

ORDINANCE NO. _____

**AN ORDINANCE PROVIDING ADDITIONAL STANDARDS FOR WORK CAMPS,
TRAILER COURTS AND CAMPGROUNDS WITHIN DAWSON COUNTY, MONTANA**

WHEREAS, Dawson County has experienced an increase in activity, due to energy development in the region;

WHEREAS, inactive trailer courts and inactive individual sites are now or have been reactivated in response to an increase in housing demand for a significant and recent influx of people into Dawson County;

WHEREAS, new trailer courts and work camps plan to operate in Dawson County;

WHEREAS, the Board of Commissioners of Dawson County wish to provide additional standards for mobile dwelling units located in licensed and licensable trailer courts and work camps within Dawson County to ensure proper living conditions, protect the quality of life and prevent development of blight and slums, while providing for public health and safety;

WHEREAS, trailer courts, campgrounds and work camps are codified under Montana Code Annotated (MCA) Title 50, Chapter 52; trailer courts and campgrounds are regulated under Administrative Rules Montana (ARM) Title 37, Chapter 111, Subchapter 2; and work camps are regulated under ARM Title 37, Chapter 111, Subchapter 6, Dawson County further clarifies the difference between trailer courts, campgrounds and work camps through the adopted definitions to establish additional standards for mobile dwelling units located in trailer courts and work camps because they are principally occupied by non-transients, while not over-regulating campgrounds that are principally occupied by transients;

WHEREAS, authorities for this ordinance are provided for in MCA 50-2-112 through 50-2-124 and 76-2-201 in which a governing body may adopt regulations that allow for the responsible management of the area as the population increases and places a greater burden on our limited resources;

NOW, THEREFORE, BE IT ORDAINED BY BOARD OF COMMISSIONERS OF DAWSON COUNTY, MONTANA, THAT THE FOLLOWING BE ADDED TO THE ORDINANCES OF DAWSON COUNTY MONTANA:

Section A. DEFINITIONS.

1. "Accessory structure" means a building, shop, garage, shed or other structure not used as a dwelling unit or mobile dwelling unit.
2. "Anchored" means a method of construction that will resist lateral movement and overturning of a manufactured home when properly designed and installed through the use of ties, straps, cables, turnbuckles, chains, tensioning devices or other customarily accepted devices for the purpose of securing manufactured homes.
3. "Campground" means a parcel of land available to and principally used by transients for camping where persons can camp, secure tents or occupy cabins or recreational vehicles for camping and sleeping purposes for a short period of time.

4. "Community" refers to a public water or public sewer system that serves at least 15 service connections used by year-round residents or that regularly serves at least 25 year-round residents.
5. "Dwelling unit" means the same as in ARM 24.301.154 (2), which at the time of adoption of this ordinance, was defined in the 2006 edition of the International Residential Code as: "a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation."
6. "Individual wastewater system" means the same as in ARM 17.36.912 (15), which at the time of adoption of this ordinance, was defined "a wastewater system that serves one living unit or commercial structure. The total number of people served may not exceed 24."
7. "Manufactured home" means a structure in one or more sections that:
 - A. is eight (8) body-feet or greater in width or forty (40) body-feet or greater in length in traveling mode;
 - B. when erected on-site, is three-hundred twenty (320) or greater square feet in size;
 - C. is built on a permanent chassis; and
 - D. is designed to be used as a dwelling for human occupancy or use upon connection to required utilities, including plumbing, heating, and electrical systems.
8. "Mobile dwelling unit" shall have the same meaning as "fifth wheel trailer, independent recreational vehicle, manufactured home, motor home, park trailer, recreational vehicle, trailer, travel trailer and truck camper" defined in ARM Title 37, Chapter 111, Subchapter 2 regarding trailer courts and campgrounds and "self-contained trailer" in ARM Title 37, Chapter 111, Subchapter 6 regarding work camps.
9. "Permanent foundation" means a site-built or site-assembled system of stabilizing devices capable of transferring dead loads, live loads or other loads into the underlying soil bedrock without failure for the purposes of stabilizing manufactured homes from wind, seismic and water conditions.
10. "Reactivated" means a previously licensed trailer court, campground or work camp in which the license status has elapsed for 30 days or more and is being considered for a new license to operate.
11. "Recreational vehicle" or "RV" means a vehicular unit designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, and that either has its own power or is mounted on, or towed by, another vehicle. The basic types of RVs are: camping trailer, fifth-wheel trailer, motor home, park trailer, travel trailer, and truck camper.
12. "Short period of time" means residing in Montana for less than 30 days.
13. "Site" or lot means land designed for the accommodation of one, mobile dwelling unit, its accessory buildings or structures and accessory equipment for the use by occupants of that mobile dwelling unit.
14. "Skirting" means a weather resistant, durable and non-absorbent material to enclose the space from the bottom of the mobile dwelling unit to grade. The term does not include hay bales, bare wood, bare particle board or similar material.
15. "Stabilizing devices" means all components of the anchoring and support systems, which includes, but is not limited to: piers, footings, ties, anchoring equipment, ground anchors or any other customarily utilized materials or methods of construction that supports and secures the manufactured home to the permanent foundation.

