

Amendment - 1st Reading/2nd House-blue - Requested by: Steve Gist - (S) Local Government

- 2025

69th Legislature 2025

Drafter: Toni Henneman,

HB0742.001.001

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.

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(5)(6) For the purposes of enforcing an ordinance adopted under subsection (1), the county governing body may provide that, after giving due notice, in writing, of violation and upon the failure of the property owner to comply with the ordinance, officers and employees of the county may enter upon the property for the specific purpose of abating the violation of the ordinance and may assess the property owner for the actual costs for the abatement. Nonpayment of such an assessment becomes a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes is enforced."

Section 2. Section 7-5-4104, MCA, is amended to read:

"7-5-4104. Control of nuisances -- exception. (1) The city or town council has power to:

(a) ~~define and abate nuisances and impose fines upon persons guilty of creating, continuing, or suffering a nuisance to exist on the premises that they occupy or control, control, and abate all conditions:~~

(i) ~~that endanger health or safety;~~

(ii) ~~that are offensive to the senses; or~~

(iii) ~~that obstruct the free use of property that interferes with the comfortable enjoyment of life or property by an entire community or neighborhood or by any considerable number of persons; and~~

~~(b) regulate and prohibit the wearing of hats or bonnets at theaters or public places of amusement;~~

~~and~~

~~(e)(b)~~ enforce the penalty for violations of 7-5-4113 and post copies of 7-5-4113 in conspicuous locations in the municipality.

(2) ~~A condition that affects an entire committee or neighborhood or any considerable number of persons as provided in subsection (1)(a)(iii) is no less a nuisance because the extent of the annoyance or damage inflicted on individuals is unequal.~~

(2)(3) The city or town council may not prohibit the placing of a "notice of violation" card on a motor vehicle illegally parked in an accessible parking space."

NEW SECTION. **Section 3. Effective date.** [This act] is effective January 1, 2026.

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