

**RESOLUTION NO. 2021-059
ORDINANCE NO. 2021-001**

**EMERGENCY ORDINANCE ADOPTING MISSOULA CITY-COUNTY HEALTH CODE BY
REFERENCE**

Section 1 – Findings and Purpose

Changes to Montana state law, including HB121, require the Missoula County Board of County Commissioners as the local governing body adopt regulations and fees proposed by the Missoula City-County Board of Health.

The Missoula City-County Health Code has been in place for several decades, as periodically amended, to abate nuisances, control communicable diseases, remove filth, ensure public health and safety and preserve and protect the quality of life and environment in Missoula County.

The Missoula City-County Health Code can be reviewed at
<https://www.missoulacounty.us/home/showdocument?id=26381>

Fees associated with the Missoula City-County Health Code were last amended by the Health Board December 20, 2018 and can be reviewed at:
<https://www.missoulacounty.us/government/health/health-department/administration/regulations-ordinances/environmental-health-dept>.

The City of Missoula and Missoula County intend to revisit the January 28, 1981 Interlocal Agreement regarding the Missoula City-County Health Board.

Public health and safety and preservation of the environment require the Missoula City-County Health Code stay in effect and enforced immediately upon the effective date of potential state law changes.

On April 15, 2021, the Missoula City-County Board of Health recommended to the governing body adoption of the Missoula City-County health Code.

On April 22, 2021, employees of the Missoula City-County Health Department presented information regarding the Missoula City-County Health Code to the County Commissioners.

Section 2 – Authority

Montana Code Annotated § 7-5-108(1) allows a local government to adopt an ordinance “which incorporates by reference the provisions of any code or portions of any code or any amendment thereof, properly identified as to date and source, without setting forth the provisions of the code in full.”

Montana Code Annotated § 7-5-108(2) allows a local government to adopt a code by reference “by an emergency ordinance and without notice.” See *also* Mont. Code Annotated § 7-5-104.

Section 3 – Adoption of the Missoula City-County Health Code by Reference

The Missoula City-County Health Code, as amended September 20, 2018, is hereby adopted by reference as a Missoula County Ordinance. This includes the entirety of the Missoula City-County Health Code, including:

The Health Code Administrative Regulations, except Section 3(B) "Penalties."

Regulation 1 – Wastewater Treatment and Disposal Systems

Regulation 2 – Group Functions

Regulation 3 – Solid Waste Management

Regulation 4 – Food Service Establishments

Regulation 5 – Drinking Water Well Protection

Regulation 6 – Drop in Childcare Facilities

Regulation 7 – Rabies Control

Regulation 8 – Trailer Courts and Campgrounds

Section 4 - Fees

The Health Code Fees, as amended on December 20, 2018, are hereby adopted.

Section 5 – Effective Date and Expiration

This Emergency Ordinance is effective immediately upon signature by a majority of the county commissioners.

Pursuant to Mont. Code Ann. § 7-5-108(2), this Ordinance will be automatically repealed 90 days following the date of its adoption.

Section 6 – Jurisdiction

This ordinance applies to all of Missoula County.

Section 7 – Penalties

Pursuant to Montana Code Ann. § 7-5-109, penalties for violations of this ordinance include a fine up to \$500. Such penalty does not preclude and may be pursued in addition to civil actions seeking injunctive relief to enjoin violations of this Ordinance.

PASSED AND ADOPTED THIS 22ND DAY OF APRIL, 2021.

ATTEST:

Tyler Gernant

Tyler Gernant, Clerk and Recorder



BOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY

David Strohmaier

Dave Strohmaier, Chair

Josh Slotnick

Josh Slotnick, Commissioner

Juanita Vero

Juanita Vero, Commissioner