

**RESOLUTION NO. 2022-005
ORDINANCE NO. 2022-001**

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

Section 1 – Findings and Purpose

Changes to Montana state law during the 2021 session, including HB121, require the local governing body to adopt regulations and fees proposed by the Missoula City-County Board of Health (Health Board).

Until the City of Missoula and Missoula Board of County Commissioners (County Commissioners) revisit the January 19, 1981 Interlocal Agreement regarding the Health Board, the Board of County Commissioners serves as the local governing body for this purpose.

The Missoula City-County Health Code (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 County Commissioners adopted the Health Code by reference on June 3, 2021. The Health Code can be reviewed on the Missoula City-County Health website.

The Health Board amended the Health Code-related fees on October 22, 2021, and adopted a resolution proposing that the County Commissioners adopt the new fees by reference.

The new fees can be reviewed at: <https://www.missoulacounty.us/government/health/health-department/administration/regulations-ordinances/environmental-health-dept> and have been filed with the Missoula County Clerk and Recorder.

On January 27, 2022, employees of the Missoula City-County Health Department presented information regarding changes to Health Code-related fees to the County Commissioners. Public comment was considered by the Commissioners.

The County Commissioners held two public hearings before adopting the fees by reference. The first reading and hearing occurred on January 27, 2022, and the second and final hearing is set to occur on March 10, 2022.

The public was invited to comment prior to and during the public hearings.

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, set forth in Exhibit A to this First Amended Resolution, as amended on October 21, 2021, 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 90 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 TO THE BOARD OF COUNTY COMMISSIONERS ON FIRST READING ON
THIS 27TH DAY OF JANUARY 2022.

ATTEST:

Tyler Gernant

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Tyler Gernant, Clerk and Recorder



BOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY

Juanita Vero

6F45D3BDCC41E9C2B2D512DC93A576B2

Juanita Vero, Chair

Not available for signature

Josh Slotnick, Commissioner

David Strohmaier

A6ACEF081F0505A3A08967E7EBB8C312

Dave Strohmaier, Commissioner



EXHIBIT A
Environmental Health Division Fee Schedule
New Fees Adopted October 21, 2021

Ground Water Monitoring:

Base Fee (first monitoring pipe).....	325.00	.....	<u>390.00</u>
Distance Charge (distance to site, one-way from Department, 1-time charge)...	4.00/mile	.....	<u>5.00/mile</u>
Each additional monitoring pipe.....	60.00	.....	<u>70.00</u>

Septic Permits

Application Fee (non-refundable; in addition to the permit fee).....	130.00		<u>150.00</u>
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Permit Fees:

Septic tank only (or additional connection only).....	170.00		<u>195.00</u>
Conventional drainfield using gravity distribution.....	185.00		<u>215.00</u>
Seepage Pit, Absorption Bed, Conventional drainfield using pressure distribution ..	250.00	.....	<u>290.00</u>
Pit Privy or Waterless Toilet.....	185.00	.....	<u>215.00</u>
Other Alternative System.....	280.00	.....	<u>320.00</u>
Experimental System construction permit.....	325.00	.....	<u>375.00</u>
Experimental System annual fee.....	145.00	.....	<u>170.00</u>

Other Fees:

Pressure Distribution Sizing.....	50.00	.....	<u>60.00</u>
Septic Determination.....	60.00	.....	<u>70.00</u>
Septic Re-inspection or Site Visit.....	80.00	.....	<u>90.00</u>
Septic Installer Certification (New).....	100.00	.....	<u>115.00</u>
Septic Installer Annual Renewal.....	65.00	.....	<u>75.00</u>

Site Evaluations

Per proposed septic system site	250.00	.....	<u>300.00</u>
Non-degradation Analysis (categorical exemption, N analysis, P breakthrough) ...	115.00	.....	<u>140.00</u>
Non-degradation Analysis (adj to surface water, must have stream flow data)	40.00	.....	<u>50.00</u>
Approved Site Evaluator Test.....	55.00	.....	<u>65.00</u>

Well Permits

New Permits.....	125.00	.....	<u>145.00</u>
Extra Site Visit.....	80.00	.....	<u>90.00</u>
Re-inspection Fee.....	80.00	.....	<u>90.00</u>
Change of Location Fee.....	25.00	.....	<u>30.00</u>