

Lincoln County
City-County Board of Health Agenda
Lincoln County Courthouse
6:00 PM, October 11, 2022

- **Call to Order**
 - Pledge of Allegiance
 - Roll Call
- **Administrative Items**
- **Public Comment on Items Not on Agenda**
- **Public Comment on Non-Action Agenda Items**
- **Approval of Minutes**
 - *Action Item:* Approval of 8/9/22 minutes
- **Unfinished Business**
- **New Business**
- **Program Reports:**
 - **Public Health**
 - Communicable disease update
 - Mental Health discussion
 - **Environmental Health**
 - Truck Wreck Protocol
 - Licensed Establishment Inspection discussion
 - *Action Item* - DPHHS Cooperative Agreement approval
 - Wastewater Regulation update
 - **Solid Waste and Recycling**
 - Expansion Update
- **City Representative Reports**
- **Health Officer Report**
- **Adjourn**

Zoom meeting ID: 998 434 6152

For audio conferencing dial (253) 215-8782 or (669) 900-9128, meeting ID: 998 434 6152

MISSION STATEMENT

The City-County Board of Health for Lincoln County works to prevent disease and illness, ensures a healthy environment and promotes healthy choices by setting county-wide policies to protect the health of Lincoln County residents.

PUBLIC COMMENT

The Board encourages public comment and time is designated for public comment on every agenda. Public comment on non-action agenda items and non-agenda items is welcomed during the general public comment period. Action items will include public comment as follows:

- Presentation of the action item
- Board motion and second
- Board discussion
- **Public comment**
- Additional Board discussion
- Board vote

GROUND RULES

1. Plan comments to be concise, relevant, and meaningful.
2. Keep questions and comments respectful in content and tone.
3. Submit lengthy, detailed comments or supporting documentation in writing
4. Address the problem not the person.
5. Be prepared by reviewing the agenda and pertinent information.
6. Listen with an open mind.
7. Focus on the mission statement.
8. Encourage participation of all board members and attendees.
9. Public participation according to Operating Procedure #2:
 - Participants will address the Board at the time designated in the agenda or as directed by the Board, by presenting before the Board and stating their name audibly.
 - Persons wishing to speak, including Board members, shall first be recognized by the Chair. One speaker shall be given the floor at a time and may not re-enter the discussion without being given recognition by the Chair.
 - Verbal comments will be limited to 3 minutes per individual or as time permits.
10. Participants ask the chair for permission to speak. Participants are to give their full name and topic.
11. Questions or remarks shall be addressed to the board as a body and not to any member of the board or staff without permission from the chair.
12. If a remark has been made, the attendee can agree with what was previously stated. Repetition is unnecessary.

Everyone is responsible for enforcing ground rules.

Lincoln County
City-County Board of Health Agenda
Lincoln County Courthouse
6:00 PM, August 9, 2022

- **Call to Order**
 - Pledge of Allegiance
 - Roll Call: Josh Letcher, Jan Ivers, Patty Kincheloe, Lannie Fehlberg, Jim Seifert, Dr. Dianna Carvey. Quorum present.

- **Administrative Items**
 - Meeting Schedule
 - Josh mentioned meeting every other month or every three months. Jan said she would be in favor of that idea and start with meeting every two months and move to every three if needed. Josh said meetings would be in Eureka in December and June.
 - Discussion of Rexford Participation on BOH.
 - Josh said he attended the Rexford town council meeting last month and as a town council they voted that they wanted to become part of the health board. Jinnifer Mariman said that in order to do that there needs to be an interlocal agreement between the commissioners and any city that would be part of the board of health. If that were to happen, the bylaws would need to be amended to account for their participation as a member of the board. This topic will be discussed again at the next meeting.

- **Public Comment on Items Not on Agenda**
 - None at this time.
- **Public Comment on Non-Action Agenda Items**
 - None at this time.

- **Approval of Minutes**
 - *Action Item:* Approval of 7/12/22 minutes
 - Patty motions to approve. Lannie Seconds. All in favor. Motion passes.

- **Unfinished Business**
 - *Action Item:* Revised Bylaws (Attached to these minutes)
 - Jim motioned to approve the revised bylaws. Jan seconds. Lannie opposed. All others in favor. Motion passes.

- **New Business**
 - *CASA (Keeli Anderson)*
 - Keeli is the program director at CASA which stands for Court Appointed Special Advocate. This program directly advocates for the children that are in the foster system in Lincoln County. Their goal along with the state is to reunify the children with their parents whether that is foster, adoptive or birth parents. Lincoln County has ten advocates that volunteer their time to

make sure every child is represented. Right now, Lincoln County has 32 children in the system. CASA is solely there for the child. In Montana, there are 22 programs and one satellite program that is through the tribal association. It covers 914 volunteers and 2,253 children being served.

- *Action Item: Variance request septic tank set back*
 - Project engineer Christopher Eaton proposed a variance request for a final and permanent location of a 1,500 gallon, plastic septic tank on Angel Island. According to the guidelines of the Lakeshore Protection Regulations for Lincoln County, a septic tank cannot be placed closer than 50 feet from the lakeshore. Christopher is requesting that an 80 foot shoreline setback be accepted as it falls slightly short of the 100 feet requirement for the State of Montana. Jan said she was fine with the request as long as the system is sealed with a functioning alarm and it is pressure dosed. She motioned to grant the variance with the conditions specified. Jim seconded. Motion passes unanimously.
- **Program Reports:**
 - **Public Health**
 - Communicable disease update
 - Jennifer McCully gave an update on communicable disease.
 - **Environmental Health**
 - Wastewater Regulation update.
 - Kathi Hooper said the regulations are five years old and she would like to see some updates. The septic permits expire after one year but they offer extensions. The requirement for an inspection is to give 48 hours notice, but she would like to see that changed to 72 hours in order to give enough time since they are so busy. Installer licenses are issued for a period of two years from the date of issue. She would like all installer licenses to expire in December so everyone is on the same schedule and there is no question of how much time is left. She and Jesse would like to add in an endorsement for site evaluators. Homeowners are allowed to install their own system under the departments regulation and she would like it clarified that they can only install standard gravity systems. The current regulations say that they can revoke a license for a minimum of one year but she would like to see the suspension be shorter the first time. Kathi encouraged any feedback or ideas from the board and would like to get a draft written up for the next board meeting.
 - FDA Grants
 - Dustin Webb gave an update on the funding that has been obtained and that they continue to apply for. In 2008, Lincoln County partnered with the FDA to incorporate a standardized inspection program and with that program, grant funding does become available. Dustin applied for two grants in 2019 and as of July one is completed. The additional grant is complete but not due until December 31st. He has a

meeting with the FDA specialist next week to review it before it is submitted. Another grant cycle is opening at the end of August.

