SECTION 16. That for the reasons set forth in the preambles hereto, which is made a part hereof, and for the further reason that the Project cannot be undertaken without the immediate issuance of the Notes, this Ordinance is hereby determined to be an emergency measure and shall take effect and be in force forthwith, provided that it receives the affirmative vote of two-thirds of the members elected to Council; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: October 2, 1995

President of Council

Approved: October 2, 1995

Mayor

Attest:

Clerk

CERTIFICATE

The undersigned, duly appointed and acting Clerk of the Town Council of the Town of Fromberg, County of Carbon, Montana, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 4-6-50 passed by the Council on October 2, 1995, together with an extract from the minutes of the meetings at which that Ordinance was considered, to the extent pertinent thereto.

Clerk, Town Council of the
Township of Fromberg, County
of Carbon, Montana

October 3, 1995

#5901

ORDINANCE NO. 244

ORDINANCE AUTHORIZING THE ISSUANCE OF $807,100 WATER SYSTEM REVENUE BONDS, SERIES 1995, BY THE TOWN OF FROMBERG, COUNTY OF CARBON, MONTANA, FOR THE PURPOSE OF REFUNDING BOND ANTICIPATION NOTES ORIGINALLY ISSUED FOR THE PURPOSE OF PAYING COSTS OF NECESSARY IMPROVEMENTS TO THE WATER SYSTEM, INCLUDING CONSTRUCTION OF A WATER STORAGE TANK, DEVELOPMENT OF A NEW WELL, CONSTRUCTION OF IMPROVEMENTS TO THE GALLERY SYSTEM, INSTALLATION OF VALVES, HYDRANTS AND METERS AND ALL NECESSARY APPURTENANCES THERETO; PRESCRIBING THE FORM OF BONDS; PROVIDING FOR THE COLLECTION OF REVENUE FROM SAID SYSTEM SUFFICIENT TO PAY DEBT SERVICE AND THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM, PROVIDING AN ADEQUATE RESERVE FUND THEREFOR, AND FURTHER PROVIDING FOR THE SEGREGATION AND DISTRIBUTION OF SAID REVENUES; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS IN ENFORCEMENT THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, this Council previously determined it to be necessary to the immediate preservation of the public health, safety and welfare of the citizens of the Town of Fromberg (the "Town") to make improvements to the water system, including construction of a water storage tank, development of a new well, construction of improvements to the gallery system, installation of valves, hydrants and meters and all necessary appurtenances thereto (the "Project) (the existing water system, as improved by the Project, being referred to herein as the "System"), and issued its bond anticipation notes dated October 4, 1995 (the "Notes") in the amount of $807,100 to pay the costs of the Project; and

WHEREAS, this Council has received written commitments for two loans from the United States of America, acting through the United States of America, Rural Economic and Community Development Services (the "Government") in the respective amounts of $734,100 and $73,000, provided certain terms of the commitments are met, such loans to take the form of the purchase of its Water System Revenue Bonds, Series 1996, consisting of $734,100 Water System Revenue Bonds, Series 1996 A (the "Series 1996 A Bonds") and $73,000 Water System Revenue Bonds, Series 1996 B (the "Series 1996 B Bonds" and, together with the Series 1996 A Bonds, the "Bonds"), which the Notes were issued in anticipation of, and this Council has further determined that the Town is unable to obtain sufficient long-term credit elsewhere to

finance the Project, taking into consideration prevailing private, cooperative and public rates and terms currently available; and

WHEREAS, this Council, after due investigation, hereby finds it necessary and advisable to provide for the permanent financing of the Project and has determined that it is necessary and proper to authorize the issuance of the Bonds to retire the Notes prior to the maturity of said Notes pursuant to an optional redemption of the Notes; and

WHEREAS, this Council finds all conditions precedent to the redemption and retirement of the Notes and the issuance and sale of the Bonds have been met or can be met prior to the issuance of the Bonds;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Fromberg, Carbon County, Montana:

Section 1. That the Town now proceed with the permanent financing of the Project. The Town hereby finds and determines that total estimated cost of the improvements to the System to be permanently financed with proceeds of the Bonds is $807,100; that the System shall continue to be operated as a public utility including all extensions and improvements to the System; that prior to the issuance of the Bonds herein authorized, rates, fees, payments and charges for the services, facilities and commodities of the System will be fixed in an amount so that the System is and remains self-supporting and, therefore, sufficient to pay the costs of operating and maintaining the System and the principal and interest on the Bonds, debt services, reserve, replacements and improvement requirements and all other requirements provided herein, and otherwise comply with the covenants herein provided; and that it is necessary to sell the Bonds in the aggregate principal amount of $807,100 and having the terms provided herein, to the Government, the proceeds to be used for the purpose of redeeming and retiring the Notes previously issued to pay a portion of the cost of the Project and for such other purposes as may be described herein.

Section 2. That this Council hereby declares and determines the period of usefulness of the improvements to the System to be financed pursuant to this Ordinance is not less than forty years from the date of completion and further ratifies and confirms the Town's application for and acceptance of the loans from the Government evidenced by the Bonds and all actions of Town officials and others acting on behalf of the Town relating to the Project and the application for and acceptance of the loans.

