

HEALTH AND ENVIRONMENT REGULATIONS

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Subchapter 1: General Provisions

7.1.101 NAME: This ordinance may be cited as the "Lincoln County Animal Ordinance"

7.1.102 DEFINITIONS: As used in this ordinance, the following definitions apply:

1. **"Owner":** When used in this ordinance in relation to property or in possession of dogs shall include every person who owns, harbors, or keeps a dog.
2. **"Animal":** When used in this ordinance includes dog, cat or other domesticated animal.
3. **"At Large":** Any age dog off the premises of its owner and not under the immediate control of its owner or authorized agent by the owner, either by leash or voice and/or signal control; or by complete confinement within or upon a vehicle. Dogs controlling or protecting livestock or in other related agricultural activities, dogs engaged in hunting related activities, and police service dogs are to be excluded from this definition.
4. **"Animal Control Officer":** All duly appointed and qualified persons as designated by the Board of County Commissioners for the purpose of enforcing the provisions of this ordinance.
5. **"Vaccination":** The inoculation of a dog or cat with anti-rabies vaccine, administered by a licensed veterinarian.
6. **"Dog Bite":** A laceration, bruise, or puncture inflicted by the teeth of a dog.
7. **"Kennel":** Any household or establishment wherein or whereon five (5) or more dogs are kept and said dogs are maintained exclusively in that kennel, including any animal rescue organization, animal shelter or boarding facility. Any household or establishment wherein or whereon two (2) or more unaltered dogs are kept for the purpose of breeding **or** any household or establishment which offers dogs for sale, trade, profit or barter are also deemed to be kennels. Kennels will be inspected by the animal control officer for certification as a kennel. Veterinary hospitals, grooming parlors, and pet shops are to be excluded from this definition.
8. **"Animal Rescue Organization":** A group or individual who takes in unwanted, abandoned, stray or shelter pets and offers them for adoption.
9. **"Vicious Dog":** A dog which harasses, chases, bites or attempts to bite any human being without provocation or which harasses, chases, bites or attempts to bite any other animal. The term animal includes all livestock and any domestic pet.
10. **"Adequate Care" or "care"** means the responsible practice of confinement, feeding, watering, protection, shelter, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.
11. **"Adequate Feed"** means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is provided

in a clean and sanitary manner; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily.

12. **“Adequate Shelter”** means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; and, enables each animal to be clean and dry.
13. **“Adequate Space”** means sufficient space to allow each animal to stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal. When an animal is tethered, “adequate space” means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animal, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line.
14. **“Adequate Water”** means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal and is provided in a clean and sanitary manner.
15. **“Properly Cleaned”** means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals’ contact with the above-mentioned contaminants.

“Negligently”: A person acts negligently with respect to a result or to a circumstance described by an ordinance defining an offense when the person consciously disregards a risk that the result will occur or that the circumstance exists or when the person disregards a risk or which the person should be aware that the result will occur or that the circumstance exists. The risk must be of a nature and degree that to disregard it involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor’s situation. “Gross deviation” means a deviation that is considerable greater than lack of ordinary care.

Subchapter 2: Animal Control Officer

7.1.201 ANIMAL CONTROL OFFICERS: County Animal Control Officers are hereby authorized and empowered to apprehend and impound any dog, licensed or unlicensed, found in violation of this ordinance, and to issue notices of violation to owners of dogs in violation of this ordinance. It shall be unlawful for any person to knowingly and intentionally interfere with any Animal Control Officer in the lawful discharge of his/her duties as herein prescribed.

Subchapter 3: Dog Licensing

7.1.301 LICENSING:

1. It shall be unlawful for any person to keep, harbor, or maintain in the County of Lincoln any dog over six (6) months of age unless such dog is duly registered and licensed as herein provided. Licenses shall be issued by the County Animal Control Officer at the Lincoln County Animal

Shelter and at other designated locations. The licensing period for annual licenses will run from July 1 to June 30.

2. Before a dog license is issued, the owner of such dog must present a certificate from a recognized veterinarian stating that such dog has a current rabies vaccination. The license is canceled if the rabies vaccination expires.
3. Licenses shall not be issued to any person under the age of eighteen (18) years unless a parent or guardian signs the application as co-owner.
4. No refunds shall be made on any dog license for any reason whatsoever.

7.1.302 LICENSE TAGS:

1. Upon application for a dog license, presentation of spay or neuter certificate, if applicable, presentation of current rabies certificate, and payment of the required fee the County Animal Control Officer at the Lincoln County Animal Shelter, or designated location, shall issue a copy of the license and a metal tag imprinted with the corresponding license number for each dog licensed. Such tag shall be worn on a collar or harness of substantial quality and strength. It shall be lawful to remove collar or harness and license tag only when the dog is under the immediate control of its owner or authorized agent by the owner or when the dog is being maintained and prepared for competition in an AKC or CKC licensed dog show or match.
2. In the event that any license tag for a dog is lost or destroyed, a duplicate thereof may be issued by the County Animal Control Officer upon the submission of such proof as may be required and payment of the required fee.
3. Dog license tags are not transferable from one dog to another. It shall be unlawful for any owner or any other person to use any license tag on any dog other than the one for which it was issued.