- **Solid Waste and Recycling**
 - E-waste.
 - Kathi spoke about the annual e-waste collection on August 17th through the Lincoln County Landfill.
 - Expansion Update
 - Kathi said there hasn't been much progress since the last update. They did not receive any bids on the project but is hopeful to get some response soon.

- **City Representative Reports**
 - Libby: None at this time.
 - Troy: Jim stated that the City of Troy was supportive of having the three county commissioners as our governing body.
 - Eureka: Lannie spoke to the mayor of Eureka and asked her about the governing body. She said that on June 13th the town council passed a motion that indicated that they wanted to be involved in the governing body.

- **Health Officer Report**
 - Dr. Brad Black spoke about covid and that even though cases are low, the public still needs to remain cautious.

- **Adjourn**
 - Josh adjourned at 7:22 P.M.

SECOND AMENDED AND RESTATED BY-LAWS
City-County Board of Health
Lincoln County

ARTICLE I – Name

The name of this organization shall be the City-County Board of Health for Lincoln County, hereinafter the Board.

ARTICLE II – Object

Specific functions, powers, and duties of local boards of health are set forth in Title 50, Chapter 2, M.C.A. The “local governing body” or “governing body” for purposes of Title 50, Chapter 1, Section 101(8)(c), M.C.A. shall be the Board of County Commissioners. Pursuant to Title 50, Chapter 2, Section 116, M.C.A. and the Interlocal Agreement(s) creating the Board, the Board works closely with and relies upon the Lincoln County Health Department to accomplish the objectives of the Board. As part of its work with the Board, the Lincoln County Health Department reports to the Board at all regular meetings. The Lincoln County Health Department is a department of Lincoln County and staffed by employees of Lincoln County. To the extent the Board has any supervisory duties over the Lincoln County Health Department, those duties are fulfilled by receiving the regular report described herein.

ARTICLE III – Membership

The composition of the Board and the terms of its members are set forth by Title 50, Chapter 2, 106, M.C.A. The Board shall be composed of no less than five members appointed by the governing bodies in Lincoln County in accordance with the Interlocal Agreement(s) as follows:

- a. One (1) current board member from the Board of County Commissioners appointed by the Board of County Commissioners.
- b. Three (3) additional board members appointed by the Board of County Commissioners, based on recommendations from the Board. Board members should be appointed, when possible, to represent various disciplines such as preventative health, health care, environmental health and environmental engineering/science. Recommended combined secondary education and experience in these disciplines should be equivalent to not less than 10 years for each member.
- c. One (1) board member appointed by the City/Town, who may be, but is not required to be a member of the City Council or its Mayor, of each city/town that participates in the Board.
- d. Terms. Terms of appointed members to the Board shall be staggered and shall be for three (3) years each.

- e. Vacancies. Vacancies which occur on the Board by resignation or for other reasons, shall be filled for the unexpired term of the vacated member and appointments to fill said vacancies shall be made as hereinbefore specified.
- f. Absenteeism. The following rules regarding absenteeism shall apply: absenteeism is the responsibility of the governing body who appointed that member. Two consecutive absences from regularly scheduled meetings during the year shall cause the appropriate governing body to review the appointment of that member and replace that member when considered appropriate.

ARTICLE IV – Officers

1. At the first regular meeting of the Board following the first day of January each year, said Board shall organize by electing a Chairperson, a Vice Chairperson, Secretary and such other officers as it may deem best and advisable.
 - a. Chair. The Board shall elect a Chair who shall conduct all meetings and business of the Board.
 - b. Vice Chair. The Board shall elect a Vice Chair who shall conduct all meetings and business of the Board in the Chair's absence.
 - c. Secretary. The office of the Secretary may be filled with two individuals: 1) a board member who is the Secretary in name and who has oversight over the recording Secretary's duties, and 2) an employee of the Lincoln County Health Department who is the recording Secretary who shall keep minutes of the meetings; see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; and bring a copy of these Bylaws to every meeting.
2. The Health Officer, who is a physician or a person with a Master's Degree in public health or equivalent and appropriate experience, employed by the Board shall not be a member of said board but shall serve as an advisor to the Board and perform duties as defined in Title 50, Chapter 2, 118, M.C.A.
3. In the event of vacancy of the board member elected Chairperson due to resignation or for other reasons, the Vice-Chairperson shall act as Chairperson and a new Vice-Chair-person shall be elected. Both shall serve until the next regular election of officers.
4. In the event of vacancy of both the Chairperson and Vice Chairperson due to resignation or for other reasons, the remaining board members shall elect an Acting Chairperson who will function until the first regular meeting after all new board members have been appointed. At that time the board shall reorganize by electing a Chairperson and a Vice-Chairperson.

ARTICLE V – Meetings and Quorum

1. Regular meetings. Regular meetings of the Board shall be held no less frequently than quarterly.
2. Special meetings. Special meetings of the Board may be held upon call of the Chairperson or any two board members.
3. Quorum. A quorum for both regular and special meetings shall consist of a simple majority of members of the board.
4. Meeting participation. Board members may participate in any meeting through the use of a conference telephone or similar contemporaneous communications equipment. Such participation in a meeting, and any votes cast therein, shall constitute presence in person at the meeting.
5. Notice of meetings. The recording Secretary shall notify all members of all meetings in writing. No special meetings shall be held unless diligent efforts have been made to notify all members.
6. Open meeting requirements. All meetings of the Board shall be held in compliance with Montana's Open Meeting and Public Participation laws set forth at Title 2, Chapter 3, M.C.A.

To comply with the spirit and intent of Montana's open meeting and public participation laws, public notice of not less than two (2) business days shall be given of all Board meetings, regular and special. Notice need not be given where the Board must make a decision to deal with an emergency situation affecting the public health, welfare, or safety, or as otherwise allowed by Title 2, Chapter 3, 112(1), M.C.A. The Chair may close a meeting of the Board as allowed by Title 2, Chapter 3, 203, M.C.A.

7. Agenda. Agenda items should be submitted to the recording Secretary at least two (2) business days before a meeting. This rule may be suspended upon approval of the Board's Chair.
8. Minutes. Minutes of all regular and special meetings of the Board shall be kept by the recording Secretary or designee and shall be signed by the member Secretary and by the Chairperson. Minutes of all open meetings, and portions of meetings that are open to the public shall be kept available for inspection by the public, with copies also available with the clerk of each unit of government participating.
9. Record. The minutes shall contain a complete and accurate record of all motions made, and votes thereon, and shall also contain such summary of proceedings and debate as the Board considers convenient.

