

MONTANA DEPARTMENT OF HEALTH & HUMAN SERVICES

FOOD & CONSUMER SAFETY SECTION

COGSWELL BUILDING

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Code for Hotels, Motels and Roominghouses

Montana Code Annotated 2013

TITLE 50. HEALTH AND SAFETY

CHAPTER 51. HOTELS, MOTELS, AND ROOMINGHOUSES

50-51-101. Findings and purpose of regulation or guidelines.

(1) It is found that the welfare of the public is benefited by regulation or voluntary guidelines for the operation of establishments providing lodging space accommodations and for persons providing accommodations in order to prevent or eliminate unsanitary and unhealthful conditions and practices, which conditions and practices may endanger public health. It is further found that the regulation of or application of voluntary guidelines to establishments providing lodging space accommodations is in the interest of social well-being and the health and safety of the state and all of its people.

(2) The legislature recognizes that there is a wide disparity in the type of establishments, especially in the size, the time of year at which the establishments operate, and the ability of small establishments with few employees and a limited operating season to conform to the same standards to which larger establishments are required to conform. These factors must be considered, especially in the operation of small or seasonal businesses that are such an important part of Montana's tourism business. For these reasons, the legislature believes that department actions must be tailored to properly and reasonably address differences in the size, location, purpose, and time of year of operation of certain small or seasonal establishments. The legislature believes that guidelines to assist these small and seasonal establishments with addressing basic health standards are appropriate, rather than regulations. The guidelines should be voluntary and address basic health standards and should not detract from the rustic, out-of-doors experience offered by many guest ranches and outfitter and guide facilities and desired by many tourists. The legislature is also aware that most of these small and seasonal establishments such as guest ranches and outfitting and guide facilities have not been subject to department regulation. While voluntary guidance from the department on basic public health concerns may benefit these establishments, regulation is not warranted.

History: En. Sec. 1, Ch. 18, L. 1967; amd. Sec. 1, Ch. 485, L. 1973; R.C.M. 1947, 34-301; amd. Sec. 2, Ch. 412, L. 1997; amd. Sec. 1, Ch. 334, L. 2011.

50-51-102. Definitions.

Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Bed and breakfast" means a private, owner- or manager-occupied residence that is used as a private residence but in which:

- (a) breakfast is served and is included in the charge for a guest room; and
- (b) the number of daily guests served does not exceed 18.

(2) (a) "Day visitor" means a guest whose primary purpose on the guest ranch is to participate in recreational activities regularly provided by the guest ranch for a fee including but not limited to hunting, horseback riding, working cattle, hiking, biking, snowmobiling, or fishing, who may be served food incidental to the activity, and who does not stay overnight.

(b) The term does not include persons attending weddings, parties, large group functions, or other meals not related to the recreational activities described in subsection (2)(a) and who may not be served food unless the guest ranch or other entity serving the food has a license issued pursuant to [50-50-201](#).

(3) "Department" means the department of public health and human services provided for in [2-15-2201](#).

(4) "Establishment" means a bed and breakfast, hotel, motel, roominghouse, guest ranch, outfitting and guide facility, boardinghouse, or tourist home.

(5) "Guest ranch" means a facility that:

- (a) uses one or more permanent structures, one or more of which have running water, sewage disposal, and a kitchen;
 - (b) furnishes sleeping accommodations on advance reservations for a minimum stay;
 - (c) provides recreational activities that include but are not limited to hunting, horseback riding, fishing, hiking, biking, snowmobiling, or a working cattle ranch experience to its guests and day visitors; and
 - (d) is a small establishment or a seasonal establishment.
- (6) "Hotel" or "motel" includes:
- (a) a building or structure kept, used, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, or public lodginghouse;
 - (b) a place where sleeping accommodations are furnished for a fee to transient guests, with or without meals.
- (7) "Outfitting and guide facility" means a facility that:
- (a) uses one or more permanent structures, one or more of which have running water, sewage disposal, and a kitchen;
 - (b) furnishes sleeping accommodations to guests;
 - (c) offers hunting, fishing, or recreational services in conjunction with the services of an outfitter or guide, as defined in [37-47-101](#); and
 - (d) is a small establishment or a seasonal establishment.
- (8) "Person" includes an individual, partnership, corporation, association, county, municipality, cooperative group, or other entity engaged in the business of operating, owning, or offering the services of a bed and breakfast, hotel, motel, boardinghouse, tourist home, guest ranch, outfitting and guide facility, or roominghouse.
- (9) "Roominghouse" or "boardinghouse" means buildings in which separate sleeping rooms are rented that provide sleeping accommodations for three or more persons on a weekly, semimonthly, monthly, or permanent basis, whether or not meals or central kitchens are provided but without separated cooking facilities or kitchens within each room, and whose occupants do not need professional nursing or personal-care services provided by the facility.
- (10) "Seasonal establishment" means a guest ranch or outfitting and guide facility operating for less than 120 days in a calendar year and offering accommodations to between 9 and 40 people on average a day. The average number of people a day is determined by dividing the total number of guests accommodated during the year by the total number of days that the establishment was open for the purpose of accommodating guests as a guest ranch or outfitting and guide facility during the year.
- (11) "Small establishment" means a guest ranch or an outfitting and guide facility offering accommodations to between 9 and 24 people on average a day. The average number of people a day is determined by dividing the total number of guests accommodated during the year by the total number of days that the establishment was open for the purpose of accommodating guests as a guest ranch or outfitting and guide facility during the year.
- (12) "Tourist home" means a private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis.
- (13) "Transient guest" means a guest for only a brief stay, such as the traveling public.

History: En. Sec. 2, Ch. 18, L. 1967; amd. Sec. 2, Ch. 485, L. 1973; amd. Sec. 1, Ch. 325, L. 1977; R.C.M. 1947, 34-302; amd. Sec. 8, Ch. 597, L. 1983; amd. Sec. 1, Ch. 730, L. 1991; amd. Sec. 8, Ch. 366, L. 1995; amd. Sec. 137, Ch. 418, L. 1995; amd. Sec. 316, Ch. 546, L. 1995; amd. Sec. 1, Ch. 350, L. 1997; amd. Sec. 3, Ch. 412, L. 1997; amd. Sec. 1, Ch. 264, L. 1999; amd. Sec. 2, Ch. 334, L. 2011; amd. Sec. 2, Ch. 357, L. 2011.

50-51-103. Department authorized to adopt rules or guidelines.

(1) The department may adopt rules governing the operation of bed and breakfasts, hotels, motels, roominghouses, boardinghouses, and tourist homes to protect the public health and safety.

(2) Rules applicable to a bed and breakfast, hotel, motel, roominghouse, boardinghouse, or tourist home may relate to construction, furnishings, housekeeping, personnel, sanitary facilities and controls, water supply, sewerage and sewage disposal systems, refuse collection and disposal, registration and supervision, fire and life safety, food service, staggered license expiration dates, and reimbursement of local governments for inspections and enforcement.

(3) The department may not adopt rules governing guest ranches and outfitting and guide facilities that meet the definitions in [50-51-102](#) but may adopt voluntary guidelines for these facilities. The guidelines must take into consideration the size, type, location, and seasonal operations of an establishment and may include only guidelines to:

- (a) address that the establishment has safe drinking water and an adequate water supply;
- (b) ensure an adequate and sanitary sewage system and ensure adequate and sanitary refuse collection and disposal; and
- (c) address food safety concerns, such as adequate storage, refrigeration, and food handling.

(4) These guidelines must be developed through a negotiated process in cooperation with guest ranches and outfitters and guides. These guidelines are not intended to be regulatory in nature.

(5) The department shall develop guidelines for county sanitarians to provide assistance to guest ranches and outfitters and guides, and the guidelines must be tailored to the needs of each type of establishment.

(6) As provided in [7-1-113](#), nothing in this section prohibits a local government from adopting an ordinance that:

- (a) is the same as or more stringent than rules adopted by the department under this section; or
- (b) differs from the voluntary guidelines adopted by the department under this section.

History: En. Sec. 6, Ch. 18, L. 1967; amd. Sec. 5, Ch. 485, L. 1973; R.C.M. 1947, 34-306(a); amd. Sec. 2, Ch. 350, L. 1997; amd. Sec. 4, Ch. 412, L. 1997; amd. Sec. 57, Ch. 7, L. 2001; amd. Sec. 3, Ch. 334, L. 2011.

50-51-104. Cooperative agreements authorized.

The department is hereby authorized to enter into cooperative agreements with any of the state agencies or political subdivisions for the purpose of carrying out the provisions of this chapter or any part thereof.