7.1.303 EXEMPTIONS:

1. The following dogs are exempt from being licensed:
 - a. Any dog whose owner, keeper or possessor is a non-resident of Lincoln County and who is temporarily within said county for thirty (30) days or less.
 - b. Any dog brought into Lincoln County for the sole purpose of participating in any dog show or contest.
2. The following dogs shall be licensed but shall be exempt from license fees:
 - a. Any dog which has been duly and properly trained as a service dog and is now acting in that capacity.
 - b. Any government owned police service dog.
 - c. Any Lincoln County resident sixty-five (65) years of age or older shall be allowed to have one dog exempt from fees.

7.1.304 LICENSE FEES: License fees are approved by the City-County Board of Health as part of the Lincoln County Health Department Fee Schedule. The current Fee Schedule is by this reference incorporated herein.

7.1.305 FAILURE TO LICENSE DOG: Failure to license a dog in violation of this ordinance shall constitute a misdemeanor punishable by imprisonment in the Lincoln County Jail not exceeding one (1) week, or by a fine not to exceed \$25.00, or both.

7.1.306 KENNEL LICENSING: A kennel license is required for any person, family or household meeting the definition of “kennel”. Application for a kennel license must be made to the Lincoln County Animal Control Officer. The intended facilities are subject to inspection by an Animal Control Officer, Lincoln County Health Officer or designee. The permit shall be issued upon the following conditions:

1. There must be adequate shelter and secure enclosure(s) for the animals on the premises.
2. Proof of current rabies vaccination must be provided for each dog over six (6) months of age.
3. Veterinary care provided when needed to prevent suffering or disease transmission.
4. The owner uses suitable means of disposing of animal feces so that it does not become a nuisance or a health hazard.
5. In the investigating officer’s opinion, the animals receive proper care, food, water, shelter and humane treatment.
6. The kennel license shall list the maximum number of animals over the age of six (6) months allowed on the premises and if the holder of the permit exceeds that number, it shall be grounds for revocation of all permits for that location;
7. Lincoln County Animal Control shall approve or deny the application based on the information submitted by the applicant and on the recommendation of the investigating officer. Lincoln County Animal Control may issue a conditional permit, but must state the permit conditions on the document and ensure that the applicant is advised of the conditions;
8. The applicant must pay the kennel license fee to Lincoln County Animal Control before the permit is issued;
9. All premises for which a kennel license is issued may be subject to annual inspections by the Animal Control Officer. The inspections may also be instigated if a complaint is received. The Animal Control Officer, on determining that such premises are not being maintained and/or conditions of the permit are not met, may revoke the kennel license.
10. Within ten (10) days of the birth of a litter which is to be for sale, the owner must apply for a kennel license.
11. If the holder of a kennel license moves, he or she must provide written notice of their new address within thirty (30) days of moving. Lincoln County Animal Control will then conduct an inspection and take appropriate action under this section based on any changes at the permit holder’s new residence.
12. The kennel license is valid for one (1) year from the issue date;
13. Kennel licenses must be renewed within thirty (30) days of the expiration date or the application will be treated as a new application.

7.1.307 KENNEL LICENSE FEES: Kennel license fees are approved by the City-County Board of Health as part of the Lincoln County Health Department Fee Schedule. The current Fee Schedule is by this reference incorporated herein.

Subchapter 4: Dogs Running at Large

7.1.401 RUNNING AT LARGE: It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog at any time to run at large. All dogs running at large shall be subject to impoundment. Evidence of violation of this section includes but is not limited to the following:

1. Written affirmation or statement from witness; and/or
2. Videotapes, audio tapes and/or photographs and written documentation; and/or
3. Documentation by an Animal Control Officer on the scene.

Subchapter 5: Impoundment

7.1.501 IMPOUNDMENT: A dog or cat shall be impounded without notice if any of the following conditions exist:

1. Any dog or cat being kept or maintained contrary to the provisions of this ordinance.
2. Any dog running at large contrary to the provisions of this ordinance.
3. Any dog which is by this ordinance required to be licensed and is not licensed. A dog not wearing a current Lincoln County tag shall be presumed to be unlicensed for the purposes of this ordinance.
4. Any sick or injured dog or cat whose owner cannot be located.
5. Any abandoned dog or cat.
6. Any dog or cat to be held for quarantine.
7. Any vicious dog found in violation of Subchapter 6 as stated in this ordinance.