ARTICLE VI – Committees

The Board shall have authority to create from time to time, such Standing or Special Committees as it may deem appropriate for the conduct of the business of the Board.

ARTICLE VII – Financing

1. The financing of the Board will be as set out in Title 50, Chapter 2, 111 (2), M.C.A., and the Interlocal Agreement(s) under which the Board was created.
2. Official and non-official agencies may contribute funds to the Board.

ARTICLE VIII – Board Member Reimbursement

Board members may not be compensated for their time but may be reimbursed from local funds for transportation and actual expenses up to but not exceeding state transportation reimbursements and allowable expenses incurred in attending the Board meetings or other Board related activities.

ARTICLE IX – Parliamentary Authority

The rules contained in “Roberts Rules of Order Revised” shall govern the Board for all matters not covered in these By-Laws.

ARTICLE X – Amendments

These By-Laws may be amended at any regular meeting of the Board by a majority vote, notice having been given at the previous regular meeting.

The initial By-Laws of the City-County Board of Health for Lincoln County were duly adopted in 2016 and amended in 2018. We the undersigned Board members of the City-County Board of Health for Lincoln County do hereby adopt the foregoing Second Amended By-Laws by unanimous consent. These Second Amended By-Laws are effective as of August 9, 2022.

Jim Seifert
City of Troy Representative

Lannie Fehlberg
Town of Eureka Representative

Amy Fantozzi
City of Libby Representative, Vice-
Chair

Dr. Dianna Carvey
Board Member

Jan Ivers
Board Member

Patty Kincheloe
Board Member, Secretary

Josh Letcher
Lincoln County Commissioner, Chair

Lincoln County Health Department
Truck Wreck Protocol Involving Food & Consumer Products
September 2020

Distressed Foods & Other Consumer Products
Resulting from a
Transportation Accident or Other Emergency

Based on the Montana Department of Public Health & Human Services Food & Consumer Safety Section, "Guidelines for Handling Distressed Food, Drugs, and Cosmetics in Truck and Train Wrecks Emergency Response Procedures." September 5, 2008

This guidance is applicable in any transportation accident involving food, drugs, cosmetics, or other consumer products. The purpose of this guidance is to protect public health and safety by preventing consumers from receiving contaminated food, drugs, cosmetics, and other consumer products.

Contact information

Lincoln County Health Department 24/7

Lincoln County Sheriff's Office Dispatch: 406-293-4112 / Ext: 0
Lincoln County Emergency Management: 406-334-7194

Sanitarian(s) On Call

Kathi Hooper (24/7)	406-291-1168
Dustin Webb (24/7)	757-358-1147

State of Montana

Food & Consumer Safety (FCS) during work hours: 406-444-5306 or 2408
FCS Fax Number: 406-444-5055
Communicable Disease Control & Prevention Bureau 24/7: 406-444-0273
MT DES: 406-324-4777 or 4773

Truck Wreck Response

1. **Communication.** Law Enforcement (MHP or local officer) responds to the scene. Law Enforcement notifies MHP dispatch if needed. Lincoln County Sheriff's Office Dispatch will contact local Emergency Management Agency and the county sanitarian. Local DES calls the state DES. State DES calls the DPHHS duty officer, who calls the FCS. FCS will verify that a county sanitarian has been notified. The County Sanitarian is encouraged to call FCS directly, to save time. If after hours, the health officer can call the 24/7 DPHHS duty officer. FCS also contacts other agencies.
2. **Authority and Responsibility.** Almost always, the food products, drugs or cosmetics will be transported across county lines to interstate, making the state responsible for product control. The local health jurisdiction acts as the states authorized agent,

If the products are meat or poultry, then FCS will contact USDA and/or MDOL. As directed by USDA, products will be moved to the nearest inspected facility.

The responsible person/entity is obligated to control their products. Shipping contacts will contain this information (examples are shipping companies, receivers, haulers ort drivers). The wrecker service usually takes over traffic control responsibility when law enforcement leaves the scene.

The sanitarian should take steps to track the products and prevent pilferage. Official seals can be attached to containers if measures are needed to stop illegal salvaging or the load required an inspection upon destination arrival (Note: seals are available from FCS or law enforcement). This allows DPHHS to follow-up with the disposition of the sealed load in the receiving jurisdiction.

3. **Documentation.** Collect information as indicated on the "Truck Wreck Report" form (attached). This is easiest to obtain from the responding law enforcement within the hour of the wreck. The wrecker service and responsible person usually make storage arrangements. A "Voluntary

Disposal Agreement” or a “Voluntary Holding Agreement” form is completed by the sanitarian and the responsible person after an assessment of the products are made.

4. **Damage Assessment.** If damage is minimal, meaning the vehicle is not broken open, there is no obvious contamination, and there is no known benefit for a site visit, then products can be moved into a central location for observation and inspection. Pictures are very helpful in determining the extent of potential damage.
5. **Salvageability.** Salvaging requires licensing as of 2004. Currently only one (1) business is licensed; Montana Foodbank Network based in Missoula.

The products are salvageable if **ALL** the following are true:

- a. The load did not contain chemicals that could cause contamination;
- b. No products were exposed to dust, dirt, flies, fuels, oils, refrigerants, or other hazardous materials;
- c. Potentially hazardous foods were not above 45° for more than 2 hours;
- d. Fresh products were not wilted or frozen;
- e. Containers are not damaged;
- f. Soft plastic containers were not exposed to chemicals, fumes, or moisture;
- g. Cans are not dented along any seam or significantly dented elsewhere.

Damaged food may be suitable for animal feed, if approval is given by MT Department of Agriculture.

Disposal is necessary if the products are not salvageable or not suitable for animal feed. Often the responsibly person chooses to dispose of the products on their own accord.

6. **Completion.** Fax completed wreck report and signed voluntary disposal or holding forms to FCS at 406-444-5055

Cooperative Agreement

Between
Montana Department of Public Health and Human Services
And
Board of Health

Identity of Parties and Purpose Statement

This Cooperative Agreement (Agreement) is between the Montana Department of Public Health and Human Services (DPHHS), and the Lincoln County Board of Health (BOH).

The purpose of this Agreement is to establish a payment schedule for maximizing the disbursement of funds to the BOH to support inspections of licensed establishments and to determine which optional programs the BOH will conduct.