History: En. Sec. 6, Ch. 18, L. 1967; amd. Sec. 5, Ch. 485, L. 1973; R.C.M. 1947, 34-306(b).

50-51-105. County attorney to prosecute violations.

When the department furnishes evidence to the county attorney of a county in this state, the county attorney shall prosecute any person, firm, or corporation violating this chapter or a rule effective under this chapter.

History: En. Sec. 5, Ch. 18, L. 1967; amd. Sec. 7, Ch. 349, L. 1974; amd. Sec. 2, Ch. 505, L. 1975; R.C.M. 1947, 34-305(5).

50-51-106. Violation of chapter a misdemeanor.

Any person violating any provision of this chapter or regulation made hereunder, except [50-51-107](#), is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 or more than \$100 for the first offense and not less than \$75 or more than \$200 for the second offense and for the third and subsequent offenses not less than \$200 and by imprisonment in the county jail not to exceed 90 days.

History: En. Sec. 9, Ch. 18, L. 1967; R.C.M. 1947, 34-309; amd. Sec. 18, Ch. 37, L. 1979.

50-51-107. Provision of nursing services or personal-care services by facility prohibited.

(1) Hotels, motels, boardinghouses, roominghouses, or similar accommodations may not provide professional nursing services or personal-care services. A resident of a hotel, motel, boardinghouse, roominghouse, or similar accommodation may have personal-care, medical, or nursing-related services provided for the resident in the facility by a third-party provider.

(2) Whenever a complaint is filed with the department that a person in need of professional nursing services is residing in a roominghouse or other similar accommodation not licensed to provide that service, the department shall investigate and may require appropriate care or placement of the person if it is found that professional nursing services are needed.

History: En. 34-311, 34-312 by Secs. 2, 3, Ch. 325, L. 1977; R.C.M. 1947, 34-311, 34-312; amd. Sec. 9, Ch. 597, L. 1983; amd. Sec. 1856, Ch. 56, L. 2009.

50-51-108. Rules for bed and breakfast establishments.

The department, in adopting rules establishing rules for bed and breakfast establishments, shall consult with bed and breakfast operators. The department shall establish a negotiated rulemaking committee, as provided in Title 2, chapter 5, part 1, to consider matters proposed by the department that affect bed and breakfast establishments.

History: En. Sec. 6, Ch. 350, L. 1997.

50-51-109 reserved.

50-51-110. Special revenue account.

There is an account in the state special revenue fund. Money in the account is allocated to the department to be used to administer the provisions of this chapter and the rules adopted under it.

History: En. Sec. 4, Ch. 730, L. 1991.

50-51-111 through 50-51-113 reserved.

50-51-114. Temporary emergency lodging program -- definitions.

(1) There is a voluntary temporary emergency lodging program for licensed establishments located in Montana to assist designated charitable organizations in providing short-term lodging in Montana to individuals and families displaced from their residences.

(2) Except as provided in subsection (8), participating establishments may receive a tax credit as provided in [15-30-2381](#) and [15-31-171](#) for providing temporary lodging to an individual who is:

(a) displaced from the individual's residence because of temporary immediate danger to the individual posed by an assault, as described in [45-5-206](#), or potential assault by a partner or family member, as defined in [45-5-206](#); and

(b) referred to the establishment by a designated charitable organization.

(3) Except as provided in subsection (8), establishments participating in the temporary emergency lodging program are eligible for a tax credit as provided in [15-30-2381](#) and [15-31-171](#) for up to 5 nights of lodging for each individual per calendar year.

(4) Temporary emergency lodging provided under this section must be provided at no cost to the individual or the referring organization.

(5) Participating establishments may offer lodging based on availability of rooms.

(6) The department shall maintain a registry of designated charitable organizations and shall provide a list of approved organizations to establishments upon request. The department shall seek comment from statewide nonprofit organizations that work with victims of disaster and domestic violence when developing and updating the registry.

(7) For the purposes of [50-51-115](#) and this section, "designated charitable organization" means an organization approved by the department to make referrals for temporary emergency lodging.

(8) The tax credit referred to in subsections (2) and (3) does not apply to the costs of providing lodging to an individual who is displaced by a major disaster declared by the president under 42 U.S.C. 5170 or 5191 and who receives financial assistance for temporary housing under 42 U.S.C. 5174.

History: En. Sec. 1, Ch. 375, L. 2007.

50-51-115. Temporary emergency lodging -- liability for damages.

