

SENATE BILL NO. 163

INTRODUCED BY B. HAWKS

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A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE AUTHORITY OF MUNICIPALITIES OF THE FIRST AND SECOND CLASS WITH GENERAL POWERS TO REGULATE OUTDOOR LIGHTING; 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) 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 in advance;
- (13) have a corporate seal and flag;
- (14) acquire by eminent domain, as provided in Title 70, chapter 30, any interest in property for a public

1 use authorized by law;
2 (15) initiate a civil action to restrain or enjoin violation of an ordinance;
3 (16) enter private property, obtaining warrants when necessary, for the purpose of enforcing ordinances
4 that affect the general welfare and public safety;
5 (17) conduct a census;
6 (18) conduct inventories of public property and preparatory studies;
7 (19) condemn and demolish hazardous structures;
8 (20) purchase insurance and establish self-insurance plans;
9 (21) impound animals and other private property creating a nuisance or obstructing a street or highway;
10 (22) establish quarantines;
11 (23) classify all violations of city ordinances as civil infractions, with civil penalties, as provided in
12 7-1-4150; and
13 (24) for a municipality of the first or second class as provided in 7-1-4111, regulate the type, construction,
14 installation, and use of outdoor electrically powered illuminating devices, lighting practices, and lighting systems
15 in order to reduce light pollution and light trespass; and
16 ~~(24)~~(25) exercise powers not inconsistent with law necessary for effective administration of authorized
17 services and functions."

18 - END -