16. "Trailer court" means a parcel of land upon which two or more spaces are available to the public and designated for occupancy by mobile dwelling units for use as residences, principally by non-transients.
The term does not include a parcel composed of platted sites, each site of which:
 - A. is filed with the county clerk and recorder;
 - B. contains only one trailer space; and
 - C. is served by a public water supply system and public sewage system that meet the requirements of rules for systems adopted pursuant to MCA Title 75, chapter 6, part 1, and that are located within the boundaries of an incorporated city or town.
17. "Transient" means an individual, partnership, association, firm, company, corporation, municipality, county or town, whether tenant, owner, lessee, licensee, or the agent, heir or assignee of any of these who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.
18. "Work Camp" means a parcel of land on which housing is provided by a person for two or more families, non-transients, transients or individuals living separately, for the exclusive use of the employees of the person and the families, if any, of the employees. For purposes of this subsection, "housing" includes but is not limited to camping spaces; trailer parking spaces; mobile, modular, or permanent barracks or structures; and any appurtenant water supply and distribution system, sewage collection and disposal system, solid waste collection and disposal system, or food service and dining facilities. Housing does not include shelter provided by an employer for persons who are employed to perform agricultural duties on a ranch or farm.

Section B. REGULATIONS INCORPORATED BY REFERENCE.

Any and all trailer courts and work camps in Dawson County shall comply with:

1. MCA Title 50, Chapter 52 regarding trailer courts, campgrounds and work camps.
2. MCA Title 50, Chapter 60 regarding building construction standards that include recreational vehicles.
3. National Fire Protection Association (NFPA) 2008 standard 1192 for recreational vehicles (also known as American National Standards Institute [ANSI] A119.2).
4. Code of Federal Regulations (CFR) Title 24, Part 3280 for manufactured homes.

Section C. LICENSE REQUIRED.

1. Operating a trailer court, campground or work camp without a valid license is unlawful in Dawson County.
2. When a trailer court, campground or work camp changes owners, licenses are not transferable. Legal licensees shall notify the District Sanitarian when they permanently abandon a trailer court or work camp.
3. New license applicants must submit complete plans to the State of Montana Department of Public Health and Human Services and District Sanitarian and receive written approval of the plans before issuance of a license to operate.
4. New license applicants must meet District Sanitarian licensing policy before issuance of a license to operate.
5. A pre-licensing inspection must be completed by the District Sanitarian before issuance of a license, and a license will not be issued if any violations of this

ordinance or the applicable codes or rules are observed during the pre-licensing inspection.

6. The legal licensee must post the current license in a conspicuous place for viewing.

Section D. INSPECTIONS.