Section 3. That there is hereby authorized to be issued the Bonds of the Town, in two series, Series 1996 A Bonds in the aggregate principal amount of $734,100 and Series 1996 B Bonds in the aggregate principal amount of $73,000, which shall be designated "Water System Revenue Bonds, Series 1996A" and "Water System Revenue Bonds, Series 1996B", respectively, and numbered consecutively from AR-1 and BR-1 upwards, respectively. The Bonds shall be of the denomination of $100 or any integral multiple thereof, provided that if the Government shall purchase the Bonds, the Bonds shall be in such denominations as requested

by the Government, including a single Bond in the aggregate principal amount purchased, registered as to both principal and interest in the name of "United States of America". The Bonds shall be negotiable instruments. All the Bonds shall be dated as of the date of their initial delivery and shall bear interest at the rate of four and one-half percent (4.50%) per annum until the final payment of principal on the Bonds, interest to be payable monthly on the first day of each month, commencing May 1, 1996. The Bonds shall be scheduled to become due and payable in numerical order on the first day of each month in the amounts and in the years as set forth on Exhibit A attached to and made a part of this Ordinance.

The Bonds maturing after April 1, 2006 shall be subject to redemption by the Town prior to maturity in whole, or from time to time in part, in inverse order of maturity in integral multiples of $1,000 on April 1, 2006, and on any payment date thereafter at par and accrued interest to the redemption date; provided that if all the Bonds are held by the Government, the Bonds may be redeemed in whole, or in part in integral multiples of $100, in inverse order of maturity on any interest payment date at par plus accrued interest. Notice of the exercise of such right of redemption identifying the Bonds to be redeemed shall be given by written notice to the registered holders of the Bonds to be redeemed not less than 30 days prior to the redemption date. If less than all Bonds maturing in any one year are called for redemption, the Bonds to be called shall be chosen by lot. Each of said Bonds shall be executed on behalf of the Town by the manual or facsimile signature of the Mayor and shall be attested by the manual or facsimile signature of the Clerk, provided that one of those signatures shall be a manual signature. Any authority, officer or board which hereafter succeeds, by operation of law, to the powers and duties of the Mayor or the Clerk shall be deemed included in the applicable official designation while having such powers and duties.

The Bonds and the lien on the revenues of the System securing the Bonds may not be defeased as long as the Bonds are held by the Government.

All of the Bonds, together with interest thereon shall be payable only out of the special fund referred to herein and the income and revenues of the System pledged to said fund as provided herein.

Section 4. That registration of the ownership of the Bonds shall be evidenced by notation to that effect on the reverse side thereof, after which no transfer shall be valid unless made at the written request of the registered holder, his legal representatives or assigns on the bond register of the Town in the office of the Bond Registrar and similarly endorsed thereon.

Bonds of this issue shall be fully registered as to principal and interest in the name of the holder on the bond register of the Town provided for that purpose in the office of the Bond Registrar. The Clerk of the Town Council shall serve as Bond Registrar. Payment of installments of principal and interest shall be made by check or draft to the registered holder at the address shown on the bond register of the Town, except that the payment of the final installment of principal shall be made upon presentation and surrender of such Bond.

This Town Council hereby covenants and agrees so long as any of the Bonds are outstanding to retain and maintain a Bond Registrar having an appropriate bond register for the purpose of registering and transferring the registration of any Bonds as in this Section contemplated and provided.

The Town shall upon request of the holder of each Bond, at any time at the expense of such holder, and within ninety (90) days after such request, exchange Bonds for Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed principal amount of, and bearing interest at the same rate and maturing on the same date or dates, as the Bonds being exchanged. Bonds shall be so exchanged only for and upon surrender to the Town of the corresponding Bond or Bonds being exchanged which shall then immediately be cancelled by the Bond Registrar. The Bonds shall be transferable, without charge to the holder, only on the bond register of the Town upon presentation to the Bond Registrar with a written transfer duly acknowledged by the registered holder or such holder's attorney and such transfer to be noted on the Bond.

The Bonds and provisions for registration appertaining thereto shall be in substantially the form of Exhibit B attached hereto and made a part of this Ordinance.

Section 5. That the Bonds hereby authorized, together with interest thereon, shall be payable from the gross income and revenues to be derived from the operation of the System, a sufficient portion of which, to pay such principal and interest as and when the same shall become due on the Bonds, is hereby pledged and shall be set aside for that purpose in an account previously established and identified as the "Water System Revenue Bond and Interest Sinking Fund Account" (the "Sinking Fund"), in which account may be established the Series 1996 A Subaccount and the Series 1996 B Subaccount for the payment of principal and interest on the Series 1996 A Bonds and Series 1996 B Bonds, respectively.

