

HOUSE BILL NO. 186  
INTRODUCED BY PISTORIA

IN THE HOUSE

January 15, 1985	Introduced and referred to Committee on Local Government.
February 4, 1985	Committee recommend bill do pass as amended. Report adopted.  Bill printed and placed on members' desks.
February 5, 1985	Second reading, do pass.  Segregated from Committee of the Whole report.  On motion, taken from second reading and rereferred to Committee on Judiciary. Motion adopted.
February 8, 1985	Committee recommend bill do pass as amended. Report adopted.
February 9, 1985	Bill printed and placed on members' desks.
February 11, 1985	Second reading, do pass.  Considered correctly engrossed.
February 12, 1985	Third reading, passed.  Transmitted to Senate.

IN THE SENATE

February 13, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
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March 16, 1985                    Committee recommend bill be  
   concurred in as amended. Report  
   adopted.

March 21, 1985                    Second reading, concurred in.

March 23, 1985                    Third reading, concurred in.  
   Ayes, 44; Noes, 3.

   Returned to House with  
   amendments.

IN THE HOUSE

March 25, 1985                    Received from Senate.

April 2, 1985                    Second reading, amendments  
   concurred in.

April 3, 1985                    Third reading, amendments  
   concurred in.

   Sent to enrolling.

   Reported correctly enrolled.

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PASSAGE OF  
5 COUNTY ORDINANCES TO CONTROL COMMUNITY DECAY CAUSED BY  
6 ACCUMULATION OF RUBBLE FROM DEMOLITION OF STRUCTURES; AND  
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

10 Section 1. Definition. In [this act], "community  
11 decay" means a public nuisance created by demolition of a  
12 structure, either by human agency or by natural forces, that  
13 results in accumulation or abandonment of rubble, debris, or  
14 refuse.

15 Section 2. Control of community decay. (1) The  
16 governing body of a county may regulate, control, and  
17 prohibit conditions that contribute to community decay on or  
18 adjacent to any public roadway or land within the county by  
19 adoption of an ordinance that substantially complies with  
20 the provisions of 7-5-103 through 7-5-107.

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

24 (3) Nothing in this section restricts the governing  
25 body from enacting community decay controls affecting only

1 portions of the county.

2 (4) Nothing in [this act] may be construed to abrogate  
3 or affect the provisions of any lawful ordinance,  
4 regulation, or resolution that is more restrictive than the  
5 provisions of [this act].

6 (5) Violation of an ordinance adopted under subsection  
7 (1) is a misdemeanor punishable as provided in 46-18-212.

8 Section 3. Effective date. This act is effective on  
9 passage and approval.

-End-



INTRODUCED BILL  
HB 186

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

HOUSE BILL NO. 186  
INTRODUCED BY PISTORIA

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PASSAGE OF COUNTY ORDINANCES TO CONTROL COMMUNITY DECAY CAUSED BY ACCUMULATION OF RUBBLE FROM DEMOLITION--OF--STRUCTURES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Definition. In [this act], "community decay" means a public nuisance created by ~~demolition--of--a structure; either by human agency or by natural forces; that results in accumulation or abandonment of rubble, debris, or refuse.~~ ALLOWING RUBBLE, DEBRIS, JUNK, OR REFUSE TO ACCUMULATE RESULTING IN CONDITIONS THAT ARE INJURIOUS TO HEALTH, INDECENT, OFFENSIVE TO THE SENSES, OR OBSTRUCT THE FREE USE OF PROPERTY SO AS TO INTERFERE WITH THE COMFORTABLE ENJOYMENT OF LIFE OR PROPERTY.

Section 2. 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 ~~or land~~ 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) Nothing in this section restricts the governing body from enacting community decay controls affecting only portions of the county.

(4) Nothing in [this act] 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 act].

~~(5) Violation of an ordinance adopted under subsection (1) is a misdemeanor punishable as provided in 46-10-212.~~  
FOR THE PURPOSES OF ENFORCING AN ORDINANCE ADOPTED UNDER SUBSECTION (1), THE COUNTY GOVERNING BODY MAY PROVIDE THAT, AFTER GIVING DUE NOTICE 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 3. Effective date. This act is effective on passage and approval.

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20 governing body of a county may regulate, control, and  
21 prohibit conditions that contribute to community decay on or  
22 adjacent to any public roadway ~~or land~~ within the county by  
23 adoption of an ordinance that substantially complies with  
24 the provisions of 7-5-103 through 7-5-107.

25 (2) An ordinance adopted under subsection (1) may

1 include time limits for removal or shielding of such  
2 conditions as considered appropriate by the governing body.

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4 body from enacting community decay controls affecting only  
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6 (4) Nothing in [this act] may be construed to abrogate  
7 or affect the provisions of any lawful ordinance,  
8 regulation, or resolution that is more restrictive than the  
9 provisions of [this act].

10 (5) ~~Violation of an ordinance adopted under subsection~~  
11 ~~(1) is a misdemeanor punishable as provided in 46-10-212.~~  
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-End-

THIRD READING

-2-

HB 186

SENATE

STANDING COMMITTEE REPORT

MARCH 15, 1985

MR. PRESIDENT

We, your committee on SENATE PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 186

THIRD reading copy ( BLUE color )

COUNTY ORDINANCE TO CONTROL COMMUNITY DECAY

PISTORIA (HIMSL)

Respectfully report as follows: That HOUSE BILL No. 186

be amended as follows:

1. Page 1, line 10.
Following: "Definition."
Insert: "(1)"

2. Page 1, line 18.
Following: "PROPERTY."
Insert: "(2) 'Community decay' as used in [this act] may not be construed or defined to apply to normal farming, ranching, or other agricultural operations, or to a farm, ranch, or other agricultural facility, and any appurtenances thereof, during the course of its normal operations."

~~DO PASS~~

~~DO NOT PASS~~

AND AS AMENDED
BE CONCURRED IN

Judy Jacobson
SENATOR JUDY JACOBSON Chairman.

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16 HEALTH, INDECENT, OFFENSIVE TO THE SENSES, OR OBSTRUCT THE  
17 FREE USE OF PROPERTY SO AS TO INTERFERE WITH THE COMFORTABLE  
18 ENJOYMENT OF LIFE OR PROPERTY.

19 (2) "COMMUNITY DECAY" AS USED IN [THIS ACT] MAY NOT BE  
20 CONSTRUED OR DEFINED TO APPLY TO NORMAL FARMING, RANCHING,  
21 OR OTHER AGRICULTURAL OPERATIONS OR TO A FARM, RANCH, OR  
22 OTHER AGRICULTURAL FACILITY, AND ANY APPURTENANCES THEREOF,  
23 DURING THE COURSE OF ITS NORMAL OPERATIONS.

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25 governing body of a county may regulate, control, and

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