

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 NOISES~~
RESULTING FROM SHOOTING ACTIVITIES AT 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.

(4) NOISES RESULTING FROM THE SHOOTING ACTIVITIES AT A SHOOTING RANGE DURING ESTABLISHED HOURS
OF OPERATION ARE NOT CONSIDERED A PUBLIC ~~OR PRIVATE~~ NUISANCE."

- END -