Section 6. The Clerk, in his capacity as chief financial officer of the Town and in such capacity referred to herein as the "Treasurer", shall be custodian of all funds belonging to and/or associated with the System and such funds shall be deposited in the Bank of Bridger, Montana, or its successor, or another bank designated by the Clerk without further action of this Town Council, which bank shall be a member of the Federal Deposit Insurance Corporation. All monies in excess of $100,000 in the supervised bank account shall be secured by the depository bank in advance in accordance with United States Treasury Department Circular No. 176. Said Treasurer of the Town shall execute and keep in force a fidelity bond in an amount not less than $20,000. If the Government is the holder of any of the Bonds authorized hereby, the fidelity bond shall be with a surety company approved by the appropriate official of the Government, and the Government and the Town shall be named as co-obligee in such bond, and the amount thereof shall not be reduced without the prior written consent of the appropriate official of the Government. The Treasurer is hereby directed to maintain the following funds and accounts into which the Bond proceeds and the revenues and income from the System shall be deposited, which accounts have been established and shall be maintained except as otherwise provided so long as any Bond hereby authorized remains unpaid:

(1) WATER SYSTEM REVENUE BOND AND INTEREST SINKING FUND ACCOUNT. The proceeds of the Bonds hereby authorized shall be deposited in the Water System Revenue Bond and Interest Sinking Fund Account and previously established for the Notes. Until the Notes are paid and retired, such Bond proceeds shall be withdrawn in accordance with Montana law only for the purpose of paying principal and interest due on the Notes. When the retirement of the Notes has been completed, any balance remaining in such Sinking Fund attributable to Bond proceeds shall be used to the extent possible to redeem Bonds or installments thereon prior to maturity.

(2) WATER SYSTEM REVENUE ACCOUNT. The gross income and revenues of the System shall be set aside into a separate account to be designated the Water System Revenue Account (the "Revenue Account"), which such fund has heretofore been established and monies so deposited therein shall be expended and used only in the manner and order as follows:

(A) Water System Revenue Bond and Interest Sinking Fund Account. There shall be transferred each month from the Revenue Account before any other expenditures or transfers therefrom, and deposited in the Sinking Fund, which such fund has heretofore been established for payment of principal and interest on the Notes and the Bonds, a sum equal to the interest due on the next ensuing interest due date with respect to all Bonds outstanding and the sum necessary to provide for payment of the next ensuing principal maturity of all Bonds outstanding. If for any reason there is a failure to make such monthly deposit, then an amount equal to the deficiency shall be set aside and deposited in the Sinking Fund out of the gross revenues in the ensuing month or months, which amount shall be in addition to the regular monthly deposit required during such succeeding month or months.

Whenever there shall accumulate in the Sinking Fund amounts in excess of the requirements during the next twelve (12) months for paying the principal of bonds falling due and interest on all outstanding Bonds and in excess of the requirements of the Operations and Maintenance Account and the Reserve Account, which heretofore have been established or are established herein, such excess may be used by the Town for redemption of Bonds in the manner set out in Section 3 of this Ordinance.

If there is a paying agent for any of the Bonds, the Treasurer shall place on deposit not later than seven (7) days before each maturity date of Bonds with such agent an amount sufficient to pay the principal of and interest of the Bonds then due.

(B) Operation and Maintenance Account. There shall be transferred each month from the Revenue Account a sufficient portion of the income and revenues to the Operation and Maintenance Account, which such fund has heretofore been

established to pay the reasonable and necessary current expenses of operation and maintaining the System for the ensuing month, including reasonable reserves therefor.

(C) Reserve Account. Out of the balance of income and revenue after the transfers required in (A) and (B) above have been made, there shall be set aside and deposited in the Reserve Account, which such fund is hereby established for the Bonds, the sum of $391 each month until there is accumulated in such fund the sum of $46,788, after which no further deposits need be made into said account except to replace withdrawals. With the approval of the Government, so long as the Government shall hold the Bonds, and otherwise at the sole option of the Town, the minimum reserve shall be used and disbursed only for the purpose of paying the cost of repairing or replacing any damage to the System which may be caused by an unforeseen catastrophe, and when necessary for the purpose of making payments of principal and interest on the Bonds hereby authorized if the amount in the Sinking Fund is not sufficient to meet such payments. Whenever disbursements are made from the Reserve Account monthly payments shall be resumed until there is again accumulated the sum of $46,788, at which time payments may be again discontinued. The funds in the Reserve Account may be invested in obligations of the United States of America or in time or savings deposits. Any such investment and the interest earned thereon will be a part of the Reserve Account. Surplus funds shall be retained in the Reserve Account and may be used for making extensions or improvements to the System, redeeming outstanding Bonds prior to maturity, paying junior obligations, if any, and any other use of revenues authorized by this Ordinance.

Section 7. That the Town hereby accepts the offer of the Government to purchase the Bonds, the terms of which offer are incorporated herein. So long as the Government is holder of any of the Bonds, the Town and this Ordinance shall be subject to the Government Loan Resolution relating to the Bonds, a copy of which is available for inspection at the office of the Clerk.

Section 8. That this Town Council hereby covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder and will, to the extent possible, comply with all other applicable provisions of the Code and the regulations thereunder to retain the Federal income tax exemption for interest on the Bonds, including any expenditure requirements, investment limitations, rebate requirements, or use restrictions. The Mayor, the Clerk or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of the Town on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts,

estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of the Code and regulations thereunder.

