

SENATE BILL NO. 173

INTRODUCED BY B. TUTVEDT

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A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT NORMAL OPERATIONS OF SHOOTING RANGES MAY NOT BE CONSIDERED TO BE PUBLIC OR PRIVATE NUISANCES; AND AMENDING SECTION 27-30-101, MCA."

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

Section 1. Section 27-30-101, MCA, is amended to read:

"27-30-101. Definition of nuisance. (1) Anything ~~which~~ that is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or ~~which~~ that unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin or any public park, square, street, or highway is a nuisance.

(2) Nothing ~~which~~ that is done or maintained under the express authority of a statute, including normal operations of shooting ranges authorized under 76-9-101 through 76-9-105, ~~can~~ may be deemed a public or private nuisance.

(3) ~~No~~ An agricultural or farming operation, a place, an establishment, or a facility or any of its appurtenances or the operation ~~thereof is or becomes~~ of those things is not or does not become a public or private nuisance because of ~~the~~ its normal operation ~~thereof~~ as a result of changed residential or commercial conditions in or around its locality if the agricultural or farming operation, place, establishment, or facility has been in operation longer than the complaining resident has been in possession or commercial establishment has been in operation."

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