Amendment - 1st Reading-white - Requested by: Greg Overstreet - (H) Judiciary

- 2025

69th Legislature 2025 Drafter: Rachel Weiss, HB0642.001.001

1	HOUSE BILL NO. 642	
2	INTRODUCED BY G. OVERSTREET	
3		
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PUBLIC NUISANCE LAWS TO PROVIDE THAT	
5	CAMPING IN VIOLATION OF-A-CITY AN ORDINANCE OR STATUTE CONSTITUTES A PUBLIC NUISANG	CE;
6	AND AMENDING SECTION 45-8-111, MCA."	
7		
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	
9		
10	Section 1. Section 45-8-111, MCA, is amended to read:	
11	"45-8-111. Public nuisance. (1) "Public nuisance" means any of the following:	
12	(a) a condition that endangers safety or health, is offensive to the senses, or obstructs the free	use
13	of property so as to interfere with the comfortable enjoyment of life or property by an entire community or	
14	neighborhood or by any considerable number of persons. For the purposes of this subsection (1)(a), camping	g ir
15	violation of a city an ordinance or statute constitutes a public nuisance.;	
16	(b) any premises where persons gather for the purpose of engaging in unlawful conduct; or	
17	(c) a condition that renders dangerous for passage any public highway or right-of-way or waters	;
18	used by the public.	
19	(2) A person commits the offense of maintaining a public nuisance if the person knowingly creat	es
20	conducts, or maintains a public nuisance.	
21	(3) Any act that affects an entire community or neighborhood or any considerable number of	
22	persons, as specified in subsection (1)(a), is no less a nuisance because the extent of the annoyance or	
23	damage inflicted upon individuals is unequal.	
24	(4) An agricultural or farming operation, a place, an establishment, or a facility or any of its	
25	appurtenances or the operation of those things is not or does not become a public nuisance because of its	
26	normal operation as a result of changed residential or commercial conditions in or around its locality if the	
27	agricultural or farming operation, place, establishment, or facility has been in operation longer than the	
28	complaining resident has been in possession or the commercial establishment has been in operation.	



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1 (5) Noises resulting from the shooting activities at a shooting range during established hours of

2 operation are not considered a public nuisance.

(6) A person convicted of maintaining a public nuisance shall be fined an amount not to exceed

\$500. Each day of the conduct constitutes a separate offense."

5 - END -

