

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PUBLIC NUISANCE LAWS TO PROVIDE THAT
5 CAMPING IN VIOLATION OF A CITY ORDINANCE OR STATUTE CONSTITUTES A PUBLIC NUISANCE;
6 AND AMENDING SECTION 45-8-111, MCA."

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

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 in
15 violation of a city 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 wa

18 used by the public.

19 (2) A person commits the offense of maintaining a public nuisance if the person knowingly creates,
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.

3 (6) A person convicted of maintaining a public nuisance shall be fined an amount not to exceed
4 \$500. Each day of the conduct constitutes a separate offense."

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