7.1.502 IMPOUNDMENT PROCEDURE:

1. All dogs or cats impounded will be held for seventy-two (72) hours, not including weekends or legal holidays. If such impounded dog or cat has a license or other identification tag, the Animal Control Officer shall notify the owner of said dog or cat within twenty-four (24) hours, not including weekends or legal holidays, by telephone or personal notice that the dog or cat has been impounded and where it may be redeemed. The Animal Control Officer shall further notify the owner of his right to redeem the dog or cat within seventy-two (72) hours, not including weekends or legal holidays, under the provisions of this ordinance.
2. If, after the prescribed time limit, such dog or cat is not claimed by its owner and the appropriate fees paid, such dog or cat may be adopted to a private individual upon payment of the necessary fees and, if required, compliance with the licensing regulations or transferred to another agency for adoption. In the event an unclaimed dog or cat is not adopted or transferred to another agency, it may be humanely euthanized.
3. A critically sick or injured dog or cat may be humanely euthanized to end suffering prior to the seventy-two (72) hour holding period defined above if an owner cannot be identified, contacted or located.

7.1.503 IMPOUNDMENT FEES: Impoundment fees are approved by the City-County Board of Health as part of the Lincoln County Health Department Fee Schedule. The current Fee Schedule is by this reference incorporated herein. In addition, boarding fees and all reasonable and actual expenses incurred during the impoundment must be paid to Lincoln County Animal Control when the animal is reclaimed.

7.1.504 DOGS ON PRIVATE PROPERTY: Any dog at large upon any private property may be taken up by the owner or person lawfully in possession of such property who shall promptly deliver such dog to the Lincoln County Animal Shelter and it shall be impounded; or the Lincoln County Animal Control Officer can impound the dog on private property with the permission of the owner or person lawfully in possession of such property.

7.1.505 DOGS ON PUBLIC PROPERTY: Any dog at large upon any street, avenue, alley, park or public ground shall be taken by the Lincoln County Animal Control Officer and shall be impounded.

Subchapter 6: Vicious Dog

7.1.601 VICIOUS DOG PROHIBITED: It shall be unlawful for any person to keep, harbor, or maintain any vicious dog in Lincoln County unless the dog is:

1. Securely and adequately confined upon the property of the owner or other person having charge, care or control of such dog so as not to injure any person or property or be a hazard to public safety.
2. Under proper restraint and leashed on a line not to exceed six (6) feet in length, properly muzzled, and under the immediate control of a person of suitable age and discretion to control and/or restrain such dog, while off the premises of the owner.

7.1.602 FAILURE TO CONTROL VICIOUS DOG: If said vicious dog is not being effectively controlled as provided for in 7.1.601(1) and 7.1.601(2), the Lincoln County Animal Control Officer may regulate, restrain, control, kill, or quarantine any such dog.

7.1.603 DOG BITES:

1. If any dog, including but not limited to vicious dogs, bites any person in the county, such dog bite shall be reported immediately to Lincoln County Animal Control by such person, his/her parent or guardian whether such dog is licensed or unlicensed.
2. The owner may be required to surrender the dog to Lincoln County Animal Control for quarantine within twenty-four (24) hours after service of the order. Such order may be served by the Animal Control Officer and, if the owner cannot be found at his place of residence, the order may be served by leaving it with a person of suitable age and discretion at, or by placing it in a prominent place at the front door of, such residence.
3. It is unlawful for any person to refuse or neglect to surrender any such dog within twenty-four (24) hours after the service of such order as herein provided, and the Animal Control Officer shall seize and impound such at the owner's expense. In the event that the owner is unknown, and the dog is running at large, the Animal Control Officer shall seize and impound such dog without notice.
4. All dogs impounded under this section shall be quarantined for the period and under the same conditions as provided in 7.1.702.

7.1.604 POLICE DOGS: A Police Service Dog which bites any person while engaged in the lawful performance of its duties shall not be considered vicious as defined in this ordinance, and under such circumstances shall not be subject to quarantine procedures as herein prescribed.

Subchapter 7: Rabies Control

7.1.701 IMMUNIZATION REQUIRED: It shall be the duty of every person keeping, harboring or maintaining any dog over six (6) months of age to cause the dog to be vaccinated for rabies by a licensed veterinarian. The dog must be revaccinated for rabies prior to expiration of the rabies certificate. The owner of the dog shall keep proof of current and valid vaccination. This provision shall not apply to licensed veterinarians, grooming parlors or boarding kennel owners and/or operators when keeping dogs owned by others.

