

**BAN ON OPEN BURNING
EXTREME FIRE DANGER – STAGE II FIRE RESTRICTIONS
YELLOWSTONE COUNTY
RESOLUTION NO. 12-106**

WHEREAS, the Yellowstone County Board of Commissioners has the authority to declare a local emergency pursuant to Section 10-3-402, MCA and take actions consistent with Title 10, Chapter 3, Part 4, MCA; and

WHEREAS, the Board of County Commissioners of Yellowstone County, Montana, passed Resolution 12-56 on June 26, 2012, which ordered Stage I fire restrictions on federal, state and private lands within Yellowstone County due to the extreme fire danger; and

WHEREAS, the Board of County Commissioners of Yellowstone County, Montana passed Resolution 12-57 on June 28, 2012 ordering a Stage II open burning ban on federal, state and private lands within Yellowstone County due to extreme fire danger, and

WHEREAS, the fire danger has worsened due to the very extreme hot, dry and windy conditions in Yellowstone County and South Central Montana; and

WHEREAS, Yellowstone County and neighboring counties, have had and are having, wildfires destroying thousands of acres of range and timber land and residences; and

WHEREAS, the Billings Area Fire Restrictions Group (which includes representatives from the Forest Service, Bureau of Land Management, Bureau of Indian Affairs, National Park Service, Montana Department of Natural Resources and Conservation, Montana Department of Fish, Wildlife and Parks, and the County Fire Wardens of Big Horn, Carbon, Musselshell, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties) is continuing to coordinate efforts and restrictions to ease the public confusion and continue to recommend continuing Stage II Fire Restrictions with certain modifications including the allowance of certain agricultural operations including combining without and open burning permit; and

WHEREAS, the National Weather Service has predicted continued hot, dry, windy, dry lightning conditions and the weather outlook for the foreseeable future continues to be the same; and

///

WHEREAS, the Board of County Commissioners wants to prevent the possibility of human-caused rural wild land fires, avoid further resource and property damage, protect the public's health and safety and diminish the strain on fire-fighting personnel, equipment and budgets,

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That, per 7-33-2205 and 7-33-2212, MCA, the Board of County Commissioners continues the 2012 fire season from this date until this resolution is rescinded; and

2. That Stage II Fire Restrictions are ordered for all areas of Yellowstone County and

the following acts are prohibited until further notice:

- a. Building, maintaining, attending or using a fire or campfire.
 - b. Smoking, except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials,
 - c. Operating a chainsaw or other equipment powered by an internal combustion engine, blasting or welding between 1 p.m. and 1 a.m.
 - d. The use of fireworks.
3. **Exemptions** to the above prohibitions are allowed for:
- a. Persons using a fire solely fueled by liquid petroleum or LPG.
 - b. A federal, state, or local officer or member of an organized law enforcement,

rescue, or fire-fighting force in the performance of an official duty, or persons with a permit or written authorization allowing the otherwise prohibited act.

c. Operating motorized vehicles on designated roads and trails.

d. Emergency repair of public utilities and railroads.

e. Any Federal, State, or local officer, member of an organized rescue or firefighting force in the performance of their official duty.

f. All land within a city boundary.

g. Agricultural harvesting, and off road activities associated with the agricultural operations (e.g. maintaining livestock, watering facilities, etc.). Farmers and ranchers are encouraged to keep harvesting equipment in good working order to prevent sparks, provide spark arrestors, and to carry fire fighting tools with them while harvesting and tending to other agricultural operations off road.

h. An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity, including possible criminal and civil sanctions as determined by a court of competent jurisdiction.

4. That the public, while traveling on all Yellowstone County roads, excluding interstate and secondary paved roads, are encouraged to carry a shovel, axe, and bucket in their vehicles to suppress wildland fires; and

5. That the Air Pollution Office cease and desist from issuing open burning permits during this period, with the exception of agricultural burning permits; and

6. That the Yellowstone County Sheriff's Office will enforce this resolution and issue citations to violators where necessary per 7-33-2206, MCA.

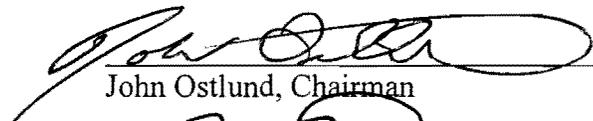
///

7. That any person who purposely ignites a fire in violation of this section shall reimburse the county governing body or recognized protection agency for costs incurred for any fire suppression activities resulting from the illegal fire.

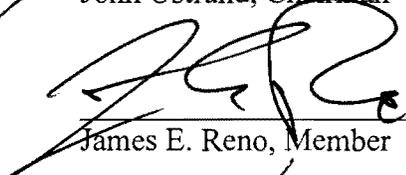
8. That this Resolution, upon its passage, rescinds and replaces Resolution 12-57 and is effective until further action by the Yellowstone County Board of Commissioners.

THIS RESOLUTION IS EXECUTED this 19 day of July, 2012. It is effective upon passage.

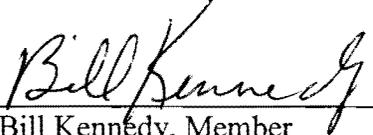
BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA



John Ostlund, Chairman

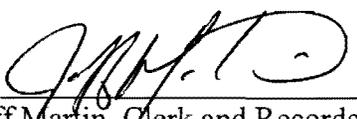


James E. Reno, Member



Bill Kennedy, Member

ATTEST:



Jeff Martin, Clerk and Recorder

cc: Duane Winslow, County Disaster and Emergency Services Director
Russ Boschee, Air Pollution
All County Fire Chiefs
Sheriff Mike Linder
All County Media
9-1-1 Center, Billings
9-1-1 Center, Laurel
DNRC
BLM