



LINCOLN COUNTY MONTANA

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STATE OF MONTANA LINCOLN COUNTY

RECORDED: 08/02/2023 11:01 KOI: RESOLUTION

CORRINA BROWN CLERK AND RECORDER

FEE: \$0.00 BY: *Michelle Byrd Deputy*

FOR: LINCOLN COUNTY BOARD OF COMMISSIONERS 512 CALIFORNIA AVE,

RESOLUTION 2023-26

EMERGENCY RESOLUTION PROHIBITING OPEN BURNING STAGE II

THE BOARD OF COUNTY COMMISSIONERS FOR LINCOLN COUNTY, MONTANA FINDS:

1. Lincoln County is experiencing a period of VERY HIGH to EXTREME fire danger; and
2. Fire Managers within the Northwest Montana Region have collectively agreed that Stage II Fire Restriction should be enacted; and
3. The County Commissioners are authorized by MCA 7-33-2205 to restrict open burning.

THE BOARD RESOLVES:

That on Aug 5, 2023, at 0001 hours, the ignition of any open fire on any forest, range, cropland, county parks, commercial property and on private property, unless within the guidelines of Stage II Restriction Procedures, is hereby prohibited.

STAGE II RESTRICTIONS

The following acts are prohibited until further notice:

1. Building maintaining, attending, or using a fire or campfire.
2. Use of Fireworks/pyrotechnics
3. 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.
4. The following acts are prohibited from **1:00 p.m. to 1:00 a.m.**
 - a) Operating any internal combustion engine.





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- b) Welding or operating acetylene or other torch with open flame.
- c) Use of explosives.

A patrol is required for **two hours** following the cessation of all work as described above.

- 5. Operating motorized vehicles off designated roads and trails.

Exemptions:

- 1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
- 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. Mowing lawns that are deep green and irrigated.
- 4. Operating generators with an approved spark arresting device within an enclosed vehicle or building or in an area that is barren or cleared of all overhead and surrounding flammable materials within three feet of the generator.
- 5. Construction sites that are barren or cleared of all flammable materials are not restricted, provided required fire mitigation is in place, tool, fire extinguisher or backpack water pumps.
- 6. Operating motorized vehicles on designated roads and trails.
- 7. Agricultural operations are exempted provided required fire mitigation in place, tool, fire extinguisher or backpack water pumps.
- 8. Emergency Repair, Maintenance, Operations or Construction of public utilities and railroads, required fire mitigation in place, tool, fire extinguisher, water pumps (Backpack or when welding pumper) on roadway or off roadway.
- 9. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
- 10. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
- 11. All land within a city boundary is exempted.

THE BOARD FURTHER RESOLVES:

That as provided by MCA 7-33-2206 and 7-33-2212 any person who ignites any open fire not within the established Stage II Restriction Procedures, is guilty of a misdemeanor and may be required to reimburse a fire protection agency for costs incurred for any fire suppression activities resulting from the illegal fire as provided in MCA 50-63-103.





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BE IT FURTHER RESOLVED:

1. If a provision of this resolution conflicts with a provision of a previously adopted resolution, this resolution will prevail.
2. 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.
3. This resolution will be effective immediately upon adoption, in accordance with § 7-5-123, MCA.
4. This Board directs that this resolution be entered into the minutes and signed by the Chair of the Board in accordance with § 7-5-121, MCA.

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