1. When a pre-licensing inspection, inspection, investigation or re-inspection is needed or required, at a reasonable hour of normal operation, legal licensees, applicants or their agents may not refuse entrance onto the site, interfere with, or substantially delay the authorized Dawson County representative from performing the inspection. Such actions are grounds for Dawson County to withhold approval and/or invalidate the applicant's license or license application. Dawson County may conduct inspections, which have been previously scheduled at the appointed time regardless of whether the applicant or authorized agent is present at the site when the inspection is being conducted.
2. The authorized Dawson County representative may enter and inspect establishments regulated by this ordinance to ensure compliance. Inspections may be carried out, without prior notice, at reasonable times upon showing proper credentials. Reasonable times for inspections of facilities used in the course of business shall include regular business hours. Nothing in this section shall be construed to allow entry into a private residence or mobile dwelling unit, by Dawson County, unless permission has been granted or a search warrant issued.
3. Inspections performed by Dawson County are conducted solely for the purpose of ensuring compliance with the requirements set forth in this ordinance and applicable codes and rules. Inspections are not performed for any other purpose.

Section E. HEALTH AND SAFETY STANDARD.

Every campground, trailer court and work camp shall operate and maintain the establishment with strict regard to the highest degree of protection that can be reasonably achieved against infection, contagion, disease, fire danger or accident.

Section F. ADDITIONAL STANDARDS AND REGULATIONS.

1. As of the adopted date of this regulation, any and all currently non-compliant mobile dwelling units already located in trailer courts and campgrounds may continue to be utilized for residential purposes in Dawson County. When non-compliant mobile dwelling units cease to be occupied for residential purposes for 30 or more consecutive days, the non-compliant mobile dwelling unit shall not be allowed to be utilized as a dwelling unit in a trailer court or work camp, nor can they be replaced with another non-compliant mobile dwelling unit. To verify this Subsection, legal licensees shall keep records in accordance with Subsection three of Section G of this ordinance.
2. Each and every mobile dwelling unit and accessory structure not subject to Subsection one of this section shall have any and all exterior components free of significant denting, buckling, pitting, chipping, crazing, rusting, scratching, scoring, decomposition, breakage, shattering, distortion or similar defects at the time of placement in a new, re-activated or existing trailer court or work camp. Units or structures that have been damaged or defected shall be repaired in a timely manner to

- a condition that restores the unit or structure and removes the significant denting, buckling, pitting, chipping, crazing, rusting, scratching, scoring, decomposition, breakage, shattering, distortion or similar defect. Violations of this Subsection shall apply to the legal licensee.
3. Each and every manufactured home placed in trailer courts and work camps after adoption of this ordinance must have a manufacturing certification label affixed to the unit in accordance with 24 CFR 3280.11. The label shall be located at the tail-light end of each transportable section of the manufactured home approximately one foot up from the floor and one foot in from the road side, or as near that location on a permanent part of the exterior of the manufactured home unit as practicable. The road side is the right side of the manufactured home when one views the manufactured home from the tow bar end of the manufactured home. Violations of this Subsection shall apply to the legal licensee and shall be verified by the legal licensee, as required in Section G.3.F and Section G.3.G of this ordinance.
 4. Each and every recreational vehicle placed in trailer courts and work camps after adoption of this ordinance must have manufacturing certification labels affixed to appropriate components of the unit in accordance with NFPA 2008 standard 1192, including but not limited to chapters 5.6.5.2 and 5.6.6.4 for fuel-burning appliances, 5.9 for propane storage tanks and cooking appliance usage for comfort heating, 5.11.8.14 for fuel dispensing systems and ignition sources, 6.2.3.6 for marking a secondary means of emergency escape, 7.3.7.4 for potable water tanks and 7.4.7.1.1 for side-vented wastewater tanks. Violations of this Subsection shall apply to the legal licensee and shall be verified by the legal licensee, as required in Section G.3.F and Section G.3.G of this ordinance.
 5. Each and every mobile dwelling unit placed in trailer courts and work camps after adoption of this ordinance shall meet or exceed applicable building construction standards for that type of dwelling unit, as detailed in either MCA Title 50, Chapter 60 and/or ARM Title 24, Chapter 301 and/or NFPA 1192 and/or 24 CFR 3280 and shall continue to meet or exceed applicable building construction standards during the time the structure is on the premises. Violations of this Subsection shall apply to the legal licensee.
 6. When such services are available or become available, within a reasonable period of time and at the legal licensee's expense, each and every mobile dwelling unit in a trailer court or work camp must legally connect to community sewer services and/or community water services when they are at or within 500 feet of the property line on which the trailer court or work camp exists or will exist.
 7. Each and every mobile dwelling unit shall be provided with an approved backflow prevention device at every point of connection to the potable water supply. Violations of this Subsection shall apply to the legal licensee.
 8. Mobile dwelling units must have a separation distance of at least 20 feet between all sides of the units in trailer courts and work camps.
 9. No more than one, mobile dwelling unit shall be placed on a single site.
 10. Each and every manufactured home placed in trailer courts and work camps after adoption of this ordinance must be anchored to a permanent foundation in a neat, workmanship manner. Violations of this Subsection shall apply to the legal licensee.

