

**RESOLUTION NO. 2022-109
ORDINANCE NO. 2022-003**

**ORDINANCE RE-ADOPTING MISSOULA CITY-COUNTY HEALTH CODE AND RELATED
FEES BY REFERENCE**

Section 1. Findings and Purpose

Montana state law, 50-2-116 MCA, requires the local governing body to adopt regulations and fees proposed by the Missoula City-County Board of Health (Health Board).

The June 9, 2022, interlocal agreement between the City of Missoula and Missoula County for the provision of public health services establishes the local governing body as both the Missoula County Commissioners and the Missoula City Council.

The existing ordinance, approved on March 10, 2022, adopting the Missoula City-County Health Code (Health Code) by reference expired 90 days after adoption of the new interlocal agreement.

The 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.

Montana state law, 7-5-108, MCA, allows a local government to adopt a health code by reference; and

The Health Code is available on the Missoula City-County Health Department's website, and was filed at the Clerk and Recorder's office (Book 1054, Page 349) on April 26, 2021, so as to be available for public inspection;

The most recent approved fees are available on the Missoula City-County Health Department's website and was filed at the Clerk and Recorder's office (Book 1070 Page 1381) on February 1, 2022, so as to be available for public inspection.

A first hearing was held on October 6, 2022. There were no public comments. A second hearing was held October 27, 2022, and the public was invited to give comments.

Section 2. Adoption of the Missoula City-County Health Code by Reference

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

- A. The Health Code Administrative Regulations, except Section 3(B) "Penalties", as approved by the Health Board on June 21, 2016.
- B. Regulation 1 – Wastewater Treatment and Disposal Systems, as approved by the Health Board on September 20, 2018.
- C. Regulation 2 – Group Functions, as approved by the Health Board on June 21, 2016.
- D. Regulation 3 – Solid Waste Management, as approved by the Health Board on March 21, 1996.

- E. Regulation 4 – Food Service Establishments, as approved by the Health Board on October 15, 2015.
- F. Regulation 5 – Drinking Water Well Protection, as approved by the Health Board on October 17, 2013.
- G. Regulation 6 – Drop in Childcare Facilities, as approved by the Health Board on May 17, 2012.
- H. Regulation 7 – Rabies Control, as approved by the Health Board on January 21, 2016.
- I. Regulation 8 – Trailer Courts and Campgrounds, as approved by the Health Board on August 17, 2017.
- J. Health Code-related fees, as approved by the Health Board on October 21, 2021.

Section 3. Effective Date

The effective date of this ordinance is 30 days after second and final adoption.

Section 4. Jurisdiction

As established in the interlocal agreement, this ordinance applies to all of Missoula County, unless the Missoula City Council fails to adopt all or a portion of the Health Code. In that event, the portions of the Health Code not agreed upon by the City Council will only apply outside the city limits.

Section 5. Penalties

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

SECOND AND FINAL ADOPTION BY THE BOARD OF COUNTY COMMISSIONERS ON THIS 27th DAY OF OCTOBER, 2022.

ATTEST:



Tyler Gernant, Clerk and Recorder



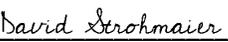
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MISSOULA COUNTY



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David Strohmaier, Commissioner