

RESOLUTION NO. 2025-063
ORDINANCE NO. 2025-001

**ORDINANCE ADOPTING MISSOULA CITY-COUNTY HEALTH CODE, REGULATION 1,
“WASTEWATER TREATMENT AND DISPOSAL SYSTEMS,” BY REFERENCE**

Section 1. Statement of Purpose

The purpose of this ordinance is to adopt changes that the Missoula City-County Health Board (Health Board) approved to the Missoula City-County Health Code (Health Code), Regulation 1, “Wastewater Treatment and Disposal Systems,” and to replace the previous version in Missoula County Ordinance Resolution 2022-109.

Section 2. Recitals

WHEREAS, Montana Code Annotated § 50-2-116 requires the local governing body to adopt regulations and fees proposed by the Health Board; and

WHEREAS, the 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 Board of County Commissioners and the Missoula City Council; and

WHEREAS, Ordinance 2022-003, approved by the Missoula County commissioners on Oct. 27, 2022, adopted the Health Code by reference, and included Regulation 1, “Wastewater Treatment and Disposal Systems,” as approved by the Health Board on September 20, 2018; and

WHEREAS, the Health Board held a public hearing on March 20, 2025, and April 17, 2025, on proposed amendments to the Health Code Regulation 1 “Wastewater Treatment and Disposal Systems”; and

WHEREAS, after receiving no public comments, the Health Board approved the proposed changes to the regulation, which includes allowing new septic systems to be installed in fill; and

WHEREAS, under a directive of the 2023 Montana Legislature, the Montana Department of Environmental Quality amended the statewide wastewater regulations to allow new wastewater systems to be installed in fill; and

WHEREAS, to allow new systems in fill in Missoula County, changes are required to the Missoula City-County Health Code Regulation 1; and

WHEREAS, allowing septic systems to be located in fill, gives property owners and developers more flexibility, on difficult or disturbed sites; and

WHEREAS, pursuant to Montana Code Annotated § 50-2-116(1)(e)-(f) and -116(2)(c), the purpose of Regulation 1, “Wastewater Treatment and Disposal Systems,” is to protect public health and environmental quality from risks associated with improper disposal of wastewater within Missoula County; and

WHEREAS, Montana Code Annotated § 7-5-108 allows a local government to adopt a health code by reference; and

WHEREAS, the new version of Regulation 1 is available on the Missoula City-County Health Department's website, t, and was filed at the Clerk and Recorder's office Book 1113 and Page 1279 on June 25, 2025, so as to be available for public inspection; and

WHEREAS, no public comment was received

NOW, THEREFORE BE IT RESOLVED, the Board of County Commissioners adopts the Missoula City-County Health Code, Regulation 1, "Wastewater Treatment and Disposal Systems," as approved by the Health Board on April 17, 2025, by reference as a Missoula County Ordinance. This action supersedes and replaces the adoption of Regulation 1 in Resolution 2022-109, Ordinance 2022-003 for Regulation 1 only.

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 city limits.

Section 5. Penalties

- A. Pursuant to Montana Code Annotated § 7-5-109, 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.

First reading and intent to adopt on June 26, 2025 by a vote of 3 ayes and 0 nays.

Second and final reading and adoption on the by a vote of

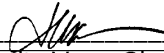
ATTEST:



Tyler Germant, Clerk and Recorder



BOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY



Juanita Vero, Chair



Josh Slotnick, Commissioner



Dave Strohmeier, Commissioner