11. Manufactured homes placed in trailer courts and work camps after adoption of this ordinance shall have a minimum width of eight feet.
12. Any and all mobile dwelling units shall be provided with skirting in a neat, workmanship manner. Skirting must also be installed in accordance with manufacturer's instructions, if applicable. The skirting shall be secured, as necessary, to ensure stability and minimize vibrations, damage from wind and compensate for possible frost heaves. Access opening(s) not less than 18 inches in any dimension and not less than 3 square feet in area shall be provided and shall be located to allow easy access to water and sewage system connections. Access panel(s) or door(s) shall not be fastened in a manner requiring the use of a special tool to remove or open the same. On-site fabrication of skirting shall meet the objectives cited herein. Violations of this Subsection shall apply to the legal licensee.
13. After adoption of this ordinance, each and every manufactured home placed in trailer courts and work camps must have its towing tongue removed when located in the trailer court or work camp. Violations of this Subsection shall apply to the legal licensee.
14. Each site in a new trailer court or work camp must be at least one (1) acre, if the mobile dwelling unit is connected to an individual wastewater system and has a water well within 100 feet of any of the defining site lines to ensure adequate distances are maintained between water wells and sewage systems and provide sufficient area for an additional individual wastewater system if the original fails. Larger site sizes may be required dependent on other environmental conditions and related factors. Minimum site sizes shall be in accordance with ARM 17.36.340.
15. Each trailer court, work camp or campground site or space shall have a numbered address in a manner for easy identification of the site or space.
16. The site or space numbered address shall be at least three (3) inches in height on a clearly visible sign or marker in trailer courts, work camps and campgrounds.
17. Each site in a new trailer court or new work camp must be at least 3,600 square feet with a minimum site width of 40 feet.
18. Accessory structures such as garages shall be allowed in trailer courts or work camps provided the structure meets the Health and Safety Standard and standard two (2) of this section. Violations of this Subsection shall apply to the legal licensee.
19. Vegetative cover such as grass or trees shall be provided for land not paved, graveled or occupied by a dwelling unit or accessory structure.
20. A sign identifying a trailer court or work camp shall not be flashing, revolving or neon type.
21. A sign used to identify the trailer court or work camp shall have a surface area not in excess of thirty-six (36) square feet.
22. A sign advertising the sale, rental or lease of a trailer court, work camp, site or mobile dwelling unit in a trailer court or work camp shall not exceed a surface area of eight (8) square feet.
23. Each and every manufactured home placed in trailer courts and work camps after adoption of this ordinance must have a pitched roof with at least a six (6) inch drip-edge, siding and roofing materials that are customarily used for on-site built homes, primarily to facilitate enhanced rain and snow removal.
24. New trailer courts or work camps shall have access to public roadways.

25. Trailer courts or work camps that add one or more sites, or reconfigure existing sites from the year of their last licensure, are subject to this ordinance for review and licensing as a new trailer court or work camp and subdivision review under MCA 76-3-208.
26. Campgrounds that convert to trailer courts or work camps are subject to this ordinance as a new trailer court or work camp. Legal licensees that advertise or claim to be campgrounds, but are determined to be a trailer court or work camp are subject to all applicable codes, rules, licensing procedures and this ordinance as a trailer court or work camp.
27. Electrical substations, transformers, transmission lines, distribution line and meters shall be located in such a manner that they are not unsightly or hazardous in new and reactivated trailer courts and work camps.
28. Temporary trailer courts constructed in response to emergencies and disasters are to be used for a short period of time and shall not be converted to a permanent trailer court or work camp, unless provisions of this ordinance are met, in addition to applicable state codes and rules.

