

SENATE BILL 364

Introduced by Rye, et al.

2/11	Introduced
2/11	Referred to Local Government
2/11	First Reading
2/16	Hearing
2/18	Committee Report--Bill Passed
2/20	2nd Reading Passed
2/22	3rd Reading Passed
	Transmitted to House
2/23	Referred to Local Government
2/23	First Reading
3/16	Hearing
3/26	Committee Report--Bill Concurred as Amended
3/30	2nd Reading Concurred
4/01	3rd Reading Failed
4/02	Motion Failed to Reconsider
	Previous Action on 3rd Reading
4/02	Motion Carried to Postpone Action
	on Bill until the 76th Leg. Day
4/05	Motion Failed to Reconsider
	Previous Action on 3rd Reading

1 Senate BILL NO. 364  
2 INTRODUCED BY Alger  
3 Agustin Bravich McClell Billings  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING  
5 MUNICIPALITIES FROM ENACTING ZONING PROVISIONS THAT REGULATE  
6 THE NUMBER OF PERSONS WHO MAY RESIDE IN A DWELLING BASED  
7 SOLELY UPON THE RELATIONSHIP BETWEEN THE PERSONS; AND  
8 AMENDING SECTION 76-2-304, MCA."

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

11 **Section 1.** Section 76-2-304, MCA, is amended to read:

12 "76-2-304. Purposes and restriction of zoning. (1) Such  
13 regulations--~~shall~~ Regulations must be made in accordance  
14 with a comprehensive plan and designed to lessen congestion  
15 in the streets; to secure safety from fire, panic, and other  
16 dangers; to promote health and the general welfare; to  
17 provide adequate light and air; to prevent the overcrowding  
18 of land; to avoid undue concentration of population; and to  
19 facilitate the adequate provision of transportation, water,  
20 sewerage, schools, parks, and other public requirements.

21 (2) Such--~~regulations--shall~~ Regulations must be made  
22 with reasonable consideration, among other things, to the  
23 character of the district and its peculiar suitability for  
24 particular uses and with a view to conserving the value of  
25 buildings and encouraging the most appropriate use of land

1 throughout such the municipality.

2 (3) A municipality may not regulate the number of  
3 residents of a dwelling if the regulation is, in any manner,  
4 based upon the relationship between the residents."

-End-

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

1 Senate BILL NO. 364  
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3 Senator Brian McClell Billings  
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-End-

HOUSE STANDING COMMITTEE REPORT

March 26, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 364 (third reading copy -- blue) be concurred in as amended .

Signed: 

Norm Wallin, Chair

And, that such amendments read:

Carried by: Rep. Bohlinger

1. Page 2, line 5.

Following: "line 4"

Insert: "(4) This section does not affect or limit the authority of a municipality to enact zoning regulations, pursuant to subsections (1) and (2); to reduce traffic and parking congestion; to control noise in a neighborhood; to avoid undue concentration of population; to regulate the total number of persons, related or unrelated, residing in a dwelling; or to conserve property values."

-END-

Committee Vote:  
Yes 12, No 4.

HOUSE

SB 364  
681037SC.Hss

## SENATE BILL NO. 364

INTRODUCED BY RYE, SQUIRES, BIANCHI, MCCULLOCH, BOHLINGER

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MUNICIPALITIES FROM ENACTING ZONING PROVISIONS THAT REGULATE THE NUMBER OF PERSONS WHO MAY RESIDE IN A DWELLING BASED SOLEY UPON THE RELATIONSHIP BETWEEN THE PERSONS; AND AMENDING SECTION 76-2-304, MCA."

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

**Section 1.** Section 76-2-304, MCA, is amended to read:

"76-2-304. Purposes and restriction of zoning. (1) ~~Such regulations--shall~~ Regulations must be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) ~~Such--regulations--shall~~ Regulations must be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land

throughout ~~such the~~ municipality.

(3) A municipality may not regulate the number of residents of a dwelling if the regulation is, in any manner, based upon the relationship between the residents.

(4) THIS SECTION DOES NOT AFFECT OR LIMIT THE AUTHORITY OF A MUNICIPALITY TO ENACT ZONING REGULATIONS, PURSUANT TO SUBSECTIONS (1) AND (2), TO REDUCE TRAFFIC AND PARKING CONGESTION; TO CONTROL NOISE IN A NEIGHBORHOOD; TO AVOID UNDUE CONCENTRATION OF POPULATION; TO REGULATE THE TOTAL NUMBER OF PERSONS, RELATED OR UNRELATED, RESIDING IN A DWELLING; OR TO CONSERVE PROPERTY VALUES."

-End-