7.1.702 QUARANTINE:

1. In the event that a dog or cat has been bitten by, or exposed to, any animal suspected to have been infected with rabies, it shall be taken by the Animal Control Officer and securely and separately impounded. All such dogs or cats shall be quarantined for a period of forty-five (45) days or as directed by the Montana State Veterinarian, except as specified below:
 - a. In the case of an unvaccinated dog or cat which is known to have been bitten by a laboratory confirmed rabid animal, the bitten dog or cat must be immediately destroyed or quarantined for a period of 120 days or as directed by the Montana State Veterinarian.
 - b. In the case of a vaccinated dog or cat which is known to have been bitten by a laboratory confirmed rabid animal, the dog or cat shall be revaccinated within twenty-four (24) hours and quarantined for a period of forty-five (45) days or as directed by the Montana State Veterinarian following revaccination; or if the dog or cat is not revaccinated within twenty-four (24) hours, it shall be isolated and quarantined for 120 days or as directed by the Montana State Veterinarian. The dog or cat shall be destroyed if the owner does not comply with the provisions of this subsection.
 - c. If the owner of the dog or cat cannot be identified, contacted or located and the dog or cat is injured, sick or feral, the dog or cat may be humanely euthanized and the body sent in to the state lab for rabies testing.
2. In the event that a dog or cat has bitten a human, the animal shall be securely quarantined for ten (10) days or as directed by the Montana State Veterinarian. An unvaccinated animal must be vaccinated immediately after the quarantine period.
3. After the quarantine period, if the dog or cat is determined to be free of rabies, the owner may reclaim the dog or cat upon the payment of the boarding fees and, if required, licensing.
4. If any dog or cat under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders and directions of the County Health Officer or designee in his absolute discretion. Upon the positive diagnosis of rabies infection of any dog or cat in the county, the County Health Officer or designee shall immediately notify the City-County Board of Health. Such Board may issue orders it deems necessary to be expedient for the protection of the public.
5. It shall be unlawful for any person to remove any such dog or cat as shall be quarantined under this section from the place of quarantine without written permission of the Animal Control Officer.

Subchapter 8: Nuisance Dog

7.1.801 BARKING: No person shall allow a dog to bark, howl, or make sounds common to its species in excess or in any manner which disturbs the peace and quiet of any person or persons. Evidence of violation of this section includes but is not limited to the following:

1. Written affirmation from at least two (2) persons having separate residences; and/or
2. Videotapes, audio tapes and/or written documentation (such as barking logs); and/or
3. Dates, times, and duration of nuisance dog noise as documented by an Animal Control Officer on the scene.

7.1.802 NUISANCE BEHAVIOR: Persons who own or harbor a dog must prevent such animal from engaging in any of the following acts:

1. Chasing vehicles or bicycles in public streets, ways, parks, or easements;
2. Rummaging through or scattering garbage or rubbish;
3. Defecating on property of another, without cleaning up and disposing of the waste immediately;
4. Interfering with vehicular and/or pedestrian traffic.

Subchapter 9: Animal Care

7.1.901 ANIMAL NEGLECT: Any person who negligently fails to provide an animal in the person's custody with adequate feed, adequate water, adequate shelter, adequate space, and adequate care shall be guilty of animal neglect and/or cruelty to animals.

7.1.902 ANIMAL WASTE: The owner of a dog, cat, rabbit or other small animal must use suitable means of disposing of animal feces so that it does not become a nuisance or a health hazard.

Subchapter 10: Penalty

7.1.1001 PENALTY: Violation of any part of this ordinance shall constitute a misdemeanor punishable by imprisonment in the Lincoln County Jail not exceeding six (6) months or by a fine not to exceed \$500.00, or both, unless a specific penalty for the violation is defined in this ordinance. The penalty for violation of subchapter 6 of this ordinance, "Vicious Dog", may include humane euthanasia of the dog.

HEALTH AND ENVIRONMENT REGULATIONS
Chapter 6: Lincoln County Food Catering Regulation

Revised 12 July 2017

6.1.101 INTENT: The purpose of this regulation is to protect human health and reduce the possibility of food borne illness due to food contamination as a result of improper preparation, handling, cleaning, sanitizing and/or temperature control at catered events.

6.1.102: TITLE AND SCOPE: This regulation shall be known as the "LINCOLN COUNTY FOOD CATERING REGULATION", and shall govern the catering of food within Lincoln County.

6.1.103 DEFINITIONS: As used in this chapter, unless indicated otherwise, the following definitions apply:

- (1) "Board" means the City-County Health Board of Lincoln County, Montana
- (2) "Caterer" means a person engaged in the business of providing food to a social affair at a location other than that of their licensed establishment. This term can be applied to both licensed establishments at a fixed location and mobile units.
- (3) "Certified Food Protection Manager" (CFPM) means an individual who has successfully certified through an accredited program required under section 2-102.12 (A) of the 2013 FDA Food Code.
- (4) "Foodborne illness risk factors" means improper practices or procedures identified as the most prevalent contributing factors to foodborne illness.
- (5) "Licensed kitchen" means a kitchen that meets the requirements of USDA 2013 Food Code, Montana ARM 37.110.2, local building codes and fire codes,
- (6) "Department" means the Lincoln County Department of Environmental Health, Lincoln County, Montana
- (7) "Employee" means any person working in a food service establishment who engages in food preparation or service, including the transportation of food or food containers.
- (8) "Establishment" means a food service establishment that routinely serves the public with or without charge.
- (9) "Farm-fresh Eggs" means farm eggs that do not come from a state licensed wholesale processor. Farm-fresh eggs use is not permitted in food catering operations.
- (10) "Person" means a person, partnership, corporation, association, cooperative group, or other entity engaged in operating, owning, or offering services of an establishment.
- (11) "Retail Food Establishment" means an operation, whether mobile or at a temporary or stationary facility or location, that stores, processes, packages, serves, or vends food directly to the consumer.
- (12) "Time/temperature control " or (TCS) means food that requires time or temperature control to limit pathogenic microorganism growth or toxin formation.

