

HOUSE BILL NO. 208

INTRODUCED BY G. OVERSTREET, T. SHARP, C. COCHRAN, M. BERTOGLIO, C. SPRUNGER, K.

SEEKINS-CROWE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A MUNICIPALITY TO REGULATE UNAUTHORIZED CAMPING ON PUBLIC PROPERTY OR FACILITIES; AND AMENDING SECTION 7-1-4124, MCA."

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

Section 1. Section 7-1-4124, MCA, is amended to read:

"7-1-4124. Powers. A municipality with general powers has the power, subject to the provisions of state law, to:

- (1) enact ordinances and resolutions;
- (2) except as provided in 7-5-103(2)(d)(iv) and 7-5-121(2)(c)(iv), sue and be sued;
- (3) buy, sell, mortgage, rent, lease, hold, manage, or dispose of any interest in real or personal property;
- (4) contract with persons, corporations, or any other governmental entity;
- (5) pay debts and expenses;
- (6) borrow money;
- (7) solicit and accept bequests, donations, or grants of money, property, services, or other advantages and comply with any condition that is not contrary to the public interest;
- (8) execute documents necessary to receive money, property, services, or other advantages from the state government, the federal government, or any other source;
- (9) make grants and loans of money, property, and services for public purposes;
- (10) require the attendance of witnesses and production of documents relevant to matters being considered by the governing body;
- (11) hire, direct, and discharge employees and appoint and remove members of boards;
- (12) ratify any action of the municipality or its officers or employees that could have been approved

- 1 in advance;
- 2 (13) have a corporate seal and flag;
- 3 (14) acquire by eminent domain, as provided in Title 70, chapter 30, any interest in property for a
- 4 public use authorized by law;
- 5 (15) initiate a civil action to restrain or enjoin violation of an ordinance;
- 6 (16) enter private property, obtaining warrants when necessary, for the purpose of enforcing
- 7 ordinances that affect the general welfare and public safety;
- 8 (17) conduct a census;
- 9 (18) conduct inventories of public property and preparatory studies;
- 10 (19) condemn and demolish hazardous structures;
- 11 (20) purchase insurance and establish self-insurance plans;
- 12 (21) impound animals and other private property creating a nuisance or obstructing a street or
- 13 highway;
- 14 (22) establish quarantines;
- 15 (23) classify all violations of city ordinances as civil infractions, with civil penalties, as provided in 7-
- 16 1-4150; and
- 17 (24) exercise powers not inconsistent with law necessary for effective administration of authorized
- 18 services and functions; and
- 19 (25) prohibit or otherwise regulate: the unauthorized occupancy of or camping on or in public
- 20 property or facilities owned by or under the control of the municipality
- 21 (A) TEMPORARILY OR PERMANENTLY STORING PERSONAL PROPERTY ON MUNICIPAL REAL PROPERTY; AND
- 22 (B) SLEEPING OR CAMPING ON OR OTHERWISE INHABITING MUNICIPAL REAL PROPERTY."

23 - END -