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HOUSE BILL NO. 742

INTRODUCED BY S. GIST, E. TILLEMAN, C. SPRUNGER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LOCAL GOVERNMENT NUISANCE LAWS; REQUIRING A MINIMUM COMPLAINT THRESHOLD BEFORE A COUNTY OFFICER MAY CONDUCT SITE INSPECTIONS; FURTHER DEFINING "PUBLIC NUISANCE"; AMENDING SECTIONS 7-5-2111 AND 7-5-4104, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-5-2111, MCA, is amended to read:

"7-5-2111. Control of community decay. (1) The governing body of a county may regulate, control, and prohibit conditions that contribute to community decay on or adjacent to any public roadway within the county by adoption of an ordinance that substantially complies with the provisions of 7-5-103 through 7-5-107.

(2) An ordinance adopted under subsection (1) may include time limits for removal or shielding of such conditions as considered appropriate by the governing body.

(3) (a) Except as provided in subsection (3)(b), if the governing body of a county allows for community decay complaints to be filed by citizens, complaints must be received by at least three property owners located within one-fourth of a mile from the property for which the complaint is filed before an officer of the county may conduct a site inspection.

(b) If the governing body of a county determines that a condition is a health violation that may affect the surrounding community, the governing body may proceed to regulate, control, or prohibit the condition without receiving citizen complaints as required in subsection (3)(a).

~~(3)~~(4) Nothing in this section restricts the governing body from enacting community decay controls affecting only portions of the county.

~~(4)~~(5) Nothing in this section or 7-5-2110 may be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution that is more restrictive than the provisions of this section or 7-5-2110.