6.1.104 FEDERAL, STATE, COUNTY AND MUNICIPAL REGULATIONS:

- (1) The kitchen used for catering shall be licensed with the State of Montana as a Retail Food Establishment with a catering endorsement per MCA 50.50.201.
- (2) A catering business that does not own a licensed kitchen may rent or otherwise use a kitchen with a Retail Food Establishment license, but the catering business must also be licensed as a Retail Food Establishment with a catering endorsement per MCA 50.50.201.
- (3) The Retail Food Establishment and/or catering business shall be registered with the Montana Secretary of State's office and in good standing.
- (4) A food caterer shall comply with this regulation and the regulations in Montana's Rule for Retail Food Establishments, ARM 37.110.2 and the 2013 FDA Federal Food Code, including having a Certified Food Protection Manager on staff at the establishment if the establishment

is owned by the caterer or employed by the catering business if the business rents or otherwise uses a facility in which the caterer is not the licensee of the establishment.

- (5) A food catering business shall retain a municipal business license if conducting catering within a municipality, City of Libby Ord. 5.04.010, City of Troy Ord. 3.1.1 and 3.1.3, Town of Eureka Ord. 191.3 . A business license is not needed if the events and the physical location of the business are outside the city limits.

6.1.105 LIABILITY INSURANCE: Caterers must carry liability event insurance and have a copy of the valid policy at the event, unless liability insurance is provided by the event organizer and it covers food service. A copy of this insurance must be provided to the caterer and be available for inspection.

6.1.106 FACILITIES:

- (1) The licensed food establishment used as a catering kitchen must be inspected at least once per year. Any foodborne illness risk factors out of compliance at the time of inspection must be corrected immediately.
- (2) The licensed food establishment used for catering must be current on any required water tests and the results of the tests must be within acceptable limits.
- (3) If the licensed food establishment is not owned by the caterer, then the caterer must have a signed and notarized service agreement with the owner of the food establishment providing the licensed kitchen.
- (4) All food must be prepared in the licensed kitchen.
- (5) The Department may inspect all or any part of a catered event before, during or after the time the event is held.

6.1.107 FOOD SOURCES:

- (1) All foods used must be from approved sources.
- (2) The following foods cannot be used; wild game unless from USDA approved source, any home canned or home processed foods, farm-fresh eggs or unpasteurized dairy foods, or wild mushrooms.

6.1.108 FOOD PREPARATION AND STORAGE:

- (1) The caterer must prepare, cook and store food in compliance with 2013 FDA Federal Food Code and Montana's Rule for Retail Food Establishments, ARM 37.110.2 observing proper cooking temperatures, hot and cold holding temperatures; and thawing and reheating procedures.
- (2) Cooked foods shall be kept separate from raw foods.
- (3) No foods, food containers, service ware or service ware containers shall be in direct contact with the floor during preparation and storage to prevent cross-contamination to food preparation surfaces and food. Except if large, heavy coolers are used for food storage, they shall remain on the floor and not placed on work area counters.

6.1.108 FOOD TRANSPORT:

- (1) Transported time/temperature control for safety (TCS) food must be held at proper holding temperatures as stated in the 2013 USDA Food Code (135° F for hot foods, 41° F for cold foods), requiring sufficient capacity for holding hot and cold foods, and verified by use of food thermometers accurate to +/- 2° F by checking internal temperatures of the food.
- (2) A record shall be maintained in which the internal temperatures of TCS foods are recorded just prior to being transported and again upon arrival. In addition, the temperatures of these food items shall be recorded every 15 minutes after the food has arrived to the event, and

during the time that it is being served. The record shall display the name of the food, the internal temperature and the time that the temperature was taken. This record will be available for inspection by the Department.

- (3) No foods, food containers or service ware or service ware containers shall be in direct contact with the floor during transportation to prevent cross-contamination to food and food preparation surfaces.
- (4) During transportation, and at all other times, food items, serving utensils, serving ware, dinner ware, beverage containers and eating utensils shall be covered to protect them from contamination.

6.1.109 FOOD DISPLAY AND SERVING:

- (1) Sufficient hot and cold food storage facilities shall be provided to assure the maintenance of TCS foods at the proper holding temperatures during display and serving.
- (2) All tables, counters, bars, and other surfaces used for food display and serving shall be covered with a clean and cleanable surface.
- (3) All food items shall be protected with a "sneeze guard" if food dispensing is self-service.
- (4) Each individual food container shall be supplied with its own serving utensil of adequate size and strength to serve the food.
- (5) People returning to a self-service line shall not re-use soiled tableware, except that beverage cups or glasses may be re-used.
- (6) Ice and potable water shall come from an approved source, and shall be stored and served in a manner that assures its protection from contamination.
- (7) Ice used for food or beverage storage shall not be used for consumption.

