



AN ACT PROHIBITING MUNICIPALITIES FROM INCLUDING CERTAIN PROVISIONS IN MUNICIPAL SOCIAL HOST ORDINANCES; AND AMENDING SECTIONS 7-5-109 AND 7-5-4207, MCA.

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

Section 1. Social host ordinances fining landlords prohibited -- maintaining lists for enforcement prohibited. (1) A social host ordinance enacted by a municipality may not impose a fine on a person who is a landlord of the property as defined in 70-24-103 unless the landlord is a participant in the party, event, or gathering that results in a violation of a social host ordinance.

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

(3) For the purposes of this section, a "social host ordinance" is an ordinance enacted to prohibit the encouraging, conducting, allowing, or organizing of parties, events, and gatherings at which a person under 21 years of age is in possession of or is consuming an alcoholic beverage.

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

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

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

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

"7-5-4207. Penalties for violation of municipal ordinances. (1) Except as provided in [section 1] and

subsection (2) of this section, the city or town council may impose fines and penalties for the violation of any city ordinance, but a fine or penalty may not exceed \$500 and imprisonment may not exceed 6 months for any one offense.

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

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

- END -

I hereby certify that the within bill,
HB 0497, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2013.

President of the Senate

Signed this _____ day
of _____, 2013.

HOUSE BILL NO. 497

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

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