, Federal disaster relief would be available to the property.

## CHAPTER IV

### ADMINISTRATION

#### 4.01 Administration

- A. As provided in Section 3.03 of these Regulations, Fromberg Mayor Floodplain Administrator has been designated by the Fromberg Town Council , and has the responsibility of such position as outlined in these Regulations.
- B. The Floodplain Administrator is hereby appointed with the authority to review floodplain development permit applications and proposed uses or construction to determine compliance with these Regulations, and is required to assure all necessary permits have been received from those governmental agencies from which approval is required by federal and state law and local codes, including Section 404 of the Federal Water Pollution Control Act of 1972, 33 U.S.C. 1334.
1. Additional Factors - Floodplain development permits shall be granted or denied by the Floodplain Administrator on the basis of whether the proposed establishment, alteration, or substantial improvement of an artificial obstruction or non-conforming use meets the requirements of these Regulations. Additional factors

that shall be considered for every permit application are:

- a. The danger to life and property due to increased flood heights, increased flood water velocities or alterations in the pattern of flood flow caused by encroachments;
- b. The danger that materials may be swept onto other lands or downstream to the injury of others;
- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
- d. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;
- e. The importance of the services provided by the facility to the community;
- f. The requirement of the facility for a water-front location;
- g. The availability of alternative locations not subject to flooding for the proposed use;
- h. The compatibility of the proposed use with existing development and anticipated development in the foreseeable future;

- i. The relationship of the proposed use to the comprehensive plan and floodplain management for the area;
  - j. The safety of access to property in times of flooding for ordinary and emergency services; and,
  - k. Such other factors as are in harmony with the purposes of these Regulations, the Montana Floodplain and Floodway Management Act and the National Flood Insurance Program.
- C. A floodplain development permit application is considered to have been automatically granted 60 days after the date of receipt of the application by the Floodplain Administrator, unless the applicant has been notified that the permit is denied, conditionally approved or additional information pertinent to the permit review process is required.
- D. The Floodplain Administrator shall adopt such administrative procedures as may be necessary to efficiently administer the provision of these Regulations.
- E. The Floodplain Administrator shall maintain such files and records as may be necessary to document non-conforming uses, flood elevations, fee receipts, the issuance of permits, agendas, minutes, records of public meetings, and any other matters related to floodplain management in

Fromberg . Such files and records shall be open for public inspection. In matters of litigation, the Town of Fromberg's Attorney may restrict access to specific records.

- F. Copies of all permits granted must be sent to the Department of Natural Resources and Conservation in Helena, Montana.
- G. In riverine situations, notification by the Floodplain Administrator must be made to adjacent communities, the Floodplain Management Section (DNRC), and the Federal Insurance Administration, prior to any alteration or relocation of a stream. The flood-carrying capacity within the altered or relocated portion of any stream must be maintained.

#### 4.02 Permit Applications

- A. Activities or uses which require the issuance of a permit, including the expansion or alteration of such uses, shall not be initiated, established or undertaken until a permit has been issued by the Floodplain Administrator.
- B. Permit applicants may be required to furnish such of the following as is deemed necessary by the Floodplain Administrator for determining the suitability of the particular site for the proposed use:

1. Plans in duplicate drawn to scale with dimensions shown, showing the nature, location and elevation of the lot, existing and proposed structure locations, fill, storage or materials site, flood proofing measures, first floor of proposed structures in mean sea level elevation and location of the channel; and,
2. A plan view of the proposed development indicating external dimensions of structures, street or road finished grade elevations, well location, individual sewage treatment and disposal site, excavation and/or fill quantity estimates, site plan and/or construction plans.
3. Specifications for flood-proofing, filling, excavating, grading, riprapping, storage of materials and utilities location.

C. Applicants who have received permits are required to furnish the the following, at the time of an on-site conformance inspection, for determining that the permit specifications and conditions have been complied with:

- a. Certification by a registered professional engineer or licensed land surveyor the actual mean sea level elevation of the lowest floor (including basement) of all new, altered or substantially improved structures. If flood-proofing techniques were utilized for the above described structures, then the mean sea level

elevation to which the flood proofing was accomplished must be similarly certified.

#### 4.03 Emergency Waiver

A. Emergency repair to and/or replacement of severely damaged public transportation facilities, public water and sewer facilities, and flood control works may be authorized and floodplain development permit requirements waived if:

1. Upon notification and prior to the emergency repair and/or replacement, the Floodplain Administrator determines that an emergency condition warranting immediate action exists; and

2. The Floodplain Administrator agrees upon the nature and type of proposed emergency repair and/or replacement.

B. Authorization to undertake emergency repair and/or replacement work may be given verbally if the Floodplain Administrator feels that such a written authorization would unduly delay the emergency works. Such verbal authorization must be followed by a written authorization stating the emergency condition, the type of emergency work agreed upon, and a notation that a verbal authorization had been previously given.

#### 4.04 Review-Variances-Appeals

A. There is hereby created a *Town of Fromberg* Board of Adjustment, the membership, administration and rules of procedure of which are identical to and the same as the  
Town of Fromberg Board of Adjustment.

