
69th Legislature 2025 HB 742.1

1	HOUSE BILL NO. 742
2	INTRODUCED BY S. GIST, E. TILLEMAN, C. SPRUNGER
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LOCAL GOVERNMENT NUISANCE LAWS;
5	REQUIRING A MINIMUM COMPLAINT THRESHOLD BEFORE A COUNTY OFFICER MAY CONDUCT SITE
6	INSPECTIONS; FURTHER DEFINING "PUBLIC NUISANCE"; AMENDING SECTIONS 7-5-2111 AND 7-5-
7	4104, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11	Section 1. Section 7-5-2111, MCA, is amended to read:
12	"7-5-2111. Control of community decay. (1) The governing body of a county may regulate, control,
13	and prohibit conditions that contribute to community decay on or adjacent to any public roadway within the
14	county by adoption of an ordinance that substantially complies with the provisions of 7-5-103 through 7-5-107.
15	(2) An ordinance adopted under subsection (1) may include time limits for removal or shielding of
16	such conditions as considered appropriate by the governing body.
17	(3) If the governing body of a county allows for community decay complaints to be filed by citizens,
18	complaints must be received by at least three property owners located within one-fourth of a mile from the
19	property for which the complaint is filed before an officer of the county may conduct a site inspection.
20	(3)(4) Nothing in this section restricts the governing body from enacting community decay controls
21	affecting only portions of the county.
22	(4)(5) Nothing in this section or 7-5-2110 may be construed to abrogate or affect the provisions of any
23	lawful ordinance, regulation, or resolution that is more restrictive than the provisions of this section or 7-5-2110.
24	(5)(6) For the purposes of enforcing an ordinance adopted under subsection (1), the county
25	governing body may provide that, after giving due notice, in writing, of violation and upon the failure of the
26	property owner to comply with the ordinance, officers and employees of the county may enter upon the property
27	for the specific purpose of abating the violation of the ordinance and may assess the property owner for the
28	actual costs for the abatement. Nonpayment of such an assessment becomes a lien upon the property and is



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1	enforceable in the same manner as the nonpayment of property taxes is enforced."
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3	Section 2. Section 7-5-4104, MCA, is amended to read:
4	"7-5-4104. Control of nuisances exception. (1) The city or town council has power to:
5	(a) define and abate nuisances and impose fines upon persons guilty of creating, continuing, or
6	suffering a nuisance to exist on the premises that they occupy or control, control, and abate all conditions:
7	(i) that endanger health or safety;
8	(ii) that are offensive to the senses; or
9	(iii) that obstruct the free use of property that interferes with the comfortable enjoyment of life or
10	property by an entire community or neighborhood or by any considerable number of persons;
11	(b) regulate and prohibit the wearing of hats or bonnets at theaters or public places of amusement;
12	and
13	(c) enforce the penalty for violations of 7-5-4113 and post copies of 7-5-4113 in conspicuous
14	locations in the municipality.
15	(2) A condition that affects an entire committee or neighborhood or any considerable number of
16	persons as provided in subsection (1)(a)(iii) is no less a nuisance because the extent of the annoyance or
17	damage inflicted on individuals is unequal.
18	(2)(3) The city or town council may not prohibit the placing of a "notice of violation" card on a motor
19	vehicle illegally parked in an accessible parking space."
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21	NEW SECTION. Section 3. Effective date. [This act] is effective January 1, 2026.
22	- END -