A failure to sign this agreement may result in the inability of a local health jurisdiction to maximize funding. Each completed in-person inspection will result in a payment equal to the license fee or the portion of that fee designated in the applicable statute. DPHHS will not provide reimbursement for incomplete inspections.

Period of Performance and Termination of this Cooperative Agreement

This Cooperative Agreement is effective from **January 1, 2023 through December 31, 2023** and cannot be terminated except by written notification from one of the parties with a minimum of 30-day notice. This agreement may not be extended.

Sole Agreement

This is the only Agreement between the parties with respect to payments for inspections for licensed establishments. This Agreement replaces any previous Cooperative Agreement(s) entered into by the parties with respect to payments and responsibilities for inspections of public establishments as defined in this agreement.

Alterations or Amendments

The parties may amend this Cooperative Agreement by mutual agreement. Any amendment is effective only when in writing and signed by both parties.

Responsibilities of the parties:

The BOH agrees:

1. To inspect the following types of licensed establishments within its jurisdiction, in-person, on an annual or more frequent basis as described below:
 - a) Inspections required to be performed by local health jurisdictions
 - i. Retail Food Establishments

- ii. Wholesale Food Establishments
- iii. Trailer Courts & Campgrounds
- iv. Public Accommodation (see 2a for exceptions)

b) The BOH agrees to conduct the following activities (please check all that apply):

i. Conduct pools, spas and other water feature inspections – Seasonal establishments must be inspected once per calendar year. Year-round establishments must have one full facility inspection and one critical point inspection conducted per year.

Yes

No

ii. Conduct body art establishment inspections for your county.

Yes

No

iii. Conduct body art establishment plan reviews for your county.

Yes

No

iv. Peer to Peer Inspector Training (see Appendix Band Table 3)

Yes

No

v. Conduct joint wholesale processing and product label reviews with DPHHS

Yes, county will review processing and product label reviews with DPHHS

No, DPHHS alone will review processing and labels.

vi. Conduct trailer court, campground, work camp, and youth camp plan reviews without DPHHS

Yes

Name of sanitarian that will be reviewing: _____

No

c) If the BOH chooses not to perform inspections and/or plan or process reviews of pools, spas, and other water features, wholesale food establishments, or body art facilities, they will be conducted by the Department or its designee. A designee may include a neighboring county under contract with the Department.

d) If the BOH opts out of Pool and Body Art inspections, the BOH gives DPHHS the authority to sign Pool, Spa, and Body Art licenses for the county.

e) If the BOH opts into Peer to Peer Inspector Training, they agree to have Trainers host a trainee, travel to the trainee's county, or a combination of the two, to perform routine inspections of licensed establishments (See Appendix B and Table 3). Only DPHHS-standardized or FDA-standardized inspectors may provide the Peer to Peer inspections of retail food establishments. Opting into this program means that you are only obligated to assist counties as time allows. It does not mean that you are expected to prioritize neighboring county trainings over your own.

- f) During joint review, counties conducting their own plan reviews, wholesale labels and processing plans should submit the documents to DPHHS for review to ensure statewide consistency is maintained..
 - g) The option to review trailer court, campground, work camp, and youth camp plan reviews without DPHHS involvement is only available to sanitarians contracted with the DEQ per ARM 17.36.116. DPHHS reserves the right to audit all trailer court, campground, work camp, and youth camp plan review applications and make final determinations prior to issuing a license.
2. To inspect public sleeping accommodations within its jurisdiction as follows:
 - a) Inspect each hotel, motel, rooming house/boarding house/hostel in-person before initial license validation, upon complaint, and routinely inspect at least once annually;
 - b) Inspect each bed & breakfast and tourist/vacation home/condominium in-person before initial license validation and upon complaint;
 - c) Complete follow-up inspections as determined necessary by the sanitarian; and
 - d) Make a reasonable effort to license all operating establishments, including tourist homes.
 3. Inspections of licensed establishments, including pre-opening inspections, must be performed in-person, on-site by the local health officer, sanitarian, or sanitarian-in-training.
 4. To enter inspection dates into the Department's database, after inspection or within two weeks after the end of each quarter;
 5. A minimum of one person in the County will obtain access to the Department's licensing database, receive training, and enter the date and name of person performing each inspection;
 6. On a minimum of a quarterly basis, to notify the Department of any status changes to establishment licenses (i.e. out of business; change of ownership);
 7. To provide copies of inspection reports to the Department for auditing purposes, upon request;
 8. To notify the Department when a sanitarian or the BOH takes enforcement action that may impact a license; and
 9. To be eligible for payment from the Local Board Inspection Fund (LBIF), the County must maintain a functioning local board of health as required by Title 50 of the Montana Code Annotated.

The Department agrees:

1. To pay the percentage required by statute of each licensing fee received by the

Department into a Local Board Inspection Fund. Fees paid into the fund will be collected from licensees of retail food establishments, wholesale food establishments, public accommodations, trailer courts and campgrounds, and, if applicable, body art establishments (see Table 2), pools, spas, and other water features;

2. To pay the BOH the license fee or fees associated with an establishment from the local board inspection fund, so long as the licensed establishment is inspected in-person or reported as permanently closed and the license fee or fees have been paid by the establishment.
3. If the BOH inspects licensed establishments in program categories covered by this agreement before the end of the licensure year, payment from the Local Board Inspection Fund will be made at the rates according to statute using the payment schedule in Table 1. Payment rules to be applied to the percentages can be found in Appendix A;
4. To provide copies of plan review correspondence to the county sanitarian;
5. The amount available from the local board inspection fund is solely dependent upon fees paid by licensed establishments within the relevant jurisdiction. The percentage paid to the BOH under the schedule is intended to be a percentage of the actual amount available in that fund based on amounts paid in from licensees. Under no circumstances will the Department be obligated to pay an amount larger than has been paid into the Local Board Inspection Fund. Payment is also dependent on statutory authority available to the State to make payments from the Local Board Inspection Fund;
6. To provide training, education, technical assistance and information to staff of local board of health;
7. To maintain a record of inspections submitted by the staff of the local board of health as required in rule; and
8. To provide analytical support through the Laboratory Services Bureau to the BOH's environmental health program regarding food safety. When necessary, support to environmental health programs may include food and environmental sampling for *Salmonella*, *Listeria*, and Shiga-toxin producing *E.coli*, along with clinical (human) testing for the analytes listed in the public health laboratory manual.