(1) An individual who is provided with temporary emergency lodging under [50-51-114](#) is liable for damages caused to the property during the individual's stay.

(2) If the individual is unable to pay for damages caused to the property, the designated charitable organization that referred the individual for temporary emergency lodging is responsible for the cost of the damages.

History: En. Sec. 2, Ch. 375, L. 2007.

50-51-201. License required.

(1) Except as provided in subsection (2), a person engaged in the business of conducting or operating an establishment shall annually procure a license issued by the department.

(2) A guest ranch or an outfitting and guide facility that meets the definitions in [50-51-102](#) is not required to obtain a license under subsection (1).

(3) A separate license is required for each establishment. However, when more than one type of establishment is operated on the same premises and under the same management, only one license is required that must enumerate on the certificate the types of establishments licensed.

(4) Before a license may be issued by the department, it must be validated by the local health officer or, if there is no local health officer, the sanitarian, in the county where the establishment is located.

History: En. Sec. 3, Ch. 18, L. 1967; amd. Sec. 3, Ch. 485, L. 1973; R.C.M. 1947, 34-303(part); amd. Sec. 3, Ch. 200, L. 1979; amd. Sec. 2, Ch. 730, L. 1991; amd. Sec. 9, Ch. 366, L. 1995; amd. Sec. 3, Ch. 350, L. 1997; amd. Sec. 5, Ch. 412, L. 1997; amd. Sec. 4, Ch. 334, L. 2011.

50-51-202. Application for license.

Application for a license shall be made in writing to the department on such forms and with such pertinent information as it considers necessary.

History: En. Sec. 3, Ch. 18, L. 1967; amd. Sec. 3, Ch. 485, L. 1973; R.C.M. 1947, 34-303(part); amd. Sec. 19, Ch. 37, L. 1979.

50-51-203. Right to renewal.

(1) Existing licenses shall be renewed as a matter of right, unless conditions exist which are grounds for a cancellation or denial of a license.

(2) Renewal may be obtained annually by paying the required annual license fee.

History: (1)En. Sec. 3, Ch. 18, L. 1967; amd. Sec. 3, Ch. 485, L. 1973; Sec. 34-303, R.C.M. 1947; (2)En. Sec. 4, Ch. 18, L. 1967; amd. Sec. 4, Ch. 485, L. 1973; amd. Sec. 1, Ch. 505, L. 1975; Sec. 34-304, R.C.M. 1947; R.C.M. 1947, 34-303(part), 34-304(part).

50-51-204. License fee -- late fee.

(1) (a) The department shall collect fees for each license required under [50-51-201](#) or for each annual license renewal as provided in subsection (1)(b). The department shall deposit 85% of the fees collected under this section into the local board inspection fund account created in [50-2-108](#), 11.25% of the fees into the general fund, and 3.75% of the fees into the account provided for in [50-51-110](#).

(b) Initial and renewal license fees are:

(i) \$40 annually for an establishment with no more than 10 rooms available for rental;

(ii) \$80 annually for an establishment with more than 10 but not more than 25 rooms available for rental; and

(iii) \$160 annually for an establishment with more than 25 rooms available for rental.

(2) (a) In addition to the license renewal fee required under subsection (1), the department shall collect a late fee of \$25 from any licensee who has failed to submit a license renewal fee prior to the expiration of the licensee's current license and who operates an establishment governed by this part in the next licensing year.

(b) The late fee must be deposited in the account provided for in [50-51-110](#).

History: En. Sec. 4, Ch. 18, L. 1967; amd. Sec. 4, Ch. 485, L. 1973; amd. Sec. 1, Ch. 505, L. 1975; R.C.M. 1947, 34-304(a); amd. Sec. 48, Ch. 281, L. 1983; amd. Sec. 2, Ch. 336, L. 1983; amd. Sec. 2, Ch. 247, L. 1989; amd. Sec. 3, Ch. 730, L. 1991; amd. Sec. 1857, Ch. 56, L. 2009; amd. Sec. 3, Ch. 482, L. 2009.

50-51-205. License fee to supersede other fees.

Payment of the license fee stipulated herein shall be accepted in lieu of any and all existing state fees and charges for like purposes or intent which may be existent prior to the adoption of this chapter.

History: En. Sec. 10, Ch. 18, L. 1967; R.C.M. 1947, 34-310.

50-51-206. License not transferable.

