

**Operating Procedure #3
City-County Board of Health
Lincoln County, MT
October 2017**

Purpose: The purpose of this document is to outline the procedures for handling requests for variances to Lincoln County's Health and Environment Regulations.

The following Procedures apply to the City-County Board of Health (Board) and any committees thereof.

General Requirements:

- A person who owns or is in control of a property subject to Health and Environment Regulations may apply to the Board for a variance.
- The Board may grant or renew a variance if it finds:
 1. A variance from a requirement of these regulations does not conflict with state or federal law;
 2. The variance does not create a danger to public health or safety; and
 3. Compliance with the regulation from which a variance is sought would produce hardship without equal or greater benefit to the public.
- The Board may place conditions on a variance and the person subject to the variance shall adhere to those conditions. Failure to adhere to the conditions is cause for revocation of the variance and other appropriate legal action. Conditions may include, but are not limited to the following; duration the variance is valid, regular review of the variance or inspections to ensure the conditions are being met, other limits on the variance, etc.
- Variances are non-transferable and remain valid only for the applicant to whom they are granted.

Application:

- An application for a variance may be in the form of a letter and must contain the following information:
 1. Applicant's name, address and contact information;
 2. Specific regulation and provision from which a variance is requested;
 3. Legal description or address of property where variance would apply;
 4. Detailed and accurate description of the circumstances under consideration, including an explanation of why compliance is not justified and description of alternatives considered;
 5. Any other relevant information that the department or Board may require.
- The application will be submitted to the Lincoln County Health Department (Department).

Decision:

- **The Department may grant a temporary variance for up to ninety (90) days.**
- The Department will forward the application to the Board with their advisory opinion.
- The application will be considered at the Board's next regularly scheduled meeting, provided that the application is received at least fourteen (14) days prior to the scheduled meeting date. At this meeting, the applicant may appear in person or be represented by another person.
- The Board will make a final decision within thirty (30) days following the hearing, unless it notifies the applicant that more time is needed.
- The final decision must be in writing, include all conditions that apply to the variance, and be signed by the chair of the Board.