Section G. RECORDS.

1. Because campgrounds have different and lower standards than trailer courts or work camps, the campground legal licensee shall maintain accurate and complete records at the establishment for a period of no less than 48 months of any and all mobile dwelling units located on the parcel for inspection purposes to determine compliance with this ordinance and licensure status. Records shall include the following:
 - A. Make or model name or manufacturer name and color(s) of the mobile dwelling unit; and
 - B. Number of the space or site to which the mobile dwelling unit was assigned; and
 - C. Date mobile dwelling unit was placed on space or site number; and
 - D. Date mobile dwelling unit was removed from space or site number; and
 - E. Name and address of persons occupying the space or site who is/was associated with the mobile dwelling unit.
2. All other records required for trailer courts in ARM Title 37, Chapter 111, Subchapter 2 and work camps in ARM Title 37, Chapter 111, Subchapter 6 still apply.
3. To ensure compliance with Subsection one, three and four of Section F of this ordinance, the trailer court and work camp legal licensees shall maintain accurate and complete records on the premises of the establishment of any and all mobile dwelling units located on the parcel for the entire period the mobile dwelling units are on the parcel for inspection purposes. Records shall include the following:
 - A. Make or model name or manufacturer name and color(s) of the mobile dwelling unit; and
 - B. Number of the space or site to which the mobile dwelling unit was assigned; and
 - C. Date mobile dwelling unit was placed on space or site number; and
 - D. Date mobile dwelling unit was removed from space or site number; and
 - E. Name and address of persons occupying the space or site who is/was associated with the mobile dwelling unit.
 - F. Date legal licensee or their authorized representative verified the mobile dwelling unit's compliance with Subsection three or four of Section G of this ordinance.

G. Name and title of the person(s) who verified Part F of this Subsection.

Section H. NOTIFICATION.

Within a reasonable amount of time, the legal licensee shall provide written notice to occupants of the trailer court or work camp about this ordinance and indicate the responsibilities of the occupants.

Section I. FEES

1. **Re-inspection fees.** To recover costs associated with excessive re-inspections and provide financial incentive for violations to be corrected in a timely manner, a fee may be assessed for second and subsequent re-inspections to the legal licensee of the trailer court, work camp or campground:
 - A. The District Sanitarian shall create and maintain a re-inspection policy that details criteria and conditions that prompt a re-inspection fee for licensed trailer courts and work camps.
 - B. After an inspection and first re-inspection is conducted and written notice and orders are provided, the District Sanitarian may charge a \$100 second re-inspection fee.
 - C. Third and subsequent re-inspections needed to verify compliance shall be subject to \$300 fee for each re-inspection.
 - D. Failure to pay a re-inspection fee in full within 60 days of date of the re-inspection is a separate violation and subject to the Penalties section of this ordinance.
2. **Operating without a license fee.** Any licensable trailer court, work camp or campground found to be operating without a license shall pay to Dawson County a one-time fee of \$800. Written notice shall be provided to the responsible party for harboring the unlicensed establishment. In addition to being charged the one-time \$800 fee, the responsible party is also subject to Penalties for violation of Section C, Subsection 1 of this ordinance. Failure to pay the fee in full within 90 days of date of the compliance check visit is a separate violation and subject to the Penalties section of this ordinance.
3. **Variance fee.** Based on the cost to review an ordinance variance, give possible hearing notice and prepare for a possible hearing, a \$300 variance fee must be paid in full before a variance will be evaluated for its merits. Variance application fees are non-refundable.

Section J. ORDINANCE VARIANCES.