Such license shall not be transferable or be applicable to any premises other than that for which originally issued.

History: En. Sec. 4, Ch. 18, L. 1967; amd. Sec. 4, Ch. 485, L. 1973; amd. Sec. 1, Ch. 505, L. 1975; R.C.M. 1947, 34-304(part).

50-51-207. Expiration date of license.

(1) Except as provided in subsection (2), each license expires on December 31 following its date of issue unless canceled for cause.

(2) The department may amend or issue licenses to provide for staggered expiration dates. The department may provide for initial license terms of greater than 12 months but no more than 23 months in adopting staggered expiration dates. Thereafter, licenses expire annually. License fees for the license term implementing staggered license terms may be prorated by the department.

History: En. Sec. 4, Ch. 18, L. 1967; amd. Sec. 4, Ch. 485, L. 1973; amd. Sec. 1, Ch. 505, L. 1975; R.C.M. 1947, 34-304(part); amd. Sec. 4, Ch. 350, L. 1997; amd. Sec. 6, Ch. 412, L. 1997.

50-51-208. Local board to report number of licensees to department.

Before June 1 of each year, the local board of health shall submit to the department a list of the establishments in each jurisdiction that are licensed pursuant to this part.

History: En. Sec. 4, Ch. 18, L. 1967; amd. Sec. 4, Ch. 485, L. 1973; amd. Sec. 1, Ch. 505, L. 1975; R.C.M. 1947, 34-304(part).

50-51-209. Cancellation of license.

The department may cancel a license if it finds, after proper investigation, that the licensee has violated this chapter or a rule effective under this chapter and the licensee has failed or refused to remedy or correct the violation.

History: En. Sec. 5, Ch. 18, L. 1967; amd. Sec. 7, Ch. 349, L. 1974; amd. Sec. 2, Ch. 505, L. 1975; R.C.M. 1947, 34-305(part).

50-51-210. Submission of plan of correction as bar to cancellation.

Submission to the department of an acceptable plan of correction within 10 days after receipt from the department of written notice of violation and execution of an acceptable plan within the time prescribed in the written notice of approval of the plan by the department shall be a bar to prosecution for violation.

History: En. Sec. 5, Ch. 18, L. 1967; amd. Sec. 7, Ch. 349, L. 1974; amd. Sec. 2, Ch. 505, L. 1975; R.C.M. 1947, 34-305(part).

50-51-211. Notice and hearing required.

A license may not be denied or canceled by the department without delivery to the applicant or licensee of a written statement of the grounds therefor or the charge involved and an opportunity to answer at a hearing before the department to show cause, if any, why the license should not be denied or canceled. In such case, the licensee must make a written request to the department for a hearing within 10 days after notice of the grounds or charges has been received.

History: En. Sec. 5, Ch. 18, L. 1967; amd. Sec. 7, Ch. 349, L. 1974; amd. Sec. 2, Ch. 505, L. 1975; R.C.M. 1947, 34-305(2); amd. Sec. 3, Ch. 239, L. 1983.

50-51-212. Cancellation of license for multiple-type establishment -- definition.

(1) When a multiple-type establishment is licensed by the department, the denial or cancellation of the license may affect the entire establishment or only a portion of it as determined by the department.

(2) For the purposes of this section, "multiple-type establishment" includes two or more of the following: bed and breakfast, hotel, motel, or tourist home.

History: En. Sec. 5, Ch. 18, L. 1967; amd. Sec. 7, Ch. 349, L. 1974; amd. Sec. 2, Ch. 505, L. 1975; R.C.M. 1947, 34-305(3); amd. Sec. 5, Ch. 350, L. 1997.

50-51-213. Return of license for alteration or destruction.

On cancellation of a license or the right to operate one or more of the multiple-type establishments under the same license, the license certificate shall be returned to the department for destruction or deletion of types of establishment as the department may direct in its notice of cancellation.

History: En. Sec. 5, Ch. 18, L. 1967; amd. Sec. 7, Ch. 349, L. 1974; amd. Sec. 2, Ch. 505, L. 1975; R.C.M. 1947, 34-305(4).

50-51-214. Notification of and validation by local health officer.

(1) A license issued by the department under this chapter is not valid until signed by the local health officer in the county where the establishment is located.

(2) The local health officer shall, within 15 days after the department has notified the local health officer of its decision to issue a license under this chapter, make a final decision on whether the license will be validated.