B. The Fromberg Town Council may, by variance, grant a permit that is not in compliance with the minimum standards contained in these Regulations according to the following procedures:

1. Variances shall not be issued for areas within a floodway if any increase in flood elevations or velocities would result;
2. Variances shall only be issued upon:
  - a. a showing of good and sufficient cause;
  - b. a determination that refusal of a permit would, because of exceptional circumstances, cause a unique or undue hardship on the applicant or community involved;
  - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing state or local laws;

- d. a determination that a proposed use would be adequately flood-proofed;
- e. a determination that a reasonable alternative location outside the floodplain is not available;
- f. a determination that the variance requested is the minimum necessary, considering the flood hazard, to afford relief; and
- g. an approval of the Montana Department of Natural Resources and Conservation is obtained upon request from the Fromberg Town Council prior to formally approving any permit application which is in variation to these Regulations.

3. Variances shall be issued in writing from the Fromberg Town Council and shall notify the applicant that:

- a. the specific variance that is granted, along with any conditions attached thereon;
- b. the issuance of a variance to construct a structure below the 100-year floodplain elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

c. such construction below the 100-year flood elevation increases risks to life and property. The Floodplain Administrator shall maintain the records of variance notification, variance actions, including justification for their issuance and forward copies of all variance actions to the Montana Department of Natural Resources and Conservation.

C. Appeals from any decision of the or its officers or agencies may be taken by an aggrieved person or persons, jointly or separately aggrieved, to a court of record.

#### 4.05 Fees

A processing fee of \$10.00 (not to exceed \$25.00) shall be submitted with each permit application.

#### 4.06 Violation Notice

The Floodplain Administrator shall bring any violation of these Regulations to the Attention of the Fromberg Town Council, the Fromberg Attorney and the Montana Department of Natural Resources and Conservation.

#### 4.07 Compliance

Any use, arrangement or construction not in compliance with that authorized shall be deemed a violation of these

Regulations, and punishable as provided in Section 4.08. An applicant may be required to submit certification by a registered professional engineer, architect or other qualified person designated by the Floodplain Administrator that finished fill and building floor elevations, flood proofing or other flood protection measures were accomplished in compliance with these Regulations.

#### 4.08 Penalties

Violation of the provisions of these Regulations for failure to comply with any of the requirements, including permit approval prior to development of floodprone lands and conditions and safe-guards established in connection with variances, shall constitute a misdemeanor. Any person who violates these Regulations or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100 or be imprisoned in jail for not more than 10 days, or be both so fined and imprisoned. Each day's continuance of a violation shall be deemed a separate and distinct offense.

## CHAPTER V

### Specific Standards

#### 5.01 Application

The minimum floodplain development standards listed in this chapter apply to the floodway/floodway fringe portions of the 100-year floodplain as delineated on the Fromberg Floodway and Flood Boundary Maps, and also correspond to the numbered A zones depicted on the Fromberg Flood Insurance Rate Maps.

#### 5.02 Floodway

A. Uses Allowed Without Permits. The following open space uses shall be allowed without a permit anywhere within the floodway, provided that such uses conform to the provisions of Chapter VII of these Regulations, are not prohibited by any other ordinance, resolution or statute and do not require fill, excavation, permanent storage of materials or equipment or structures other than portable structures:

1. Agricultural uses;

2. Accessory uses such as loading or parking areas, or emergency landing strips associates with industrial-commercial facilities;
3. Private and public recreational uses such as golf courses, driving ranges, archery ranges, picnic grounds, boat-launching ramps, parks, wildlife management and natural areas, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking or horseback riding trails;
4. Forestry, including processing of forest projects with portable equipment;
5. Residential uses such as lawns, gardens, parking areas and play areas;
6. Irrigation and livestock supply wells, provided that they are located at least 500 feet from domestic water supply wells; and
7. Fences, except permanent fences crossing channels.

B. Uses Requiring Permits. The following artificial obstructions and non-conforming uses may be permitted in the floodway subject to the issuance of a permit by the Floodplain Administrator:

1. Excavation of material from the pits and pools provided that:
  - a. A buffer strip of undisturbed land of sufficient width to prevent flood flows from channeling into the excavation is left between the edge of the channel and the edge of the excavation;
  - b. The excavation meets all applicable laws and regulations of other local and state agencies; and,
  - c. Excavated material is stockpiled outside the floodway.
2. Railroad, highway and street stream crossings provided the crossings are designed to offer minimal obstruction to flood flow.
3. Limited filling for highway, street and railroad embankments not associated with stream crossings provided that:
  - a. reasonable alternative transportation routes outside the designated floodway are not available; and
  - b. such floodway encroachment is located as far from the stream channel as possible.
4. Buried or suspended utility transmission lines, provided that:

- a. suspended utility transmission lines are designed such that the lowest point of the suspended line is at least 6 feet higher than the elevation of the flood of 100-year frequency;
  - b. towers and other appurtenant structures are designed and placed to withstand and offer minimal obstruction to flood flows; and,
  - c. utility transmission lines carrying toxic or flammable materials are buried to a depth at least twice the calculated maximum depth of scour for a flood of 100-year frequency. The maximum depth of scour may be determined from any of the accepted hydraulic engineering methods, but the final calculated figure shall be subject to approval by the Floodplain Administrator.
5. Storage of materials and equipment provided that:
- a. the material or equipment is not subject to major damage by flooding and is properly anchored to prevent flotation or downstream movement; or,
  - b. the material or equipment is readily removable within the limited time available after flood warning. Storage of flammable, toxic or explosive materials shall not be permitted.
6. Domestic water supply wells provided that:

- a. they are driven or drilled wells located on ground higher than the surrounding ground to assure positive drainage from the well;
  - b. well casings are water tight to a distance of at least 25 feet below the ground surface;
  - c. water supply and electrical lines have a water-tight seal where the lines enter the casing;
  - d. all pumps, electrical lines and equipment are either of the submersible type or are adequately floodproofed; and,
  - e. check valves are installed on main water lines at wells and all building entry locations.
7. Buried and sealed vaults for sewage disposal in recreational areas provided that they meet applicable laws and standards administered by the Montana Department of Health and Environmental Sciences.
8. Public or private campgrounds provided that:
- a. access roads require only limited fill and do not obstruct or divert flood waters; and
  - b. no dwellings or permanent mobile homes are allowed.

9. Structures accessory to the uses permitted in this Section such as boat docks, marinas, sheds, picnic shelters, tables and toilets provided that:
  - a. the structures are not intended for human habitation;
  - b. the structures will have a low flood damage potential;
  - c. the structures will, insofar as possible, be located on ground higher than the surrounding ground and as far from the channel as possible;
  - d. the flood-proofing standards of Chapter VII are met; and,
  - e. the structures will be constructed and placed so as to offer a minimal obstruction to flood flows and also are anchored to prevent flotation.
  
10. Replacement of mobile homes within an existing mobile home park or mobile home subdivision provided that the mobile homes are anchored to resist flotation, collapse or lateral movement by providing over-the-top frame ties. Special requirements shall be that:
  - a. over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile home

less than 50 feet long requiring one additional tie per side;

b. frame ties to be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;

c. all components of the anchoring system be capable of carrying a force of 4,800 pounds;

d. any additions to the mobile home must be similarly anchored; and,

e. adequate surface drainage and access for a hauler are provided.

11. Substantial improvements to any structure provided that the provision of Section 5.03-B.3. and Section 4.03-B.4. of these Regulations are met.

12. All other artificial obstructions, substantial improvements or non-conforming uses not specifically listed in, or prohibited by these Regulations.

G. Permits for Flood Control Works. Flood control works shall be allowed within floodways subject to the issuance of a permit by the Floodplain Administrator and to the following conditions.

1. Levees and floodwalls are permitted if:

a. the proposed levee or floodwall is designed and constructed to safely convey a flood of 100-year frequency; and,

b. the cumulative effect of the levee or floodwall combined with allowable floodway fringe encroachments does not increase the unobstructed elevation of the flood of 100-year frequency. The Floodplain Administrator may establish either a lower or higher permissible increase in the elevation of the flood of 100-year frequency for individual levee projects, with concurrence of the Montana Department of Natural Resources and Conservation and the Federal Insurance Administration based upon the following criteria:

1. the estimated cumulative effect of other reasonable anticipated future permissible uses; and
2. the type and amount of existing flood-prone development in the affected area.

c. the proposed levee or floodwall, except those to protect agricultural land only, are constructed at least 3 feet higher than the elevation of a flood of 100-year frequency.

2. Riprap, except that which is hand-placed, if:

a. the riprap is designed to withstand a flood of 100-year frequency;

- b. the riprap does not increase the elevation of the flood of 100-year frequency; and,
  - c. the riprap will not increase erosion upstream, downstream, or adjacent to the riprap site.
3. Channelization projects if they do not significantly increase the magnitude, velocity or elevation of the flood of 100-year frequency in the proximity of the project.
4. Dams provided that:
- a. they are designed and constructed in accordance with approved safety standards; and,
  - b. they will not increase flood hazards downstream, either through operational procedures, or improper hydrologic design.

D. Permits for Water Diversions. Permits for the establishment of a water diversion or change in place of diversion shall not be issued if in the judgement of the Floodplain Administrator:

- 1. The proposed diversion will increase the upstream elevation of the flood of 100-year frequency;
- 2. The proposed diversion is not designed and constructed to minimize potential erosion from a flood of 100-year frequency; and,

3. Any permanent diversion structure crossing the full width of the stream channel is not designed and constructed to safely withstand up to a flood of 100-year frequency.

E. Prohibited Uses. The following artificial obstructions and non-conforming uses are prohibited within the floodway:

1. New construction and alterations of any structure;
2. Encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway that would result in erosion of embankment, obstruction of the natural flow of waters, or increase in flood levels within the community during the occurrence of the flood of 100-year frequency.
3. The construction or permanent storage of an object subject to flotation or movement during flood level periods;
4. Mobile homes, except in an existing mobile home park or mobile home subdivision;
5. Solid waste disposal, water distribution systems, and sewage treatment and/or disposal systems except as allowed or approved under the laws and standards admin-