

RESOLUTION NO. 2021-060
ORDINANCE NO. 2021-002

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.

On April 22, 2021 the Missoula City-County Health Code was filed with the Missoula Clerk and Treasurer, as required by § 7-5-108(1), and made available for public use, inspection and examination.

Public comment was received prior to and during the public hearing on first adoption, and considered by the Commissioners.

Section 2 – Authority

Title 7, Chapter 5, Part 1 of the Montana Code Annotated authorizes county commissioners to enact county ordinances. 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.”

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

Pursuant to Montana Code Annotated §7-5-105, the effective date of this ordinance is 30 days after second and final adoption.

This Ordinance will expire 60 days after the City of Missoula and Missoula County fully execute an Amended Interlocal Agreement relating to the Missoula City-County Health Board unless expressly extended by the Missoula County Commissioners.

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.

**INTRODUCED AND PROVISIONALLY ADOPTED BY THE BOARD OF COUNTY
COMMISSIONERS ON FIRST READING ON 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