The laboratory maintains and provides sample collection kits and technical support when food or water samples need to be collected and tested for contamination. This includes food sampling kits and drinking water emergency sampling supplies. Examples include assisting with *Listeria* swabbing or collecting and shipping samples of food for *Salmonella* or *E.coli* analysis.

The Laboratory Services Bureau is certified by Region 8 of the EPA and can provide water analysis for pesticides, herbicides, volatile organics, industrial chemicals, nutrients, enteric bacteria, oxygen demand, metals, mercury, as well as lead in paint

and dust wipes. The laboratory not only tests drinking water, but also wastewater, groundwater, sediment, solid wastes, and plant and fish tissues.

In an outbreak or emergency where the Department cannot provide laboratory support through the Laboratory Services Bureau, it will work closely with relevant regulatory agencies and their laboratories including the CDC, FDA, and USDA.

Table 1: Payment Schedule- Applies to Retail Food Establishments; Wholesale Food Establishments; Public Accommodations (except Tourist Homes and Bed & Breakfasts *see note) Trailer Courts/Campgrounds; Body Art Establishments; Pools, Spas and Other Water Features (if applicable):

Percent of Licensed Establishments Inspected in-person by the County during the licensure year	LBIF Disbursement by Percentage
90% - 100%	100% (of paid licenses)
< 90%	1 Payment per Paid License per Inspection

* Note: All license fees for Tourist Homes and Bed & Breakfast will be paid annually to the county and are not subject to Table 1.

Table 2: License fees reimbursed to counties performing in-person inspections of Body Art Establishments:

License type	License fee	Reimbursement per inspection
Tattooing	\$135	\$121.50 (90%)
Body Piercing	\$135	\$121.50 (90%)
Ear lobe piercing only	\$75	\$67.50 (90%)

Table 3: Peer to Peer Inspector training: Counties will be reimbursed for mileage, meals and lodging for their employees who may be either trainers or trainees and travel outside of their home counties for the purpose of peer-to-peer training. Counties who host a trainee will also be given an additional \$50 per training inspection. Please note that opting into this portion of the cooperative agreement does not obligate you to provide this service.

Peer to peer trainings will only be done when both counties have time (See Appendix B).

Lodging*	State Rate (Approx. \$96/Night)
Meals	Up to \$30.50 Per day
Mileage	\$0.279 Per mile
Additional Inspection Reimbursement	\$50.00 Per Inspection

* Note: Lodging will be reimbursed at the state rate unless preauthorization is granted by DPHHS; every attempt should be made to obtain state rates.

Both parties agree that:

1. The responsibilities of the parties are governed by the Montana Code Annotated and the Administrative Rules of Montana and nothing in this agreement is intended to contradict or supplant relevant provisions of the laws of Montana; and
2. The following process is to be used in the event of a disagreement between the BOH and the Food & Consumer Safety Section (FCSS) about the terms of this agreement.
 - a. If the BOH is unable to resolve their disagreement with FCSS, a written notification from the BOH must be provided to the Communicable Disease Control and Prevention Bureau Chief. The BOH shall provide in writing specific details about the remaining issues that are in dispute. The Bureau Chief shall attempt to resolve the dispute. If unable to resolve the dispute, the reasons for the department's position on the issues in dispute must be presented to the BOH in writing.
 - b. If resolution of the disagreement is not obtained, the BOH may request a review and written determination to be made by the Public Health and Safety Division Administrator.
 - c. The decision of the Division Administrator may be appealed to the Department Director, whose decision is final.

Liaisons:

These persons serve as the primary contacts between the parties regarding the performance of the task order.

1. Staci Evangeline is the liaison for DPHHS (phone: 406-444-5309)
2. Liaison for the BOH: Kathi Hooper, Director
(Print name and title)

For: Montana Department of Public Health and Human Services

Signature:

Printed name and title: Todd Harwell, Division Administrator

Date:

For: Lincoln County Board of Health

Signature:

Printed name and title:

Date:

Please mail signed Agreement to:

Staci Evangeline, Supervisor
DPHHS-Food & Consumer Safety Section
P.O. Box 202951
Helena MT 59620-2951

Appendix A:

Payment Rules for Licensed Establishments

The following scenarios describe how credit for an in-person inspection will be applied to the percentage described in Table 1 of this Agreement. Any scenarios not covered by these business rules will be evaluated on a case by case basis.

Scenario	License Fee(s) paid	Inspection(s) completed	Credit(s) toward percentage
1	License fee paid	1 or more inspection(s) completed	1 credit toward percentage
2	License fee paid	0 inspections completed	0 credit toward percentage
3	License fee paid	0 inspection completed due to business closing	1 credit toward percentage
4	0 fees paid	0 inspections completed	0 credit toward percentage
5	2 license fees paid on 1 establishment due to change in ownership	2 inspections performed because of change in ownership	2 credits toward percentage
6	2 license fees paid on 1 establishment due to change in ownership	1 inspection performed	1 credit toward percentage
7	License fee paid for pool or spa operated throughout the year	1 full facility and 1 critical point inspection performed	1 credit toward percentage
8	License fee paid for seasonal pool or spa	1 full facility inspection performed	1 credit toward percentage

Appendix B:

Peer to Peer Inspector Training

One of the tasks of Food and Consumer Safety is to provide or facilitate training to ensure consistent, high quality inspections across the state. Joint inspections with experienced county inspectors are one way to accomplish that. To minimize the impact to county budgets, Food and Consumer Safety will fund peer to peer inspection training up to \$10,000 per year (allocated total for the entire state).

These funds are available on a first-come, first-serve basis for counties with a new inspector, or an inspector needing additional training in a certain type of inspection or inspection components outside of previous training. This may be a Sanitarian in Training (SIT) or is a sanitarian that is moving into inspection types with which they have limited experience.

Training will be provided at the discretion of the counties. If a county opts into this program but time and/or resources change the county is not obligated to host training or send a trainer to a neighboring county.

Minimum requirements for trainers:

1. Currently employed by a county and determined by FCS to be qualified to provide training;

The following applies to food inspections:

- a. Trainers must be standardized in food inspections by the State Standard or FDA Standard.
- b. Minimum Facility Requirements
 1. Risk Level 2, 3, or 4
- c. Inspections by Risk Level (see Annex 5, Table 1 of the 2013 Food Code)
 1. Risk Level 2 - no more than 3 inspections
 2. Risk Level 3 or 4 - up to 12 inspections
 3. If possible, facilities should include
 - a. retail processing,
 - b. HACCP, and
 - c. Molluscan shellfish sales or service
 4. FCS currently does not have plans to approve more than 15 Peer to Peer inspections at a time.