Either of the Mayor and the Clerk are authorized and directed to execute and file, or cause to be filed, by the deadline established by law, a complete and proper IRS Form 8038-G, Information Return for Tax Exempt Government Obligations.

Section 9. The Town covenants and agrees so long as the Bonds hereby authorized remain outstanding as follows:

(a) It will comply with applicable state laws and the regulations and continually operate and maintain the System in good condition.

(b) No customer of the System, individual, corporation or municipality, shall receive free services or any service without being charged the rates prescribed in the rules and regulations of the System. The reasonable cost and value of any service rendered to the Town and its inhabitants by the System, including reasonable charges for public health benefits, shall be paid for monthly as such service accrues out of the current revenues of the Town, exclusive of the revenues derived from the System.

(c) It will maintain complete books and records relating to the operation of the System and its financial affairs and will cause such books and records to be audited annually at the end of each fiscal year and an audit report prepared and will furnish to the Government so long as it is holder of any of the Bonds without request a copy of each audit report and will furnish any other holder of the Bonds a copy of such report upon written request. At all reasonable times the holders of any Bonds shall have the right to inspect the System and the records, accounts and data relating thereto.

(d) It will maintain such insurance coverage as may be required by sound business practice or as required by the Government so long as the Government is the holder of any Bonds.

(e) It will not borrow any money from any source or enter into any contract or agreement or incur any other liabilities, in connection with making extensions or improvements other than normal maintenance to the System, without obtaining the prior written consent of the Government so long as it is holder of any Bond, nor shall it transfer or use any portion of the revenue derived in the operation of the System for any purpose not herein specifically authorized.

The Town may issue additional parity bonds for the purpose of making a reasonable repair, replacement or extension of the System if the Government consents in writing so long as it is holder of any Bonds. Otherwise parity bonds

may be issued upon written consent of at least fifty percent (50%) of the holders of outstanding Bonds.

The funds herein established shall be applied to all parity bonds issued pursuant to this section as if said bonds were part of the original Bond issue and all revenue from any such extension or replacement constructed by the proceeds of a parity bond issue shall be paid to the Revenue Account mentioned in this Ordinance and this provision shall be controlling over any provisions of this Ordinance to the contrary.

(f) Except as otherwise specifically provided, so long as any Bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said System shall be incurred or issued by the Town unless the same shall be junior and subordinate in all respects to the Bonds herein authorized.

(g) So long as the Government is holder of any of the Bonds, if at any time it shall appear to the Government that the Town is able to refund, upon call for redemption or with consent of the Government, the then outstanding Bonds, held by it, in whole or in part, by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time, the Town will, upon request of the Government, apply for and accept such loan in sufficient amount to repay the Government, and will take all such action as may be required in connection with such loan.

(h) It will not cause or permit any voluntary dissolution of its organization, merge or consolidate with any other public body, dispose of or transfer its title to the System or any part thereof including lands and interest in lands, by sale, mortgage, lease or other encumbrance without obtaining the prior written consent of the Government.

(i) Prior to the beginning of each fiscal year the Town will prepare an annual budget of said system for the ensuing fiscal year itemized on the basis of monthly requirements. A copy of such budget shall be mailed without request to the Government as long as the Government is holder of any of the Bonds and upon written request of any other bondholder.

(j) The provisions of this Ordinance shall constitute a contract between the Town and the holders of any of the Bonds, and after the issuance of the Bonds this ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interest of the holders, nor shall this Council adopt any Ordinance in any way adversely affecting the rights of the holders so long as the Bonds or interest thereon remains unpaid.

Section 10. If there shall be default in the Sinking Fund provisions of this Ordinance or in the payment of principal or interest of any of the Bonds, upon the filing of a suit by any holder, any court having jurisdiction of the action may appoint a receiver to administer the System on behalf of the Town with power to charge and collect rates and fees sufficient to provide for the payment of the Bonds and for the payment of operating and maintenance expenses and to apply income and revenues in accordance with this Ordinance and the laws of Montana. This section in no way limits the remedies of the holders of the Bonds or the sources of payment of a default or deficiency which may be allowed by law.

Section 11. The Mayor, the Clerk and this Council are separately hereby authorized, empowered and directed to accept any grant with respect to the Project. The Mayor, the Clerk, and any other officer or employee of the Town are each authorized to execute and deliver on behalf of the Town such other certificates, documents or instruments as shall be necessary in connection with the transactions authorized in this Ordinance, and are directed to do all things required of them in this Ordinance.

Section 12. That the Bonds are hereby designated as "qualified tax-exempt obligations" to the extent permitted by Section 265(b) of the Code. This Town Council finds and determines that the reasonably anticipated amount of tax-exempt obligations (whether or not designated as qualified) issued and to be issued by the Town during this calendar year, including the Bonds does not, and this Town Council hereby covenants that, during such year, the amount of tax-exempt obligations issued by this Town and designated as "qualified tax-exempt obligations" for such purpose will not exceed $10,000,000. The Mayor, the Clerk of this Town Council and other appropriate officers, and any of them, are authorized to take such actions and give such certifications on behalf of the Town and this Town Council with respect to the reasonably anticipated amount of tax-exempt obligations to be issued by the Town during this calendar year and with respect to such other matters as appropriate under the Code.