6.1.110 CLEANING AND DISPOSAL:

- (1) All serving and kitchen utensils shall be cleaned and sanitized just prior to being used.
- (2) All food contact surfaces and serving tables shall be cleaned and sanitized before use.
- (3) Leftover TCS foods shall be discarded after the event. Food that is retained for future use shall be returned to the establishment with the same care that it arrived to the event.
- (4) Refuse containers for adequate capacity to accommodate all garbage generated at the event must be provided in convenient locations to prevent litter.

6.1.111 PERSONAL HYGIENE:

- (1) A designated handwashing station must be conveniently located and accessible for all catering personnel. The station must have a sink with running hot and cold water, soap, paper toweling and a waste receptacle. Hot water temperature must be a minimum of 100° F.
- (2) Employees are required to wash their hands before starting work, after using the toilet, smoking, eating; after handling raw foods, soiled utensils, garbage, money, cleaning cloths, cell phones, or any other article that may transmit contamination to food.
- (3) Employees with colds, sore throat, fever, infections, open sores, diarrhea or nausea will not work at the preparation site or the serving site.
- (4) Food preparation staff clothing shall be covered with a clean apron and hair shall be restrained close against the head. Wait staff must wear clean clothing and hair shall be restrained.
- (5) Smoking or chewing of tobacco or use of vapor products is not permitted in the food preparation or serving areas. Eating may occur in a designated eating area away from the food preparation and serving areas. Covered drink containers with a straw are permitted in the food preparation area.

6.1.112 CONFLICT OF ORDINANCES:

- (1) In any case where a provision of these regulations is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of any City of, Town of, or of the County of Lincoln, the provision which, in the judgment of the Health Officer, established the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- (2) If any portion of these regulations should be declared invalid for any reason whatsoever, such decision shall not affect the validity of the remaining portion(s) of the ordinance and such portions shall remain in full force and effect.

6.1.113 PENALTIES:

Any person in violation of any provision of these regulations or any provision of any directive, action, permit, or approval adopted pursuant to the authority granted by these regulations is guilty of a misdemeanor and shall be, upon conviction, subject to a fine of not less than \$25 or more than \$500 for each day of violation. Each provision, condition or limitation violated shall be considered a separate offense.

LINCOLN COUNTY PUBLIC INFORMATION POLICY

Each Lincoln County Department shall abide by this policy, which hereby incorporates by reference all rules and guidelines established by the Montana Secretary of State regarding the disclosure of public documents, including specifically Montana Code Annotated 2-6-1006. In exercising any discretion provided for in this policy, each Department shall provide the same service to every party requesting public documents.

Public inspection of records is during regular office hours. Permanent records are to remain in the appropriate Departments at all times. A County employee is expected to be present while the records are being inspected to avoid theft or damage to the permanent records.

Fees for any documents copied and provided by a Lincoln County Department shall be based upon a copy charge of \$.50 for the first page and \$.25 per page for each additional page. If varied from a standard size copy, the Department shall charge a reflective fee of the actual cost incurred by the Department. Charges associated with staff time shall apply at the rate of \$30.00 per hour, to be billed only after the first 15 (fifteen) minutes of research. Departments charging for time shall not charge for time to produce documents of which they are the custodians, but rather, time to review, gather, or redact documents held by said Department. At the Department's discretion, it may require advance payment of the fees and/or time costs so long as the costs are documented in a written estimate provided to the person making the request.

The Department shall withhold confidential information from disclosure to the public.

Do not release the following information:

1. Personnel, payroll, or medical records and/or files
2. Records pertaining to juveniles
3. Records required to be kept confidential by federal law or regulation or by state law
4. Utility customer information
5. Documents containing legal questions or information concerning potential, pending or actual litigation
6. Minutes of any Closed Public Meeting shall be kept in accordance with 2-3-212 MCA. Any time a public meeting is closed pursuant 2-3-203 MCA, the presiding officer shall ensure that the minutes taken in compliance with 2-3-212(2) MCA are kept of the closed portion of the meeting. **The minutes must not be made available for inspection except pursuant to a court order.**

If the release of a record is denied, and the person is not satisfied, they can contact an attorney.

Always inform the Lincoln County Attorney's Office regarding the denial of a record and why the individual was denied the access to those records.

Use caution and if you have any questions about releasing a document(s), contact the Lincoln County Attorney's Office.

LINCOLN COUNTY PUBLIC INFORMATION POLICY

Employees shall make a copy of the request form, e-mail, etc and attach it to the copies as a receipt for the person requesting the records. The original shall be kept in possession of Lincoln County.

FILING of "Request for Public Records Form"

The original "Request for Public Records Form" must be filed in an easily accessible notebook, to be located in the Lincoln County Clerk and Recorder Office.

The forms are filed alphabetically using the last name of the person making the request.

LINCOLN COUNTY PUBLIC INFORMATION POLICY

LINCOLN COUNTY INFORMATION REQUEST

Requesting Party _____

Physical Address _____

Telephone Number _____

Pursuant to 7-4-2631 MCA, the fee for copy requests of a recorded/filed document is .50 for the first page of a document and .25 for each additional page of that same document. Charges of staff time shall apply at \$30.00 an hour.

