

RESOLUTION NO. 14-2017

**BAN ON OPEN BURNING
EXTREME FIRE DANGER – STAGE II FIRE RESTRICTIONS**

WHEREAS, the Fergus County Board of Commissioners has the authority to declare a local emergency pursuant to Montana Code Annotated § 10-3-402 and take action consistent with Title 10, Chapter 3, Part 4; and

WHEREAS, the Fergus County Board of Commissioners passed Resolution No. 13-2017 on July 14, 2017, ordering Stage I fire restrictions on private land within Fergus County due to extreme fire danger; and

WHEREAS, the fire danger has worsened due to the very extreme hot, dry, and windy conditions in Fergus County and Central Montana; and

WHEREAS, Fergus County and neighboring counties are experiencing wildfires destroying thousands of acres of timber, range, and structures; and

WHEREAS, the Lewistown Area Fire Restrictions Group has recommended moving from State I to Stage II fire restrictions; and

WHEREAS, the National Weather Service has predicted continued hot, dry, and windy weather conditions with a likelihood of dry lightning; and

WHEREAS, the Board of County Commissioners wishes to reduce the possibility of human-caused wildfires, thereby reducing further resource and property damage; protecting the public's health and safety; and diminishing the strain on firefighting personnel, equipment, and budgets;

NOW, THEREFORE, BE IT RESOLVED:

1. The following acts are prohibited until further notice.

- a. Building maintaining, attending, or using a campfire.
- 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.
- c. Operating motorized vehicles off designated roads and trails.
- d. The following acts are prohibited from 1:00 p.m. to 1:00 a.m.:
 - i. Operating any internal combustion engine.

- ii. Welding or operating an acetylene or other torch with open flame.
- iii. Using an explosive.
- e. A one-hour foot patrol in the work area is required following cessation of all work as described in (d) above.

2. The following exemptions shall be in place.

- a. Persons with a written permit that specifically authorizes the otherwise prohibited act.
- b. 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 flammable materials within 3 feet of device.
- c. Operating generators with approved spark arrestors within an enclosed vehicle or building or in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the generator.
- d. Operating motorized vehicles on designated roads and trails.
- e. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
- f. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
- g. All land within a city boundary is exempted.
- h. Other exemptions unique to each agency/tribe.
- i. Operations for the following classes of activities and industries that require travel off designated roads, or operating equipment powered by an internal combustion engine or other activities are allowed, as long as the mitigation measures described below are met.
 - i. Farming and ranching operations, including:
 - agricultural harvest, planting, and tilling;
 - care of livestock (feeding, tending, watering, or moving);
 - routine fence and other maintenance.
 - ii. Utilities, communications and cable television operations, including:
 - emergency repairs;

- routine maintenance of distribution lines, transmission lines, and rights-of-way.

iii. Oil and gas operations

- emergency repairs;
- routine maintenance and operations.

iv. Open cut mining (sand and gravel) and mine rehab operations

- emergency repairs;
- routine maintenance and operations.

3. Exemptions may be obtained from the Fergus Count Fire Warden. Operations that are not covered under an exemption listed above may be granted on an individual exemption permit by the agency having jurisdiction on a case-by-case basis. All new construction occurring outside of a developed area requires an individual exemption permit. **An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.**

4. Required Mitigation Measures.

a. All vehicles operating under these exemptions must have:

- a sound, functional exhaust system and/or spark arrestor;
- a fire extinguisher, minimum class 4BC rating and 2½ pounds;
- at least 4 gallons of water available, with a minimum of a two-gallon container capable of being pressurized with a hand pump, or one five-gallon backpack pump;
- one firefighting tool per person (#0 shovel or Pulaski).

b. All equipment powered by an internal combustion engine must be equipped with a spark arrestor. A **one** hour foot patrol in the work area is required following cessation of all work as described above

c. All surface blasting, welding and grinding will occur **only** between 1:00 a.m. and 1:00 p.m. Additional requirements include:

- a spark shield surrounding the entire area;
- a one hour foot patrol in the work area is required following cessation of all work as described above

d. For any work involving welding, blasting or grinding, or equipment powered by an internal combustion engine, the following firefighting equipment, at a minimum, must be present on site at all times:

- at least 4 gallons of water available, with a minimum of a two-gallon container capable of being pressurized with a hand pump, or one five-gallon backpack pump
- one firefighting tool per person (#0 shovel or Pulaski)

5. Recommended Mitigation Measures.

a. When practical, all activities covered under these exemptions should be limited to the hours between 1:00 a.m. and 1:00 p.m.

b. For agricultural harvest, the following is recommended to be at the worksite at all times:

- a truck or trailer with 100-gallon capacity water tank and 10 GPM pump with hose;
- a tractor with tillage equipment attached for emergency line construction.

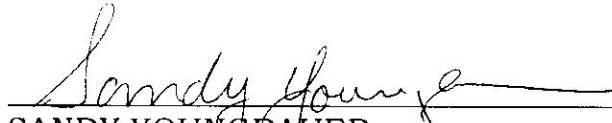
6. Montana State Law requires that anyone who causes a wildland fire is financially liable for suppression costs and damages.

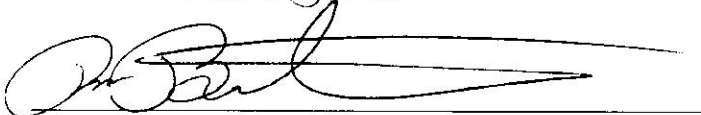
7. This Resolution takes effect at 12:01 a.m. August 4, 2017.

ADOPTED this 27 day of July, 2017 by the Board of Commissioners, Fergus County, Montana.

BOARD OF COMMISSIONERS:


CARL SEILSTAD


SANDY YOUNGBAUER


ROSS BUTCHER

ATTEST:


RANA WICHMAN, Clerk & Recorder