

RESOLUTION 2021 – 66

A RESOLUTION TO ESTABLISH STAGE TWO FIRE RESTRICTIONS

WHEREAS, this Resolution is issued in compliance with Sections 7-1-101 and 7-33-2212 of the Montana Code Annotated;

NOW, THEREFORE BE IT RESOLVED, that at the request of the Lewis & Clark County Fire Warden, supported by the Rural Fire Council, pursuant to 7-33-2212 MCA, the Board of Commissioners designate Lewis & Clark County lands a high fire hazard area;

BE IT FURTHER RESOLVED, that the following acts are prohibited at any time on private and public property until further notice:

1. Building, maintaining, attending, or using a fire or campfire unless noted in the exemptions below.
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. The use of fireworks.
4. Operating motorized vehicles off designated roads and trails.

The below acts are prohibited from 1:00pm to 1:00am. Additionally, a one-hour patrol in the work area is required following the cessation of all activities as identified in 1-3 below.

1. Operating a chainsaw or other equipment powered by an internal combustion engine for felling, bucking, skidding, or firewood gathering.
2. Outdoor welding or operating acetylene or other type torch with open flame.
3. Using any explosive.

IT IS FURTHER RESOLVED, that the aforementioned restrictions are subject to the following exemptions, which do not relieve an individual or organization from liability or responsibility for any fire started by the exempted activity:

1. Persons with written authorization from the Lewis and Clark County Commissioners that specifically authorizes the otherwise prohibited act.
2. Persons using a cooking device fueled by liquid petroleum or LPG fuels that can be turned on or off, or, within the confines of residential use, a commercial barbeque that utilized charcoal briquettes.
3. 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.
4. Operating motorized vehicles on designated roads and trails.
5. Repair, maintenance, and construction of infrastructure, public utilities, and railroads.
6. Persons conducting activities in those designated areas where the activity is specifically authorized by official written posted notice.
7. Any Federal, State, or local officer, or member of an organized rescue or firefighting force, in the performance of an official duty.
8. All land within a city boundary is exempted.

9. Agricultural activity (other than open burning), including operating agricultural machinery, unrelated to forest harvest if operational fire extinguisher or fire suppression equipment is immediately available.
10. Residential and commercial lawn and grounds maintenance.
11. Construction site activities on private lands, including construction of roads, utilities, and residential or commercial structure, if operational fire extinguisher or fire suppression equipment is immediately available.
12. Operations of private business to the extent that this resolution compels the private business to deny a customer of the private business access to the premises or access to the goods or services, or denies a customer of a private business the ability to access goods or services provided by the private business, pursuant to 7-5-121(2) MCA.

IT IS FURTHER RESOLVED, that this resolution becomes effective at 12:01am, Saturday, July 31, and shall remain in effect until such time as it is amended or rescinded by the Board of County Commissioners.

Dated this _____ day of July, 2021.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Andy Hunthausen, Chair

ATTEST:

Amy Reeves, Clerk of the Board