

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 21-44

A Resolution Prohibiting Burning Stage II

WHEREAS, Yellowstone County is experiencing a period of VERY HIGH to EXTREME fire danger;

WHEREAS, Yellowstone County and surrounding counties have already within the past few weeks experienced fires that have been a significant danger to life and property;

WHEREAS, the Yellowstone County Board of Commissioners has the authority to declare a local emergency pursuant to MCA § 10-3-402 and take actions consistent with such declaration;

WHEREAS on June 15, 2021, the Board of County Commissioners of Yellowstone County passed Resolution 21-39 which ordered Stage I fire restrictions on private lands within Yellowstone County due to the extreme fire danger;

WHEREAS, the fire danger has worsened due to the very extreme hot, dry, windy conditions in Yellowstone County and these conditions are predicted by the National Weather Service to continue for the foreseeable future;

WHEREAS, Fire managers within the region have agreed, and the County Fire Marshall has recommended, that Stage II Fire restriction should be enacted;

WHEREAS, the Board of County Commissioners are authorized by law including MCA §§ 7-33-2205 and 7-33-2212, to restrict burning within the County;

NOW, THEREFORE BE IT RESOLVED, that as of June 23, 2021 at 12:01am, the ignition of any open fire on any forest, range, cropland, county parks and/or private property, unless within the below guidelines of Stage II Restriction Procedures, is hereby prohibited. More particularly the below shall outline restrictions until such time this resolution is rescinded:

STAGE II RESTRICTIONS

The following shall be prohibited and followed until further notice:

1. Building, maintaining, attending, or using a fire or campfire for any purpose.
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.
3. Operating a chainsaw or other equipment powered by an internal combustion engine, blasting, or welding between 1 p.m. and 1 a.m.
4. The use of any combustible entertainment device including but not limited to fireworks, unless granted a permit from the Yellowstone County Sheriff for community-related purposes and subject to the requirements put into place by the Sheriff.
5. Operating motorized vehicles off designated roads and trails.

Exemptions to the above prohibitions will be allowed only with an Exemption Permit and only for the following:

- a) Persons using a fire solely fueled by liquid petroleum or LPG, except in using such fuel to light a fire restricted as detailed above.
- 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.
- c) Emergency repair of public utilities and railroads.
- d) 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 firefighting tools with them while harvesting and tending to other agricultural operations off-road.

- e) Any federal, state, or local officer or member of an organized rescue or firefighting force in the performance of their official duty.


None of the above exemptions shall absolve an individual or organization from liability or responsibility for any fire ignited by the exempted activity, including possible criminal and/or civil sanctions as determined by a court.

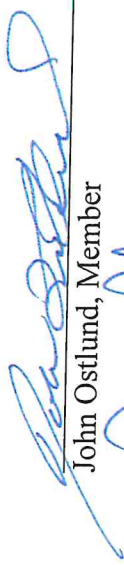
In addition, the public, while traveling on all Yellowstone County roads excluding interstate and secondary paved roads, are encouraged to carry a shovel, axe, and bucket in their vehicles to suppress wildland fires.


The Yellowstone County Sheriff's Office will enforce this resolution and issue citations to violators where necessary in accordance with MCA § 7-33-2206. Any person who purposely ignites a fire in violation of this resolution shall reimburse the county governing body or recognized protective agency for any resulting costs incurred.

DATED this 22 day of June 2021.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


Donald W. Jones, Chairman


John Ostlund, Member


Denis Pitman, Member

Attest:


Jeff Martin
Yellowstone County Clerk and Recorder

cc: KC Williams, County Fire Warden
All County Fire Chiefs
Sheriff Linder
All County Media
9-1-1 Center, Billings
9-1-1 Center, Laurel
Jeff Brown, DNRC
Isaac Wald, BLM