Certifications: \$2 additional charge added to the document charge.

I hereby request the following public record(s) pursuant to 2-6-104 MCA.

Document Number Or Document Type	Number of pages expected	Certification needed?

Deliver by: **IN PERSON** **US POSTAL** **E-MAILED**

Payment Method **CASH** **CHECK**

Amount Collected _____

Requestor Information:

Name _____

Company _____

Mailing Address _____

City _____

Email Address _____

Disclaimer: While all attempts are made to ensure the accuracy of information under our control and to correct any errors brought to our attention, no representation or guarantee can be made as to the accuracy of information presented. All critical information should be independently verified.

The quality of the images are dependent on the quality of the document at the time of recording and the quality of the images on the microfilm.

**For large requests, employee salary per hour and/or search fees may apply.

**The County Attorney may first verify request to determine if any records are protected.

LINCOLN COUNTY PUBLIC INFORMATION POLICY

Request Approved

Request Denied

Reasons for denial, including statutes, or other authority that may apply:

For any denied request, please CC:
County Administrator, Darren Coldwell
County Attorney's Office

Lincoln County Health Department Fee Schedule

DRAFT

Plan Reviews	FEE (current)
Food Establishment Plan Review - Level 1 (1-2 employees per shift)	\$60 (new)
Food Establishment Plan Review - Level 2 (3-5 employees per shift)	\$115 (new)
Food Establishment Plan Review- Level 3 (6 or more employees per shift)	\$200 (new)
Temporary Food Service	\$20+\$10/event
Public Accommodations Plan Review	\$115 (new)
Bed and Breakfast/Hostel Plan Review	\$115 (new)
Body Art/Piercing Plan Review	\$115 (new)
(PLAN REVIEWS INCLUDE APPLICATION REVIEW AND ON-SITE INSPECTION)	

Inspections and Site Visits	FEE
Food Establishment Annual Inspection	No Charge
Food Establishment Additional Follow-ups and Inspections	\$100
On-site Stove Inspections	No Charge
Septic System On-site Inspection	\$100

Wastewater, Subdivisions, and Licensed Installers	FEE (current)
Septic Permit (with prior DEQ approval)	\$150
Septic Permit (local review)	\$200 (\$150)
Affidavit for Illegally Installed System Application	\$500 (\$150)
Expired Permit Renewal	\$75 (\$50)
Local Health & Sanitation in Subdivision Review	\$100
Licensed Installer (exam and license) (good for two years)	\$150 (\$100)
Licensed Installer Renewal (good for two years)	\$100
Paper copies of DEQ-4 and Subchapter 9	\$10 (new)
Mailed Copies of DEQ-4 and Subchapter 9	\$15 (new)

Animal Control	FEE (current)
Dog License (spayed/neutered)	\$5
Dog License (unaltered)	\$10
Dog License Lifetime (spayed/neutered only)	\$25 (new)
Dog License (duplicate)	\$2
Dog License (Kennel of 5 or more dogs, not breeding/commercial)	\$50
Dog License (Commercial Kennel)	\$250 (\$50)
Surrender Fee	\$20
Boarding Fee	\$5/day
Impoundment Fee	\$20-\$30
\$20 impound + \$5 if not spayed/neutered + \$5 if not wearing license Impoundment fees double each time dog is impounded in calendar year	

Landfill Fee Schedule

(Revised 7/12/17)

Demolition, construction and clean up debris
MUST BE SORTED AND SEPARATED \$12.00 ~~\$8.00~~ cubic yard

Unsorted loads may be refused and/or
charged a penalty of an additional \$24.00 ~~\$16.00~~ cubic yard

Concrete, rock, dirt not able to use for cover material
\$12.00 ~~\$8.00~~ cubic yard

Asbestos Containing Material
\$32.00 cubic yard

Tires – Industrial and commercial loads only
Passenger \$1.75 each
Medium truck \$4.00 each

Off Road Tires
\$20.00 each

Stumps
Less than 6 cubic yards \$45.00 a load
6 cubic yards and above \$100.00 a load

HEALTH AND ENVIRONMENT REGULATIONS
Chapter 4: Lincoln County Solid Waste Regulation
DRAFT 10 July 2017

SUBCHAPTER 1: GENERAL PROVISIONS

4.1.101 INTENT: The purpose of this rule is to establish standards for proper storage, handling and disposal of solid waste to protect public health, safety and the environment.