Section 13. That all ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section of this Ordinance and each subdivision of any section thereof is hereby declared to be independent and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

Section 14. That it is found and determined that all formal actions of this Town Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Town Council, and that all deliberations of this Town Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

Section 15. That for the reasons set forth in the preambles hereto, which is made a part hereof, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the Town to retire

the Notes and to permanently finance the Project on the most cost effective basis, thereby preserving the credit of the Town, this Ordinance is hereby determined to be an emergency measure and shall take effect and be in force forthwith, provided that it receives the affirmative vote of two-thirds of the members elected to Town Council; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed:

President of Council

Approved:

Mayor

Attest:

Clerk

CERTIFICATE

The undersigned, duly appointed and acting Clerk of the Town Council of the Town of Fromberg, County of Carbon, Montana, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 244 passed by the Council on 2-14-2, 1996, together with an extract from the minutes of the meetings at which that Ordinance was considered, to the extent pertinent thereto.

Ellen Ness

Clerk, Town Council of the
Township of Fromberg, County
of Carbon, Montana

2/14/2, 1996

#6279

EXTRACT FROM MINUTES OF MEETING

The Town Council of the Town of Fromberg, County of Carbon, Montana, met in regular session, at 7:30 p.m., on the 2nd day of April, 1996 with the following members present:

Mayor Renee Shanks
Councilman Richard Swan
Councilman Jeff Tabor
" Myrtle Skorupa
" Jack Wipplinger

There was presented and read to Council Ordinance No. 244, entitled:

ORDINANCE AUTHORIZING THE ISSUANCE OF $807,100 WATER SYSTEM REVENUE BONDS, SERIES 1995, BY THE TOWN OF FROMBERG, COUNTY OF CARBON, MONTANA, FOR THE PURPOSE OF REFUNDING BOND ANTICIPATION NOTES ORIGINALLY ISSUED FOR THE PURPOSE OF PAYING COSTS OF NECESSARY IMPROVEMENTS TO THE WATER SYSTEM, INCLUDING CONSTRUCTION OF A WATER STORAGE TANK, DEVELOPMENT OF A NEW WELL, CONSTRUCTION OF IMPROVEMENTS TO THE GALLERY SYSTEM, INSTALLATION OF VALVES, HYDRANTS AND METERS AND ALL NECESSARY APPURTENANCES THERETO; PRESCRIBING THE FORM OF BONDS; PROVIDING FOR THE COLLECTION OF REVENUE FROM SAID SYSTEM SUFFICIENT TO PAY DEBT SERVICE AND THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM, PROVIDING AN ADEQUATE RESERVE FUND THEREFOR, AND FURTHER PROVIDING FOR THE SEGREGATION AND DISTRIBUTION OF SAID REVENUES; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS IN ENFORCEMENT THEREOF; AND DECLARING AN EMERGENCY.

Jeff Tabor moved to suspend the rule requiring each Ordinance to be read on two different days. Jack Wipplinger seconded the motion and, the roll being called upon the question, the vote resulted as follows: Unanimous

Dick Swan then moved that Ordinance No. 244 be passed as an emergency measure. Jeff Tabor seconded the motion and, the roll being called upon the question, the vote resulted as follows: Unanimous

The Ordinance was declared passed April 2, 1996.

CERTIFICATE

The undersigned, Clerk of the Town Council of the Town, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of the Town, held on the ~~11th~~ 12th day of ~~March~~ April, 1996, to the extent pertinent to the consideration and passage of Ordinance No. 244.

Clerk of the Town Council
Town of Fromberg, County of
Carbon, Montana

EXTRACT FROM MINUTES OF MEETING

The Town Council of the Town of Fromberg, County of Carbon, Montana, met in regular session, at 7:30 p.m., on the 3rd day of June, 1996 with the following members present: Mayor Renne Shanks, Council Myrtle Skorupa, Richard Swan, Jeff Tabor and Jack Wipplinger.

There was presented and read to Council Ordinance No 244, entitled:

ORDINANCE NO. 244

AMENDING ORDINANCE NO. 244 TO REVISE CERTAIN TERMS OF THE THE TOWN OF FROMBERG, COUNTY OF CARBON, MONTANA, $807,100 WATER SYSTEM REVENUE BONDS, SERIES 1996, AND DECLARING AN EMERGENCY.

Jeff Tabor moved to suspend the rule requiring each Ordinance to be read on two different days. Jack Wipplinger seconded the motion and, the roll being called upon the question, the vote resulted as follows:
All members voted aye.

Jeff Tabor then moved that Ordinance No 244 be passed as an emergency measure. Jack Wipplinger seconded the motion and, the roll being called upon the question, the vote resulted as follows:
All Members voted aye.

