

**BAN ON OPEN BURNING & STAGE 1 FIRE RESTRICTIONS**

**HIGH FIRE DANGER**

**YELLOWSTONE COUNTY**

**RESOLUTION NO. 21-39**

WHEREAS, the Board of County Commissioners of Yellowstone County, Montana, have received a burning ban recommendation from the County Fire Warden, the Rural Fire Departments and from State and Federal land management partners. These groups suppress wildland fires and coordinate fire restrictions on federal, state and private lands in the Billings area and Yellowstone County. They include representatives from the Volunteer Fire Departments in the County, US Forest Service, Bureau of Land Management, Bureau of Indian Affairs, National Park Service, Montana Department of Natural Resources and Conservation, Montana Department of Fish, Wildlife and Parks, and the County Fire Wardens of Big Horn, Carbon, Musselshell, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties; and

WHEREAS, the Board of County Commissioners want to establish public awareness of the fire danger in Yellowstone County and aid in the prevention of rural wild land fires; and

WHEREAS, the hot weather and lack of precipitation has caused grasses, vegetation and light fuels throughout the County to become extremely dry; and

WHEREAS, the Board of County Commissioners has investigated said requests and the current conditions in the County and finds said requests to be in the best interest and welfare of the citizens of Yellowstone County, Montana; and

WHEREAS, wild land fires have already occurred, burning many acres of range and timber land throughout Montana, requiring the expenditure of tax dollars and volunteer time for fire fighting; and

WHEREAS, the public is asked to honor the burning ban and the restrictions to decrease the chance of human-caused fires and avoid further resource and property damage as well as additional strains on fire-fighting personnel, equipment and budgets,

**NOW, THEREFORE, IT IS HEREBY RESOLVED:**

1. That, per 7-33-2205, MCA, the Board of County Commissioners set the 2021 fire season from the effective date of this resolution until this resolution is rescinded; and
2. That, during the fire season, a person may not ignite or set a fire, including a slash-burning fire, land-clearing fire, debris-burning fire, or open fire within the county protection area on any residential or commercial property, forest, range, or croplands subject to the provisions of this part without having obtained an official written permit or permission to ignite or set a fire from the recognized protection agency for that protection area with the exception of agricultural burning per 3.d.ii below.
3. That, Stage 1 Fire Restrictions are ordered for all areas of Yellowstone County and **the following acts are prohibited until further notice**:
  - a. Building, maintaining, attending, or using a fire unless noted in the exemptions BELOW.
  - b. 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.

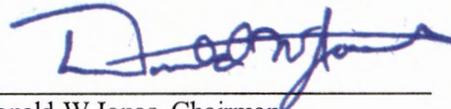
**Exemptions to the above prohibitions are allowed only for:**

- a. Persons using a fire solely fueled by liquid petroleum or LPG 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 flammable materials within three (3) feet of the device.
- b. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
- c. All land within a city or town boundary is exempted.
- d. Other exemptions unique to Yellowstone County including.
  - i. Recreational fires or commercial type of fixed or portable outdoor fireplaces measuring less than 48 inches in diameter that are surrounded by a nonflammable structure and for which a suitable source of extinguishing the fire is available.
  - ii. Farmers and ranchers or companies with a valid burn permit and a written permit from the County Fire Warden and/or Local Fire Chief that specifically authorizes the otherwise prohibited act.
4. That, the County Fire Warden cease and desist from issuing new open burning permits during this period and suspend existing permits, with the exception of 3.d.ii above; and
5. That, a person who purposely ignites a fire in violation of this section
  - i. Shall reimburse the county governing body or recognized protection agency for costs incurred for any fire suppression activities resulting from the illegal fire, as provided in 50-63-103 MCA.
  - ii. Could be fined up to \$5,000 individually or \$10,000 for an organization and imprisoned for up to 6 months for violating restrictions and closures.
6. The Yellowstone County Sheriff's Office will enforce this resolution and issue citations to violators where necessary per 7-33-2206, MCA.

THIS RESOLUTION IS EXECUTED this 15<sup>th</sup> day of June, 2021.  
It is effective at 12:01am on the 16<sup>th</sup> day of June, 2021.

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA



Donald W Jones, Chairman

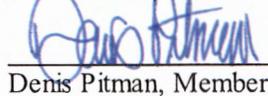
ATTEST:



Jeff Martin  
Clerk and Recorder



John Ostlund, Member



Denis Pitman, Member

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