Reimbursement:

1. Trainers may host the trainee and/or travel to the trainee's county to perform inspections.
2. Reimbursement to the county for mileage, meals and lodging for either trainers or trainees who travel outside of their jurisdiction.
3. An additional \$50 per inspection for a county hosting a trainee, due to the additional amount of time required for training.

Projected Reimbursement per training:

Lodging	State Rate	x5 nights	\$480.00
	(Currently \$96/night)		
Meals	\$30.50/day	x5 days	\$152.50
Mileage	\$0.279/mile	x400 miles	<u>\$111.60</u>
		Total travel	\$744.10
Additional inspection reimbursement			
	\$50.00/inspection	x15	<u>\$750.00</u>
Total per sanitarian trained			\$1494.10

All peer to peer training must be pre-approved by FCS. To receive pre-approval, send the section the following information:

- 1) The training inspector
- 2) The trainee
- 3) The establishments to be visited with the risk categories
- 4) The number of days and nights spent training
- 5) The projected lodging cost
- 6) The projected mileage cost

HEALTH AND ENVIRONMENT REGULATIONS
Chapter 3: Lincoln County Wastewater Treatment and Disposal Regulation
10 May 2017 (Revised 10 October 2018)

SUBCHAPTER 1: GENERAL PROVISIONS

3.1.101 INTENT: The purpose of this regulation is to protect the health, safety and welfare of the people of Lincoln County by requiring that on-site wastewater treatment and disposal be accomplished in a manner that prevents the creation of health hazards, adverse environmental effects, the pollution of water, and the use and enjoyment of property.

3.1.102 AUTHORITY:

- (1) Authority for regulations promulgated in this rule is provided for in [Montana Code Annotated](#) (MCA) §- 50-2-116.
- (2) As required by M.C.A. § 50-2-116 (1)(i), the [City-County Board of Health for Lincoln County](#) ~~Board of Health~~ hereby adopts by reference [Administrative Rules of Montana \(ARM\)](#) ~~R.M.~~, Title 17, Chapter 36, [Subdivisions/On-Site Subsurface Wastewater Treatment](#) as a part of the [Lincoln County Wastewater Treatment and Disposal Regulation](#).

3.1.103 DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this rule:

- (1) "Altered" - to have physically changed a wastewater treatment and disposal system
- ~~(2)~~ ["Affidavit" – Affidavit of Wastewater Treatment and Disposal System Compliance Review for System Installed, Repaired or Replaced Without a Valid Permit, which may be used to remove illegal status of a system installed without a permit](#)
- ~~(3)~~ ["As-Built" – an accurate drawing submitted by the installer showing the measured placement of all subsurface wastewater treatment system components relative to property boundaries and common reference points](#)
- ~~(2)~~~~(4)~~ ["Bedroom" – any room that is or may be used for sleeping. An unfinished basement is considered an additional bedroom. Facilities for dumping wastewater from an RV is considered an additional bedroom with a wastewater flow rate of 50 gallons per day if no water hookup is provided and 100 gallons per day if water hookup is provided](#)
- ~~(3)~~~~(5)~~ ["Board of Health" – is the City-County Board of Health of Lincoln County](#)
- ~~(6)~~ ["Department" – Lincoln County Health Department](#)
- ~~(4)~~~~(7)~~ ["Gray Water" – wastewater such as that which is discharged from laundry, showers, etc. Toilet waste is not considered gray water.](#)
- ~~(8)~~ ["Health Officer" – Lincoln County Health Officer or their designated representative](#)
- ~~(5)~~~~(9)~~ ["Infiltrators" – leaching chambers with an open bottom, structurally designed to carry the earth loading](#)
- ~~(10)~~ ["Licensed Installer" – a contractor person holding a current license, issued by the Department, to install, alter, extend, or repair wastewater treatment and disposal systems regulated by the Board of Health](#)
- ~~(6)~~~~(11)~~ ["Licensed Site Evaluator" – a person holding a current license, issued by the Department, to conduct percolation tests and soil profiles](#)
- ~~(7)~~~~(12)~~ ["Person" – any individual, institution, corporation, association, or other private or governmental entity](#)
- ~~(13)~~ ["Primary Treatment" – a treatment system, such as a septic tank, that provides retention time to settle the solids in raw wastewater and that retains scum within the system](#)
- ~~(8)~~~~(14)~~ ["Replacement System" – a wastewater treatment and disposal system installed to replace an existing system that is failed, failing or contaminating. New systems that serve an expanded home, or installed to relocate an existing system, are not replacement systems unless the system is replacing a failed, failing, or contaminating system.](#)
- ~~(9)~~~~(15)~~ ["Secondary Treatment" – the further treatment of wastewater after primary treatment, such as in](#)

a subsurface drain field

~~(10)~~(16) "System" — any on-site wastewater collection, treatment, or disposal system, such as a septic system, holding tank, composting toilet, or portable toilet, that provides primary or secondary treatment or containment.

~~(14)~~(17) "Wastewater" — water-carried waste including, but not limited to, household, commercial, or industrial wastes, chemicals, human excreta, or animal and vegetable matter in suspension or solution

SUBCHAPTER 2: COMPLIANCE REQUIREMENTS

3.2.101 PROHIBITED ACTS:

- (1) It shall be unlawful to violate any provision of this regulation.
- (2) It shall be unlawful for any person to install, ~~construct~~, alter, extend, repair, or use a wastewater treatment and disposal system that is in violation of this regulation.
- (3) It shall be unlawful to use a malfunctioning system, to remove wastewater or human excreta from a system and dispose of it in or at an unauthorized location, or to collect and/or dispose of wastewater or human excreta in an unpermitted manner.
- (4) It shall be unlawful for any person to use a wastewater treatment and disposal system that does not have a valid permit issued by Lincoln County if one was required at the time of construction.
- (5) Structures designed and constructed for occupancy by people that have water service must not be occupied unless connected to an authorized wastewater treatment and disposal system.
- (6) A recreational vehicle that has skirting installed or has been occupied on a single parcel or lot for more than 30 days must be connected to an authorized wastewater treatment and disposal system.
- (7) No person may use a wastewater treatment and disposal system that is located in a floodplain unless the system was installed according to the regulations effective at the time of installation. No person may increase use to a wastewater system in the floodplain.
- (8) Holding tanks are not allowed.