The Ordinance was declared passed as an emergency measure June 3, 1996

CERTIFICATE

The undersigned, duly appointed and acting Clerk of the Town Council of the Town of Fromberg, County of Carbon, Montana, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 244 passed by the Council on June 3, 1996, together with an extract from the minutes of the meeting at which that Ordinance was considered, to the extent pertinent thereto.

Clerk, Town Council of the
Town of Fromberg, County
of Carbon, Montana

Dated: June 3, 1996

DRAFT

ORDINANCE NO. 245

AN ORDINANCE CREATING CODE SECTION 4-5-34 OF THE MUNICIPAL CODE OF THE TOWN OF FROMBERG, MONTANA ALLOWING NEW WATER WELLS IN THE CITY UNDER CERTAIN CONDITIONS AND REQUESTING THAT OLD WATER WELLS BE USED FOR IRRIGATION ONLY AND EVERY RESIDENCE AND BUSINESS BE CONNECTED TO THE TOWN WATER SYSTEM.

Section 1. The Municipal Code of the Town of Fromberg., Montana is hereby amended so as to add a new code section, Section 4-5-34 shich shall read as follows:

4-5-34. From and after the effective date of this ordinance, water wells will be allowed within the city or on property served by the city water system for the purposes and under the conditions set forth below.

A. Irrigation purposes.

B. Potable water if all the conditions set forth are met.

CONDITIONS:

1. The property is not presently served by the town water system.

2. Town water service is more than 300 feet from the nearest property line of the property owner requesting a well.

3. The property owner agrees in writing to connect to the town water system within 60 days when service is extended to within 300 feet of his nearest property line.

4. Written permission has been obtained from the Director of Public Works.

Section 2. All water wells within the town and on such property served by the town water system shall be completely disconnected from the town water system within sixty days after the effective date hereof or within sixty days after it fails to meet the above conditions for exemption. Any such disconnection shall be under the supervision of and subject to inspection by the water superintendent of the Town of Fromberg or such other person as may be designated from time to time by the Mayor.

Section 3. All residences and businesses shall be required to be connected to the town water system for delivery of potable water. Further, all property owners shall be required to pay water fees as per the current water rate schedule.

Ord. 245

Section 4. This ordinance shall be in full force and effect 30 days from and after passage and approval.

PASSED AND APPROVED on first reading this 8 day of July, 1996.

PASSED AND APPROVED on second reading this 5 day of August, 1996.

Bruce Sparks
Mayor

ATTEST:

Cheryl Ness
Town Clerk

Ordinance 246

AN ORDINANCE AMENDING THE FROMBERG MUNICIPAL CODE TO REQUIRE ALL WATER, SEWER AND GARBAGE USERS TO PAY IN FULL EVERY THREE MONTHS, ALSO WATER BREAKS ON PRIVATE PROPERTY ARE REQUIRED TO BE REPAIRED WITHIN 90 DAYS.

TITLE 4; Health and Sanitation

CHAPTER 5; Waterworks

PART 34; Water breaks on private property

This new ordinance is to read as follows;

Water breaks on private property are required to be repaired within 90 days after they are found. If not repaired the water will be turned off and disconnected. The account must be paid in full and thier will be a $50.00 turn on fee.

The town shall have an action at law for the collection of delinquent charges, and may also recover reasonable collection costs and attorney's fees.

This ordinance is dated this 5th day of august, 1996 and is to be effective as of the 2nd reading on the 16 day of Sept, 1996.

Renee Shanks
Mayor

ATTESTED

Thom Ness
Town clerk

I hereby certify that the above Ordinance was duly posted as required by laws of the Towm of Fromberg, in the state of Montana, in three public places, and was read. and the time of thirty days has expired to the passage therof.

Dated this 16 day of Sept 1996.

Thom Ness
Town clerk

TOWN OF FROMBERG

Fromberg, Montana

ORDINANCE NO. ~~246~~ 247

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A SYSTEM TO PICK UP AND HAUL REFUSE. THIS IS AN EMERGENCY ORDINANCE AND IS TO BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

Be it ordained by the Town Council of the Town of Fromberg, Montana:

Section 1: Pursuant to the authority of Title 75, Chapter 10 of the Montana Code Annotated, and in order to provide required sanitation and health protection of the inhabitants of the Town of Fromberg and within the jurisdictional territory of said Town, the Town Council hereby declares its policy to implement a solid waste management system. This system shall be mandatory upon all residents who are customers of the sewage and water system. It is therefore declared unlawful for any inhabitants of said Town and territory to dispose of refuse matters, within the limits of the Town of Fromberg, in any other manner or any other disposal area except under the provisions of this Ordinance.

Section 2: Garbage, refuse and rubbish disposal and hauling shall be exclusively under the control of the Town Council. The Council shall have the right to contract out the disposal and hauling of such refuse matters, and to establish fair and equitable charges therefor, and shall retain the right and power to assist in the collection of said charges from said inhabitants.

Section 3: Each residential unit will be furnished with a 90 gallon roll-out garbage container, and the container shall be delivered to the spot where it needs to be each week on the collection day.

