



# LINCOLN COUNTY MONTANA

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STATE OF MONTANA LINCOLN COUNTY

RECORDED: 07/31/2024 12:33 KOI: RESOLUTION

CORRINA BROWN CLERK AND RECORDER

FEE: \$0.00 BY: *Deleisha Storkson deputy*

FOR: LINCOLN COUNTY BOARD OF COMMISSIONERS 512 CALIFORNIA AVE,

## Emergency Resolution 2024-21

### A RESOLUTION TO DECLARE AN EMERGENCY RESULTING FROM EXTREME FIRE CONDITIONS AND THREAT TO PUBLIC SAFETY

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

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 as of midnight on Friday, August 2, 2024, and;

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

NOW, THEREFORE, BE IT RESOLVED, that as of August 2, 2024, at midnight, 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.
2. Persons using a grill device solely fueled by liquid petroleum, LPG fuels, or pellets that can be turned on and off. Such devices can only be used on private land in an area that is barren or cleared of all overhead and surrounding materials within three feet of the device. Using such device on USFS is prohibited.
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:



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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 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:

  
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Marcia Boris, County Attorney

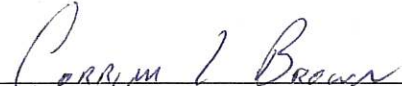
Date presented to the Board July 31st, 2024      Approved  Disapproved [ ] Amended [ ]

Adopted this 31st day of July 2024.

LINCOLN COUNTY BOARD OF COMMISSIONERS

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

ATTEST:

  
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Corrina L. Brown, Clerk of the Board