3.2.102 PERMIT: A valid permit issued by the Department is required before a wastewater treatment and disposal system can be installed, constructed, altered, extended, placed or replaced.

- (1) An application for a permit shall be made to the Department. The application shall be made by the owner of the property, or his/her authorized agent, on a form provided by the Department; signed and dated by the applicant and shall include the following information:
 - (a) The name, address and telephone number of the property owner~~applicant~~.
 - (b) A legal description, size and address of the property on which the system is located or proposed.
 - (c) A site plan. A site evaluation shall be made as required by A.R.M.ARM 17.36.101(55) to determine if a site is suitable for the installation of a subsurface wastewater treatment system. The evaluation and site plan shall be made by the property owner, ~~for a~~ licensed installer, or licensed site evaluator on forms provided by the Department and shall include the information necessary to complete the forms and any additional information deemed necessary by the Department to ensure compliance with this regulation.
- (2) A permit shall be issued upon approval of the application by the Department, and the payment of the permit fee. Once a permit has been issued by the Department, construction may begin.
- (3) Permit fees are included in the Wastewater Fee Schedule and approved by the Board of Health and Governing Body. The current Wastewater Fee Schedule is by this reference incorporated herein. Checks shall be payable to Lincoln County. This fee is non-refundable.
- (4) A new waste water source may be connected into an existing system provided the system meets the following criteria:
 - (a) The system has been described as to its location, composition, capacity and soundness in written notice provided to the Department.
 - (b) The system has adequate capacity to treat anticipated maximum daily wastewater discharges.
 - (c) The system provides primary and secondary treatment.
 - (d) The system generally complies with this regulation.

- (5) A permit shall be issued to replace a system provided the following conditions are met:
 - (a) The existing system cannot be effectively repaired.
 - (b) The replacement system complies with this regulation.
 - (c) A variance has been granted by the Board of Health in accordance with A.R.M. 17.36.922, if one is needed.
- (6) If a ~~permit has not been used for its intended purpose, and the~~ system has not been approved within twelve (12) months of the date the permit was issued, the permit shall expire and will be invalid. The permit may be extended at the discretion of the Department.
- ~~(7) Any changes in plans, details or specifications of construction not approved by the Department, after the permit is issued, shall invalidate the permit and a new permit will be required for installation.~~
- (8) The system is not eligible for permitting if installation, repair, modification, replacement, or increased use of a system starts prior to a valid permit being issued. An Affidavit of Wastewater Treatment and Disposal System Compliance Review for System Installed, Repaired or Replaced without a Valid Permit (Affidavit) may be issued if requirements for the Affidavit are met by the applicant.
- (89) The Department shall disapprove an application for a permit in writing if they determine that any of the following conditions exist:
 - (a) The system will not comply with this regulation.
 - (b) The application is incomplete.
 - (c) The permit fee has not been paid in full.
 - (d) The tract of land on which the system is proposed is being reviewed under the Sanitation in Subdivision Act.
 - (e) The system would violate the provision of a Certificate of Survey (COS) plat approval.
- (109) A permit denial may be appealed to the Board of Health as provided in A.R.M. 17.36.922. The appeal must be made in writing and submitted to the Board of Health within sixty (60) days of the denial. If a request for variance is denied by the Board of Health, the appellant may seek a variance from the State, according to the provisions in A.R.M. 17.36.924.
- (11) If a permit is not issued, the application expires one (1) year after the date of submittal.

3.2.103 INSTALLER LICENSE

- (1) It shall be unlawful for any person, except as delineated in this section, to construct or alter a wastewater treatment and disposal system within Lincoln County unless that person holds a valid Lincoln County Wastewater Treatment and Disposal System Installer's License. A homeowner constructing or altering an individual standard gravity system for his/her own residence upon his/her own property is exempt from this requirement but remains subject to all provisions of this regulation, including permitting, and inspections as deemed appropriate by the Department. Builders who may own several parcels of land and who build structures on these parcels for sale, rent or lease and not for the purpose of their residing in said structures, shall not be considered a "homeowner" and are not exempt from this requirement.
- (2) All first-time applications for installer licenses shall be made to the Department who may grant the license upon completion of the following:
 - (a) Name, address and telephone numbers of the applicant.
 - (b) Passing the required examination with a score of at least 85%.
 - (c) Receipt of the license fee payment. License fees are included in the Wastewater Fee Schedule and approved by the Board of Health. The current Wastewater Fee Schedule is by this reference incorporated herein. Checks shall be payable to Lincoln County. This fee is non-refundable.
- (3) All applications for license renewal shall contain all the elements of a first-time application except that the examination requirement may be waived if the applicant has demonstrated knowledge of good wastewater treatment and disposal system design and/or installation in the year immediately preceding the application.
- (4) Installer licenses shall be valid for ~~the two years stated on the calendar year in which the license was issued, the license~~ unless revoked, and shall be renewable prior to expiration. Licenses are not transferable.
- (5) Installer licenses may be denied for any of the following reasons:
 - (a) Having constructed or altered a wastewater treatment and disposal system without a valid

- permit, and/or,
- (b) Having a license revoked within twelve (12) months preceding the application, and/or,
- (c) Failure to meet the terms of the License Application.
- (6) Installer licenses are the property of the Department and may be revoked by the Department at any time for the following reasons:
 - (a) Installation of a wastewater treatment and disposal system prior to the issuance of a permit, and/or,
 - (b) Failure to gain approval for a wastewater treatment and disposal system installation, and/or,
 - (c) Failure to correct violations or deficiencies noted during inspection, and/or,
 - (de) Having provided false evidence or information to obtain a permit or gain approval of an installation.
- (7) In the event that a revocation of the license is deemed appropriate, the Department shall notify the licensee in writing that the license has been revoked. Reasons for the revocation shall be specified in the letter and it shall be given to the licensee by personal delivery or certified-registered mail.
- (8) The term of revocation will be for a minimum of 30 days for a first violation and of one calendar year from the date of violation or longer as determined by the Board of Health for a subsequent violation.