Section 4: Collection of such containers shall be once per week.

Section 5: The rates and charges are as set forth in the Town of Fromberg's Table of Fees. These rates may be amended at anytime by resolution of the Council and with mutual understanding of the contractor. A notice and hearing on any such changes shall first be given to the public.

Section 6: Violations of this Ordinance shall be a misdemeanor, and penalty to be $50.00 per each violation, plus costs of court action.

Section 7: For health and sanitation reasons, this is declared to be an emergency ordinance and becomes effective immediately upon its passage and approval.

Ordinance No. ~~246~~ 247

For health and sanitation reasons, this is declared to be an emergency ordinance and becomes effective immediately upon its passage and approval.

Passed and approved this 7th day of October 1996.

Mayor

Attest:

Clerk
Town of Fromberg

ORDINANCE NO. 248

AN ORDINANCE TO AMEND THE EXISTING ZONING CODES AS PROVIDED IN THE FROMBERG MUNICIPAL CODES:

Be it ordained by the Town Council of the Town of Fromberg as follows:

All existing zoning codes, Title 10 of the Fromberg Muncipal Code Book, shall be replaced with new revised and updated zoning codes as reviewed and adopted by the Town with this ordinance.

Title 10, Chapters 1 - 11 shall read as annexed hereto.

Dated this 4 day of December, 2000.

Mayor

ATTEST:

Town Clerk

I hereby certify that the above ordinance was duly read and posted as required by law.

Town Clerk

ORDINANCE NO. 249

AN ORDINANCE GRANTING TO MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE

TOWN OF FROMBERG

A GAS DISTRIBUTION SYSTEM FOR TRANSMITING AND DISTRIBUTING VAPORIZED NATURAL GAS PRODUCTS AND/OR MANUFACTURED GAS FOR PUBLIC AND PRIVATE USE.

BE IT ORDAINED BY

THE TOWN OF FROMBERG

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 Division of MDU Resources Group, Inc., 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 vaporized natural gas products and/or manufactured gas for public and private use.

SECTION III. Grantee shall maintain an efficient distribution system for furnishing vaporized natural gas products and/or manufactured gas for public and private use at such reasonable rates as may be approved by the Public Service Commission of the state wherein said Municipality is located and under such orders, rules or regulations as may be issued by any federal or state agency having jurisdiction thereof.

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 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.

Passed the 5th day of January, 2004

Approved this 2nd day of February, 2004

ATTEST: Mary McNeley
Clerk

Mayor

(Seal of the Municipality)

ORDINANCE 250

AN ORDINANCE OF THE TOWN OF FROMBERG TO CHANGE SET BACKS TO INCLUDE DETACHED TOOL SHED, REDEFINE MANUFACTURED HOME, AND ENFORCE ZONING PERMITS.

WHEREAS: The Town of Fromberg has approved to revise the current zoning ordinances of January 2001:

WHEREAS: It is necessary that the Town of Fromberg include additional language to the set back line as stated in 10-04-06 so it reads as follows:

No building shall be erected or altered so as to place its street wall nearer than fifteen (15) feet from the property line. No accessory building shall be erected nearer than fifteen (15) feet from the property line. Detached tool sheds shall be located not less than six (6) feet from the side or rear property lines.

WHEREAS: It is necessary that the Town of Fromberg revise the definition of modular and manufactured homes (10-02-44) to conform with the current State of Montana Code Annotated (76-2-302): Zoning Districts so it reads as follows:

Means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home shall be classified as "Real Property" with the Montana Department of Revenue. A manufactured home does not include trailer or mobile home as defined in 10-02-60.

WHEREAS: It is necessary that the Town of Fromberg to include in Chapter 11: Enforcement an additional section for issuance of zoning permits. The additional Section 10-11-01A shall read as follow:

The police department, subject to such variations or interpretations as may be made by the city council, shall:

A. Issue zoning permits for all additions to existing buildings, new construction, or movement of buildings or structures after first determining that all applicable provisions of this title are complied with.

B. Conduct inspections as are necessary to ensure compliance with the provisions of this chapter.

C. Institute appropriate action or proceedings to prevent or correct unlawful construction, additions to existing structures, movement of buildings or structures, or unlawful occupancy of buildings, structures or land.

NOW, THERFORE, BE IT ORDAINED by the Town Council of the Town of Fromberg to incorporate these additions and revisions to the current Zoning Code.

Passed and approved by 1st reading on 2nd day of Feb., 2004.

Passed and approved by 2nd reading on 1st day of March, 2004.

Renee Shanks
Mayor

ATTEST:

J McNeley
Town Clerk

Ordinance 251

AN ORDINANCE OF THE TOWN OF FROMBERG REGULATING THE USE OF SKATEBOARDS & OTHER PLAY VEHICLES; SETTING SAFETY REQUIREMENTS; PROHIBITING CERTAIN CONDUCT; AND, SETTING A PENALTY

BE IT ORDAINED BY THE TOWN OF FROMBERG THE FOLLOWING:

7-16-01. Definitions

As used in this ordinance, the terms shall have the following meanings:

Person: Any natural person, whether minor or adult.

