

**DRAFT 10/31/22
Ordinance**

An ordinance establishing Chapter 8.02 Missoula Municipal Code entitled “Missoula City-County Health Code Adopted by Reference” which will adopt the existing health codes as approved by the City-County Health Board in order to comply with § 50-2-116, MCA as amended by the 2021 Montana Legislature (HB 121) and the June 9, 2022 City and County interlocal Agreement for the Joint Provision of Public Health Services.

Be it ordained that Chapter 8.02 entitled “Missoula City Council Health Code Adopted by Reference” is hereby established as follows:

Chapter 8.02
Missoula City-County Health Code Adopted by Reference

Sections:

8.02.010 Authority

8.02.020 Adopted by Reference

8.02.030 Penalties

8.02.010 Authority

7-5-108(1) MCA and 7-4-4202, MCA allow a local government to adopt a code or portions of any code or any amendment by reference, without setting forth the provisions in full.

8.02.020 Adopted by Reference

The Missoula City-County Health Code is adopted by reference, including the following sections:

- A. Health Code Administrative Section, except 3(B) Penalties, as approved by the Missoula City-County Health Board (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 – Large Group Function Public Health Permits, 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 – 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.

A copy of the current health code shall be available for public inspection at the City-County Health Department and the Missoula City Clerk Office.

8.02.030 Penalties

Pursuant to 7-5-109, MCA, penalties for violations of this chapter 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 chapter. Each day a violation exists constitutes a separate offense.

EFFECTIVE DATE

This ordinance shall be in full force and effect from and after 30 days after its date of passage.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

First reading and preliminary adoption on the _____ day of _____, 2022, by a vote of ___ ayes; ___ Nays; ___ Abstain; and ___ Absent,

Second and final reading and on the _____ day of _____, 2022, by a vote of ___ ayes; ___ Nays; ___ Abstain; and ___ Absent,

ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

Jordan Hess
Mayor