(3) Failure of the local health officer to validate the license within 15 days after its receipt is a refusal.

History: En. Sec. 5, Ch. 200, L. 1979.

50-51-215. Refusal by local health officer -- appeal to board.

(1) The local health officer may refuse to validate a license issued under this chapter only upon a finding that the requirements of this chapter and any rules implementing it are not satisfied. If the local health officer refuses to validate the license, the officer shall notify the applicant and the department in writing stating the officer's reasons.

(2) The applicant or any person aggrieved by the decision of the local health officer not to validate a license may appeal the decision to the local board of health within 30 days after receiving written notice of the local health officer's decision.

(3) The hearing before the local board of health must be held pursuant to the contested case provisions of the Montana Administrative Procedure Act.

History: En. Sec. 6, Ch. 200, L. 1979; amd. Sec. 1858, Ch. 56, L. 2009.

50-51-301. Health officers to make investigations and inspections.

State and local health officers, sanitarians-in-training, and registered sanitarians shall make investigations and inspections of establishments and make reports to the department as required under rules adopted by the department.

History: En. Sec. 7, Ch. 18, L. 1967; amd. Sec. 107, Ch. 349, L. 1974; R.C.M. 1947, 34-307(a); amd. Sec. 5, Ch. 730, L. 1991.

50-51-302. Health officers to have free access.

State and local health officers, sanitarians-in-training, and registered sanitarians must be provided free access to establishments at all reasonable hours for the purpose of conducting investigations and inspections as required under this chapter.

History: En. Sec. 7, Ch. 18, L. 1967; amd. Sec. 107, Ch. 349, L. 1974; R.C.M. 1947, 34-307(b); amd. Sec. 6, Ch. 730, L. 1991.

50-51-303. Department to pay local board for inspections and enforcement.

(1) Before June 30 of each year, the department shall pay to a local board of health, as established under [50-2-104](#), [50-2-106](#), or [50-2-107](#), an amount from the local board inspection fund account created in [50-2-108](#) that must be used only for the purpose of inspecting establishments licensed under this chapter and enforcing the provisions of this chapter; provided, however, that:

- (a) there is a functioning local board of health; and
- (b) the local board of health, local health officers, sanitarians-in-training, and registered sanitarians:
 - (i) assist in inspections and enforcement of the provisions of this chapter and the rules adopted under it; and
 - (ii) meet minimum program performance standards as established under rules adopted by the department.

(2) The funds received by the local board of health pursuant to subsection (1) must be deposited with the appropriate local fiscal authority and must be used to supplement, but not supplant, other funds received by the local board of health that in the absence of funding received under subsection (1) would be available for the same purpose.

(3) Funds in the local board inspection fund account not paid to the local board of health as provided in subsection (1) may be used by the department, within any jurisdiction that does not qualify to receive payments from the local board inspection fund account, to enforce the provisions of this chapter and the rules adopted under it.

History: En. Sec. 4, Ch. 18, L. 1967; amd. Sec. 4, Ch. 485, L. 1973; amd. Sec. 1, Ch. 505, L. 1975; R.C.M. 1947, 34-304(part); amd. Sec. 6, Ch. 336, L. 1983; amd. Sec. 7, Ch. 730, L. 1991.

50-51-401. Civil penalties -- injunctions not barred.

(1) An establishment that violates this chapter or rules adopted by the department pursuant to this chapter is subject to a civil penalty not to exceed \$500.

(2) Civil action to impose penalties, as provided under this section, does not bar injunctions to enforce compliance with this chapter or to enforce compliance with a rule adopted by the department pursuant to this chapter.

History: En. Sec. 8, Ch. 730, L. 1991; amd. Sec. 7, Ch. 412, L. 1997; amd. Sec. 5, Ch. 334, L. 2011.

50-51-402. Injunctions.

The department or a local board of health may petition the district court to enjoin any action in violation of this chapter or of a rule adopted by the department pursuant to this chapter.

History: En. Sec. 9, Ch. 730, L. 1991.

50-51-403. Costs and expenses -- recovery by department or county.

In a civil action initiated by the department or a county under this chapter, the court may, by petition of the department or county, order an establishment that is found in violation of this chapter or rules adopted under this chapter to pay the costs of investigations and any other expenses incurred in enforcing the provisions of this chapter.

History: En. Sec. 10, Ch. 730, L. 1991.