Play vehicle: A coaster, roller skates, in-line skates, roller blades, roller skis, scooter, or other non-motorized vehicle upon which a person may ride, but not including a bicycle.

Ride, ridden or riding: Either wholly or partially sitting, standing or lying upon a skateboard or play vehicle by a person whether such skateboard or play vehicle is in motion or stationary.

Skateboard: A device with a board or platform having at least two axles with wheels or any similar device for riding upon, usually standing, including without limitation, skateboards of all types.

7-16-02. Skateboarding in the Business District

No person shall ride a skateboard or other play vehicle upon any sidewalk or public property on River Street from Montana Avenue to Hwy 310.

7-16-03. Riders to Yield Right-of-Way

Persons riding skateboards or play vehicles upon any sidewalk shall yield the right-of-way to pedestrians on the sidewalks, and shall not otherwise endanger or interfere with the pedestrian traffic on those sidewalks.

7-16-04. Prohibited Conduct

(a) No person shall operate or use a skateboard or play vehicle upon any street within the town limits.

(b) No person shall operate or use a skateboard or play vehicle in a reckless, disruptive, or unsafe manner on public property or private property (unless expressly authorized by the owner of the private property). A reckless, disruptive or unsafe manner is defined as:

(1) riding at excessive speed;
(2) causing noise that disrupts people;
(3) riding without regard for the safety of others;

(4) riding in a manner that causes damage to public property or private property or landscaping;

(5) riding on steps, stairways, retaining walls, benches, railings, brickwork, ornamental surfaces, picnic tables, tennis courts, planters or sculptures, or on similar architectural features; or,

(6) jumping.

(c) No person shall use or place a ramp, jump, or any other device used to force a skateboard or play vehicle off the pavement on the grounds of any city owned property, including parking lots and parks.

7-16-05. Notice to Parents or Guardians

A copy of a citation issued for violation of this ordinance by persons under 16 years of age shall be mailed by the Town to the parents or guardians of the cited person at their home address, if known.

7-16-06. Confiscation of Skateboard or Play Vehicle

Whenever a law enforcement officer has probable cause to believe a skateboard or other play vehicle is being used in violation of this ordinance, the skateboard or play vehicle may be seized and held until disposition of the charge.

7-16-07. Penalty

A person violating any provision of this ordinance is guilty of a misdemeanor and shall be fined not more than three hundred dollars ($300.00) for each offense.

Effective Date: This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

PASSED by the Town Council of the Town of Fromberg on first reading this 7 day of March, 2005.

PASSED, ADOPTED and APPROVED on second reading this 4 day of April, 2005.

By _____
Mayor

ATTEST:

By _____
Clerk

Ordinance 252

AN ORDINANCE AMENDING THE FROMBERG MUNICIPAL CODE TO CLARIFY WATER USER BILLING REQUIRED BY THE FROMBERG MUNICIPAL CODE:

BE IT ORDAINED BY THE TOWN COUNCIL BY THE TOWN OF FROMBERG, MONTANA, THAT CHAPTER 2 WATER USERS BE AMENDED TO READ AS FOLLOWS:

Title 4 – Health & Sanitation:

Chapter 5 – Waterworks:

Part 21 - rental property shall be amended to read as follows:

NOTWITHSTANDING THE PROVISIONS OF THIS CHAPTER, the Clerk shall bill all owners of real property within the Municipality for water supplied to premises owned by them.

Passed on first reading this 1ST day of May, 2006, by the Town Council of Fromberg, Carbon County, State of Montana.

Mayor

ATTEST:

Clerk

Passed on final reading this 12th day of June, 2006, by the Town Council of Fromberg, Carbon County, State of Montana.

Mayor

ATTEST:

Town Clerk

Ordinance #253

An Ordinance to Include Adoption of a Kennel License For Dogs and Establishing a Rate

Whereas, MCA Section 7-23-4102, gives municipalities the power to pass an ordinance to require a Kennel License for households that have more than three dogs; and,

Whereas, the Town of Fromberg has determined there is a need for an ordinance to require a Kennel License for households that have more than three dogs; and,

Whereas, the Town of Fromberg is desirous of establishing such an ordinance

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FROMBERG, STATE OF MONTANA, THAT THE MUNICIPAL CODE BE AMENDED TO READ AS FOLLOWS:

Title 5: Animals

Chapter 2: Dog Licenses and Regulations

Part 70: Limited number of dogs. No person, partnership, corporation, or other person or family living in one household shall have more than 3 dogs within the limits of the Town of Fromberg. However, if a person, partnership, corporation, or other person or family living in one household has more than 3 dogs within the limits of the Town of Fromberg, they shall be required to purchase a Kennel License. The cost of the Kennel License shall be $50.00, as set forth in the table of fees.

Passed on first reading this 12th day of June, 2006, by the Town Council of Fromberg, Carbon County, State of Montana.

Mayor

ATTEST:

Clerk

Passed on final reading this 10th day of July, 2006, by the Town Council of Fromberg, Carbon County, State of Montana.

Mayor

ATTEST:

Clerk