

1 HOUSE BILL NO. 497

2 INTRODUCED BY WHITE, GLIMM, HARRIS, HOWARD, KNUDSEN, REDFIELD, REGIER, SCHWADERER,
3 SHAW, WASHBURN

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MUNICIPALITIES FROM INCLUDING CERTAIN
6 PROVISIONS IN MUNICIPAL SOCIAL HOST ORDINANCES; AND AMENDING SECTIONS 7-5-109 AND
7 7-5-4207, MCA."

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

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11 NEW SECTION. **Section 1. Social host ordinances fining landlords prohibited -- maintaining lists**
12 **for enforcement prohibited.** (1) A social host ordinance enacted by a municipality may not impose a fine on a
13 person who:

14 (a) is a landlord of the property as defined in 70-24-103 ~~and does not reside on the property; or~~
15 ~~(b) owns the property and does not reside on the property.~~ UNLESS THE LANDLORD IS A PARTICIPANT IN THE
16 PARTY, EVENT, OR GATHERING THAT RESULTS IN A VIOLATION OF A SOCIAL HOST ORDINANCE.

17 (2) As part of enforcement of a social host ordinance, a municipality may not maintain or circulate a list
18 of landlords, property owners, or properties on which a social host ordinance violation has occurred.

19 (3) For the purposes of this section, a "social host ordinance" is an ordinance enacted to prohibit the
20 encouraging, conducting, allowing, or organizing of parties, events, and gatherings AT WHICH A PERSON UNDER 21
21 YEARS OF AGE IS IN POSSESSION OF OR IS CONSUMING AN ALCOHOLIC BEVERAGE ~~at which a person under 21 years~~
22 ~~of age is in possession of or is consuming an alcoholic beverage.~~

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24 **Section 2.** Section 7-5-109, MCA, is amended to read:

25 **"7-5-109. Penalty for violation of ordinance.** (1) Except as provided in [section 1] and subsection (2)
26 of this section, a local government may fix penalties for the violation of an ordinance that do not exceed a fine
27 of \$500 or 6 months' imprisonment or both the fine and imprisonment.

28 (2) A local government may fix penalties for the violation of an ordinance relating to local or federal
29 wastewater pretreatment standards implementing the Federal Water Pollution Control Act, 33 U.S.C. 1251
30 through 1387, if the penalties do not exceed \$1,000 per day for each violation or 6 months' imprisonment, or

1 both."

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3 **Section 3.** Section 7-5-4207, MCA, is amended to read:

4 **"7-5-4207. Penalties for violation of municipal ordinances.** (1) Except as provided in [section 1] and
5 subsection (2) of this section, the city or town council may impose fines and penalties for the violation of any city
6 ordinance, but a fine or penalty may not exceed \$500 and imprisonment may not exceed 6 months for any one
7 offense.

8 (2) A local government may fix penalties for the violation of an ordinance relating to local or federal
9 wastewater pretreatment standards implementing the Federal Water Pollution Control Act, 33 U.S.C. 1251
10 through 1387, if the penalties do not exceed \$1,000 per day for each violation or 6 months' imprisonment, or
11 both."

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13 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an
14 integral part of Title 7, chapter 5, part 42, and the provisions of Title 7, chapter 5, part 42, apply to [section 1].

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