3.2.104 SITE EVALUATOR LICENSE

- (1) A site evaluation must be conducted by an approved site evaluator who has passed an examination administered by the Department to demonstrate knowledge of soils and site characteristics and how they relate to the design and function of wastewater treatment and disposal systems.
- (2) The following persons may be approved site evaluators and may conduct site evaluations within Lincoln County without examination:
 - (a) Professional engineers
 - (b) Persons possessing a B.S. degree in geology, hydrogeology, or soils science
 - (c) Registered Sanitarians
 - (d) Other persons with equivalent expertise or experience as determined by the Department

3.2.1054 INSPECTION AND OPERATION

- (1) All systems must receive final approval from the Department for a permit to be valid.
- (2) All new or altered systems shall be inspected by the Department, or by a Department licensed installer, prior to backfilling, unless specific permission has been granted by the Department to backfill a portion of the system prior to inspection or the Department has determined that an inspection is not necessary.
- (3) Inspection of pressure dosed systems will include observed hydraulic analysis, show no greater than 10% variation in distribution of dose across the entire distribution system, and demonstrate minimum pressure as required in Circular DEQ 4. With prior approval, a portion of the system may be covered and the squirt test observed at the ends of each lateral.
- (4) The applicant or licensed installer shall notify the Department at least ~~forty-eight (48) hours~~ three business days prior to backfilling, so that arrangements for an inspection can be made. ~~(2)~~
- (5) If the inspection shows that the system is not in compliance with the permit, the system cannot be backfilled until it is brought into compliance. The Department may charge a re-inspection fee to return and re-inspect the system after violations have been corrected or require that the licensed installer provide evidence that the deficiency has been corrected.
- (6) ~~The Department inspector, or licensed installer, shall provide the Department with a signed endorsement attesting that the system has been installed in compliance with the permit.~~ Licensed installers, after receiving approval from the Department, may inspect their own installation and certify the system is installed in compliance with these regulations on forms provided by the Department when Department personnel are unable to inspect the system within three (3) business days of the requested inspection time. The installer must submit a completed inspection of the system, including an As-Built and photo documentation, to the Department within seven (7) days after receiving permission to self-inspect.
- (7) Application for a permit confers upon the Department the authority to access the installation site at reasonable times to inspect or collect samples.

3.2.1065 DESIGN AND CONSTRUCTION STANDARDS:

(1) General

(a) On-site wastewater treatment and disposal systems shall be designed and constructed in accordance with the requirements described in A.R.M.ARM Title 17, Chapter 36 and Montana Department of Environmental Quality Circular Circular DEQ 4 which are included in A.R.M.ARM Title 17, Chapter 36 by reference unless a more specific requirement is included in this regulation. Copies of the Regulation and Circulars can be obtained from the Department.

(b) Minimum Horizontal Setbacks must conform to ARM 17.36.323 or ARM 17.36.918, whichever is applicable to the specific parcel.

(c) Applicants proposing a new wastewater treatment and disposal system, or increased use of a system, must designate a full sized replacement area that meets all the criteria for the initial drainfield or absorption system.

(d) A structure, movable or immovable, may not be located over or moved onto any part of the drainfield. The drainfield or other absorption system must be located and protected in a manner that prevents vehicles from passing over or parking on top of the system. This area must be kept free of all obstructions, including pavement, which will prevent air from penetrating the soil. (?)

(2) Design

(a) Wastewater Treatment and Disposal Systems may be designed by the Department, a licensed professional engineer, a Licensed Installer, a Licensed Evaluator, or a registered sanitarian.

(b) The Department may require a wastewater treatment and disposal system be designed by a professional engineer or a registered sanitarian when the system:

- i. is an experimental, alternative or advanced treatment system
- ii. requires a Request for Variance from regulations
- iii. serves a commercial or industrial establishment, or a multi-family residence
- iv. is located on a site with difficult site conditions

(c) No system or any portion of a system may be located on a slope that exceeds 35%. Systems installed on slopes between 15% and 35% will require an engineer's soil stability report.

(e) Drainfields may not be located within 100 feet of a floodplain or flood-prone area as delineated by the most current FEMA floodplain maps. If the floodplain has not been designated and its elevation relative to a wastewater treatment and disposal system is in question, the applicant must submit evidence adequate to establish the location of the floodplain. Replacement of systems legally installed in the floodplain or flood-prone area are allowed as described in these regulations.

(f) Reduction of drainfield size up to 25% may be allowed per the following table if infiltrators are installed:

<u>Percolation Rate (mpi)</u>	<u>Application Rate (gpd/sf)</u>	<u>Reduction %</u>
<u><3</u>	<u>0.8</u>	<u>25</u>
<u>3 - <6</u>	<u>0.8</u>	<u>25</u>
<u>6 - <10</u>	<u>0.6</u>	<u>20</u>
<u>10 - <16</u>	<u>0.5</u>	<u>15</u>
<u>16 - <31</u>	<u>0.4</u>	<u>10</u>
<u>31 or more</u>	<u>0.3 or less</u>	<u>0</u>

SUBCHAPTER 3: ENFORCEABILITY AND PENALTIES

3.3.101 ENFORCEABILITY: The provisions of this regulation are enforceable by the Lincoln County Sheriff's Office, the Health Officer, the Department, or any other law enforcement personnel with jurisdiction.

3.3.102 POWERS AND DUTIES OF THE DEPARTMENT:

- (1) The Health Officer is hereby authorized to enter upon private property to make such inspections as are necessary to determine satisfactory compliance with this regulation.
- (2) The owner or occupant of a property shall give the Health Officer free access to the property at

reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this regulation.

- (3) The Health Officer will determine whether or not this regulation applies after an inspection of the property or area.
- (4) The Health Officer will serve a written Notice of Violation and/or Notice to Appear and Complaint on the person who owns, leases or occupies the property on which a violation of this regulation exists. The notice(s) may be served in person or by certified mail with return receipt.
- (5) The Health Officer can set a deadline for compliance and approve/disapprove a proposed compliance plan.
- (6) If the violation has not been corrected by the deadline, the Health Officer, or their contractor or designee, may enter onto the property for the specific purpose of abating or mitigating the violation.

3.3.103 PENALTIES:

- (1) Violation of any part of this regulation shall constitute a misdemeanor punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00). Each day of violation will constitute a separate offense. The first day of violation shall be the date of the Notice of Violation.
- (2) Actions to recover the expenses incurred under 3.3.102(6) shall be brought in the name of the county as provided by MCA §50-2-123.

SUBCHAPTER 4: SEVERABILITY AND CONFLICT OF ORDINANCE

3.4.101 CONFLICT: In any case where a provision of this regulation is found to be in conflict with a provision of any zoning, building, fire, safety or health regulation of Lincoln County, existing on the effective date of this regulation, the provision which establishes the higher standard for the protection of public health and safety shall prevail.

3.4.102 SEVERABILITY: If any provision of this regulation is declared invalid by any court or tribunal, the remaining provisions of this regulation shall not be affected thereby.

Board Chair
City-County Board of Health for Lincoln County, MT

Date