



# LINCOLN COUNTY MONTANA

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STATE OF MONTANA LINCOLN COUNTY

RECORDED: 08/02/2023 10:57 KOI: RESOLUTION

CORRINA BROWN CLERK AND RECORDER

FEE: \$0.00 BY *Michelle Bynd Deputy*

FOR: LINCOLN COUNTY BOARD OF COMMISSIONERS 512 CALIFORNIA AVE,

## Resolution 2023-25

### AMENDED

### EMERGENCY RESOLUTION PROHIBITING OPEN BURNING

WHEREAS, Lincoln County is experiencing a period of VERY HIGH to EXTREME fire danger.

WHEREAS, Fire managers within the Northwest Montana Region have collectively agreed that Stage 1 Fire Restrictions are to be implemented.

WHEREAS the County Commissioners are authorized by MCA 7-33-2205 to restrict open burning.

WHEREAS, on July 26, 2023, the Lincoln County Commissioners adopted Resolution 2023-24, Emergency Resolution Prohibiting Open Burning.

NOW, THEREFORE, BE IT RESOLVED, that as of July 29, 2023, at 0001 hours, the following acts or uses are prohibited on any forest, range, cropland, county park, commercial or private land:

1. Building, maintaining, attending, or using a fire or campfire.
2. 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.

#### Stage I Exemptions:

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.





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2. Persons using a device solely fueled by liquid petroleum or LPG fuels 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 materials within three feet of the device.
3. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
4. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
5. All land within a city boundary is exempted. \*Review local ordinances specific to jurisdiction.
6. Other exemptions unique to each agency/tribe.

### Violations:

- 1) You could be fined up to \$5,000 individually or \$10,000 for an organization and imprisoned up to 6 months for violating restrictions and closures.
- 2) You can be held liable for all suppression costs and damages if you start a fire.

BE IT FURTHER RESOLVED that as provided by MCA 7-33-2206 any person who ignites any open fire, not within the established Stage 1 Restriction Procedures, without a written permit from the fire protection agency with jurisdiction over the area in which the fire is ignited, is guilty of a misdemeanor.

### **THE BOARD FURTHER RESOLVES:**

1. If a provision of this resolution conflicts with a provision of a previously adopted resolution, this resolution will prevail.
2. This resolution will be effective immediately upon adoption, in accordance with § 7-5-123, MCA.
3. This resolution and its various sections, clauses and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the resolution will not be affected.





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4. This Board directs that this resolution be entered into the minutes and signed by the Chair.

### END OF RESOLUTION

Approved as to Form:

\_\_\_\_\_  
Marcia Boris, County Attorney

Date presented to the Board 8/2/2023      Approved  Disapproved [ ] Amended [ ]

Adopted this 2nd day of August, 2023

LINCOLN COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Josh Letcher, Chair

ATTEST:

\_\_\_\_\_  
Corrina L. Brown, Clerk of the Board

