BAN ON OPEN BURNING & STAGE 1 FIRE RESTRICTIONS

HIGH FIRE DANGER

YELLOWSTONE COUNTY

RESOLUTION NO. 10- 71

WHEREAS, the Board of County Commissioners of Yellowstone County, Montana, have received a burning ban recommendation from the County Fire Warden, the Rural Fire Departments and from the Billings Area Restrictions Group. These groups suppress wildland fires and coordinate fire restrictions on federal, state and private lands in the Billings area and Yellowstone County. They include representatives from the Volunteer Fire Departments in the County, US 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; and

WHEREAS, the Board of County Commissioners want to establish public awareness of the fire danger in Yellowstone County and aid in the prevention of rural wild land fires; and

WHEREAS, the abundant moisture this past spring has provided above average growth of grasses, vegetation and light fuels throughout the County; and

WHEREAS, the Board of County Commissioners has investigated said requests and the current conditions in the County and finds said requests to be in the best interest and welfare of the citizens of Yellowstone County, Montana; and

WHEREAS, several wild land fires have already occurred, burning many acres of range and timber land throughout Yellowstone County and neighboring counties, requiring the expenditure of tax dollars and volunteer time for fire fighting; and

WHEREAS, neighboring counties have also instituted Stage 1 Fire Restrictions; and

WHEREAS, the public is asked to honor the burning ban and the restrictions to decrease the chance of human-caused fires and avoid further resource and property damage as well as additional strains on fire-fighting personnel, equipment and budgets,

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That, per 7-33-2205, MCA, the Board of County Commissioners set the 2010 fire season from the effective date of this resolution until this resolution is rescinded; and
2. That, during the fire season, a person may not ignite or set a fire, including a slash-burning fire, land-clearing fire, debris-burning fire, or open fire within the county protection area on any residential or commercial property, forest, range, or croplands subject to the provisions of this part without having obtained an official written permit or permission to ignite or set a fire from the recognized protection agency for that protection area with the exception of agricultural burning per 3.f below. A permit or permission is not needed for recreational fires measuring less than 48 inches in diameter that are surrounded by a nonflammable structure and for which a suitable source of extinguishing the fire is available.
3. That, Stage 1 Fire Restrictions are ordered for all areas of Yellowstone County and **the following acts are prohibited until further notice**:
   - Building, maintaining, attending, or using a fire or campfire unless noted in the exemptions.
   - 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.

   Exemptions to the above prohibitions are allowed only for:

   a. Persons with a written permit that specifically authorizes the otherwise prohibited act.
   b. Persons using a fire solely fueled by liquid petroleum or LPG that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within three (3) feet of the device.
   c. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.

d. All land within a city or town boundary is exempted.
e. Other exemptions unique to each agency/tribe.
f. Farmers & ranchers, with an approved open burning permit, can burn agricultural lands and/or ditches with approval of their local fire department.

4. That, the Air Pollution Office cease and desist from issuing open burning permits during this period and suspend existing permits, with the exception that agricultural burning permits can be issued per 3.f above and that the Air Pollution Office notify current permit holders of these restrictions; and
5. That, a 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, as provided in 50-63-103 MCA. The Yellowstone County Sheriff's Office will enforce this resolution and issue citations to violators where necessary per 7-33-2206, MCA.

THIS RESOLUTION IS EXECUTED this 24 day of August, 2010. It is effective upon execution.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Bill Kennedy, Chairman

John Ostlund, Member

Jim Reno, Member

ATTEST:

Tony Nave
Clerk and Recorder

cc: Duane Winslow, County Fire Warden
Riverstone Health/Air Pollution
All County Fire Chiefs
Sheriff Bell
All County Media
9-1-1 Center, Billings
9-1-1 Center, Laurel
Derek Yeager, DNRC
Steve Wilkins, DNRC
Irv Leach, BLM