

**RESOLUTION 2023-076  
ORDINANCE 2023-02**

**ORDINANCE ADOPTING MISSOULA CITY-COUNTY HEALTH CODE REGULATION 3  
“SOLID WASTE MANAGEMENT” 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 3, “Solid Waste Management,” 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 3, “Solid Waste Management,” as approved by the Health Board on March 21, 1996; and

**WHEREAS**, the Health Board held a public hearing on June 15, 2023, and Aug. 17, 2023, on proposed amendments to the Health Code Regulation 3 “Solid Waste Management”; and

**WHEREAS**, after taking public comments into account, the Health Board approved the proposed changes to the regulation, which include addressing recyclables and automated garbage collection, generally updating language and requirements, and creating an expanded bear buffer zone around the Missoula Valley and a new bear mitigation zone in the Potomac Valley, with requirements to use bear resistant containers or enclosures; and

**WHEREAS**, pursuant to Montana Code Annotated § 50-2-116(1)(e)-(f) and -116(2)(c), the purpose of Regulation 3, “Solid Waste Management,” is 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; 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 3 is available on the Missoula City-County Health Department’s website, the Missoula County Voice website, and was filed at the Clerk and Recorder’s office (Book 1092, Page 510) on Aug. 25, 2023, so as to be available for public inspection; and

**WHEREAS**, public comment received was generally in support of the resolution and the rules that would require bear resistant containers around Missoula and in Potomac; and

**WHEREAS**, public comment also encompassed concerns around enforcement and cost, as well as the aesthetics of people leaving containers out at shared collection sites.

**NOW, THEREFORE BE IT RESOLVED**, the Board of County Commissioners adopts the Missoula City-County Health Code, Regulation 3 "Solid Waste Management," as approved by the Health Board on Aug. 17, 2023, by reference as a Missoula County Ordinance. This action supersedes and replaces the adoption of Regulation 3 in Resolution 2022-109, Ordinance 2022-003 for Regulation 3 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 the 14<sup>th</sup> day of September 2023 by a vote of 3 ayes and 0 nays.**

**Second and final reading and adoption on the 28<sup>th</sup> day of September 2023 by a vote of**

ATTEST:

  
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6041C347E06B66B1FE14B1915A4FB4B77 ready sign  
Tyler Germant, Clerk and Recorder



BOARD OF COUNTY COMMISSIONERS  
MISSOULA COUNTY

  
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13F051ED69FA2244FFFA409645EBDD56F ready sign  
Josh Slotnick, Chair

  
\_\_\_\_\_  
6F45D36DCC41F9C2B2DE12DC93A576B2 ready sign  
Juanita Vero, Commissioner

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Dave Strohmaier, Commissioner