4.1.102 AUTHORITY: Authority for regulations promulgated in this rule is provided for in MCA 50-2-116.

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

- (1) "Board" - the City-County Health Board of Lincoln County, Montana
- (2) "Health Officer" - Lincoln County Health Officer or his designated representative
- (3) "Clean Fill" – Uncontaminated soil, dirt, rock, sand, gravel and portland cement concrete free of reinforcing steel
- (4) "Construction and Demolition Waste" – Any waste building materials and rubble that result from the construction, remodeling, repair or demolition of structures or roads, including remnants of structure after fire or collapse
- (5) "Department" – Lincoln County Health Department
- (6) "Greenbox Site" – A remote dumpster site maintained by Lincoln County for residential refuse collection
- (7) "Group I Waste" – Hazardous waste as defined by 40 CFR 261
- (8) "Litter" – Any quantity of paper, cardboard, metal, plastic, glass, or other miscellaneous solid waste which is not disposed of in a garbage container
- (9) "Person" – Any individual, firm, partnership, company, association, corporation, city, town, local governmental entity, or any other state, federal, or private entity, whether organized for profit or not
- (10) "Public Nuisance" – Anything which is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or which unlawfully obstructs the free passage or use in the customary manner, of any navigable waters, or any public park, square, street or highway. Further, a public nuisance is one which affects, at the same time, an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
- (11) "Solid Waste" – All putrescible and nonputrescible wastes, including but not limited to garbage, refuse, rubbish, ashes, sludge from sewage treatment plants, construction and demolition wastes, dead animals, discarded appliances and woodwaste.
- (12) "Commercial Waste" – Refuse that is created by a commercial establishment or business, including but not limited to stores, offices, restaurants, hotels and trailer courts.
- (13) "Residential Waste" – Refuse that is created at a single family dwelling.

SUBCHAPTER 2: COMPLIANCE REQUIREMENTS

4.2.101 STORAGE AND COLLECTION

- (1) Any person owning, controlling, or in possession of any dwelling or place of business from which solid waste is generated shall maintain at all times in a place easily accessible, and where it will not be offensive or a public nuisance, one or more metallic or plastic containers with overlapping tight-fitting covers in which shall be placed all refuse accumulated on the premises.
- (2) The capacity of the containers shall be adequate to hold all refuse generated between collections.

- (3) It is the duty of the owner, agent, occupant, or lessee of a property to keep premises free of litter and other solid waste.
- (4) No person shall store or allow to be stored any solid waste on public or private land within the county where said storage will create a public nuisance, or be to any degree offensive or if the Health Officer determines it may constitute a public health, environmental health or safety hazard.
- (5) Disposal at Lincoln County Greenbox sites is restricted to residential waste only. Disposal of commercial waste is not allowed at county greenbox sites and must be transported directly to a licensed sanitary landfill for disposal. Disposal of large, bulky items such as appliances, furniture, tires, woodwaste and construction and demolition debris is not allowed at county greenbox sites and must be transported directly to a licensed sanitary landfill for disposal.

4.2.102 TRANSPORTATION:

- (1) Solid waste must be covered, containerized, or secured to the vehicle during transportation.
- (2) Solid waste shall be loaded and transported in such a manner that none of it shall fall, drop or spill upon the roadway or ground.

4.2.103 BURNING SOLID WASTE: No person shall burn any solid waste on public or private land within the county, unless the burning is permitted in accordance with the Lincoln County Control of Air Pollution regulations.

4.2.104 BURYING SOLID WASTE: No person shall bury any solid waste on public or private land within the county, unless:

- (1) the solid waste qualifies as clean fill and permission has been granted by the property owner or owners; or
- (2) the solid waste is organic agricultural or silvicultural waste which originated on the property where it is to be buried and the Health Officer determines that the practice will not be offensive or endanger public or environmental health; or
- (3) the site is licensed as a landfill by Montana DEQ.

4.2.105 ILLEGAL DUMPING:

- (1) No person shall dump, store, place or leave or cause to be dumped, placed or left any solid waste upon any public or private property within the county, unless the solid waste is clean fill and permission has been granted by the property owner or owners.
- (2) No person shall dump, place or leave or cause to be dumped, placed or left any solid waste in residential or commercial containers maintained for the use of other residences or establishments.

4.2.106 HAZARDOUS WASTE: No person shall transport, store, or dispose of any Group I waste except as provided for in ARM 17.53.111.

SUBCHAPTER 3: ENFORCEABILITY AND PENALTIES

4.3.101 ENFORCEABILITY: The provisions of this regulation are enforceable by the Lincoln County Sheriff's Office, the Health Officer or the Department.

4.3.102 POWERS AND DUTIES OF THE DEPARTMENT:

- (1) The Health Officer is hereby authorized 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.

4.3.103 PENALTIES:

- (1) Violation of any part of this regulation shall constitute a misdemeanor punishable by imprisonment in the Lincoln County Jail not exceeding ninety (90) days or by a fine not to exceed \$200.00, or both. Each day of violation will constitute a separate offence.
- (2) Actions to recover the expenses incurred under 4.3.102(6) shall be brought in the name of the county as provided by MCA 50-2-123.

SUBCHAPTER 4: SEVERABILITY AND CONFLICT OF ORDINANCE

4.4.101 CONFLICT: In any case where a provision of this regulation is found to be in conflict with a provision of any other regulation of Lincoln County, the provision which establishes the higher standard for the protection of public health and safety shall prevail.

4.4.102 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.