When a legal licensee or license applicant believes strict adherence to the Health and Safety Standard and/or Additional Standards listed in this ordinance is/are not possible, they may apply for a variance, which provides limited relief from stringent compliance:

1. Variances are non-transferable and remain valid only for the applicant to whom it was granted for the period of time stipulated.
2. All other regulations shall apply to variance recipients except those specifically exempted by the Board of Health or District Sanitarian pursuant to the variance.
3. The Board of Health or District Sanitarian may approve a variance only if it finds all of the following:
 - A. Special circumstances exist that are:
 - (1.) Peculiar to the applicant's property or situation; and
 - (2.) Not caused by the applicant's action or inaction; and

- B. Substantial undue hardship would result from requiring strict compliance to the provision or provisions from which the variance is sought by:
 - (1.) Creating an unreasonable financial burden on the applicant; and
 - (2.) Depriving the applicant of rights commonly enjoyed by other persons similarly situated under the terms of this ordinance.
- 4. The Board of Health or District Sanitarian shall not approve a variance if the applicant's proposal may adversely affect the health, safety, or welfare of any individual or cause adverse environmental effects greater than those effects caused by uses commonly permitted by the ordinance.
- 5. Dawson County shall not grant any variance to this ordinance that is less stringent or restates federal or state laws or rules regarding work camps, trailer courts or campgrounds.
- 6. Unless otherwise specified, the privilege to execute a variance expires one year following approval by the Board of Health or District Sanitarian.
- 7. No variance granted pursuant to this section shall be construed to prevent or limit the application of emergency provisions and procedures established by District Sanitarian orders or relieve applicant of responsibility of complying with other applicable local, state, or federal codes, rules or standards.
- 8. **Variance Procedure.** A complete variance application shall be submitted to the District Sanitarian within 30 days after a license or proposed action is denied or order has been issued. If the District Sanitarian does not receive a variance application within the prescribed time, then a variance shall not be granted:
 - A. After the variance fee is paid in full, the District Sanitarian shall have 30 days to determine if a variance applicant has adequately addressed criteria in Subsections three and four of this Section.
 - B. After evaluating the variance application, the District Sanitarian shall notify the applicant of his or her findings in writing.
 - C. If the District Sanitarian rejects all or parts of the variance request, the applicant shall have the option to appeal all or portions of the decision through Subsection four, five and six of Section K of this ordinance, respectively.
 - D. Variance applications shall include:
 - (1.) Applicant's name and address.
 - (2.) Specific provision or provisions of the ordinance from which a variance is requested.
 - (3.) Physical address, property geocode, or latitude and longitude coordinates of where the variance is requested.
 - (4.) Detailed and accurate description of the proposed project or circumstances under consideration.
 - (5.) Written explanation describing each criterion under Subsections three and four of this Section.
 - (6.) A list of the names and addresses of all adjacent property owners. Failure to provide a complete and accurate list may result in delay or denial of the variance.
 - (7.) Any other relevant information the District Sanitarian determines needed to assist in making his or her decision and is reasonably obtainable by the applicant.
- 9. A variance granted under this section may be revoked at any time by the District Sanitarian, if the applicant misrepresents, withholds or inaccurately provides information

related to the variance application. Such a revocation may be appealed under Subsections four, five and six in Section K of this ordinance.

Section K. ENFORCEMENT AND REVIEW.

1. Any person found to be violating any provision of this ordinance or applicable code or rule shall be served with written notice stating that nature of the violation and provide a reasonable time limit for the satisfactory correction thereof. Within the period of time stated in such notice, the offender shall correct the violation.
2. In addition to notice of violation provisions stated in Section I, subsection 1, any other remedies or actions under this part shall not bar enforcement of this ordinance by injunction or other appropriate remedy.
3. This section does not prevent Dawson County from making efforts to obtain voluntary compliance through warning, conference, or any other appropriate means.
4. **Administrative review.** Any person subject to a notice of violation and ordered to take corrective action or subject to a written application denial or variance revocation may request an administrative review by the Health Officer, or in the case of the absence of the Health Officer, his or her designee (Hearing Officer):
 - A. The Hearing Officer shall schedule an administrative review hearing as soon as possible. However, the hearing must not exceed the time period for compliance required in the order to take corrective action. The administrative review hearing may be scheduled at a time greater than ten (10) days of receipt of the request for hearing by mutual consent of Dawson County and the party requesting the hearing. The Hearing Officer shall provide written or verbal notice of the date, time and location of the scheduled hearing to the person requesting the hearing.
 - B. At the administrative hearing the Hearing Officer shall:
 - (1). First, hear the staff report, if any, on the notice of violation and order to take corrective action, application denial or variance revocation.
 - (2.) Second, the person who requested the hearing may present relevant information to the hearing officer.
 - (3.) Third, the Hearing Officer may hear any person who has relevant information regarding the notice of violation and order to take corrective action, application denial or variance rejection.
 - (4.) The Hearing Officer may continue his or her administrative review for a reasonable time period following the administrative review hearing to obtain information necessary to make a decision.
 - C. The Hearing Officer shall affirm, modify or revoke the notice of violation and order to take corrective action, application denial or variance rejection, in writing, following completion of the administrative review. A copy of this decision shall be sent by certified mail or delivered personally to the person who requested the administrative review.
5. **Board of Commissioners hearing.** Within ten (10) days of receipt of the Hearing Officer's decision concluding the administrative review, persons who dispute the Hearing Officer's findings from Subsection four of this section may submit a written request for a Board of Commissioners hearing. Upon good cause shown, the time frame for requesting a hearing may be extended, if made within the time specified for compliance in the notice of violation and order to take corrective action:

- A. The Board of Commissioners shall schedule a hearing within 45 days of receipt of the request.
 - B. Notice of the hearing shall be given by Dawson County to persons requesting the hearing at the address stated on the request for hearing or at the last known address, by personal service or standard mail, not less than seven days before the hearing is scheduled. Notice is complete on the date of delivery or mailing.
 - C. Dawson County shall publish a notice of hearing in a newspaper of general circulation in Dawson County. The notice shall be published twice, with at least six (6) days separating publication.
 - D. At the hearing, The Board of Commissioners shall:
 - (1.)First hear the staff report, if any, on the notice of violation and order to take corrective action, application denial or variance revocation.
 - (2.)Second, the person who requested the hearing may present relevant information to the Board of Commissioners.
 - (3.)Third, the Board of Commissioners may hear any person who has relevant information regarding the notice of violation and order to take corrective action or application denial or variance revocation.
 - (4.)The hearing may be conducted informally and need not follow rules of evidence or procedure applicable to judicial hearings. The Chair of the Board of Commissioners may impose rules for the orderly conduct of the hearing.
 - E. The Board of Commissioners shall affirm, modify or revoke the notice of violation and order to take corrective action, application denial or variance rejection, in writing, following completion of its review. A copy of this decision shall be sent by certified mail or delivered personally to the person who requested the hearing. The Board of Commissioners shall maintain a written record of the hearing and document its final decision in the record.
6. **Judicial review.** Except as otherwise provided, persons subject to a hearing decision of the Board of Commissioners may appeal the decision to the district court pursuant to the contested case provisions of the Montana Administrative Procedure Act, after the Dawson County's appeals process is exhausted.

Section L. PENALTIES.

- 1. Any person violating any provisions of the ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not exceeding \$500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- 2. Any person violating any provisions of the ordinance shall become liable to Dawson County for any expense, loss, or damage occasioned the County by reason of such violation.

Section M. CONFLICTS AND SEVERABILITY.

- 1. In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the State of Montana, towns or cities within Dawson County, the Health and Safety Standard of of this ordinance shall prevail.

2. If any section, subsection, paragraph, sentence or phrase of this ordinance should be declared invalid for any reason, such decision shall not affect the remaining portions of this ordinance, which shall remain in effect; and, to this end, the provisions of this rule are hereby declared to be severable.

Section N. AMENDMENTS AND REVISIONS.

The Board of Health or Board of Commissioners may enact amendments or revisions to this ordinance after a public hearing that has been advertised in a widely circulated newspaper published in Dawson County. The notice must be published twice, with at least six (6) days separating publication.

APPROVED BY THE COMMISSIONERS this _____th day of _____2012

Dawson County Board of Commissioners

_____, Commissioner
James A. Skillestad, Chair

_____, Commissioner
Douglas A. Buxbaum

_____, Commissioner
Adam J. Gartner

ATTEST:

Shirley Kreiman, Dawson County Clerk

First Reading:

Second Reading: