

Resolution No. 8-2019

A RESOLUTION ESTABLISHING AN ANNUAL FIRE SEASON FOR FERGUS COUNTY AND A PROCESS FOR OBTAINING BURN PERMITS

WHEREAS, Montana Code Annotated § 7-33-2205 provides for the establishment of an annual fire season; and

WHEREAS, Montana Code Annotated § 76-13-121 provides for permits to be required for burning during a fire season; and

WHEREAS, Montana Code Annotated § 7-33-2206 provides penalties for burning without a permit;

NOW THEREFORE BE IT RESOLVED, THAT THE FOLLOWING
REGULATIONS SHALL GOVERN OPEN BURNING PERMITS:

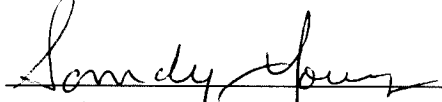
- I. Fergus County's fire season shall be from 12:00 a.m. on January 1 of each year to 11:59 p.m. on December 31 of each year.
- II. Individuals wishing to burn during the fire season must obtain a permit. Permits shall expire on December 31 on ~~even~~ ^{odd} numbered years.
- III. Individuals with burn permits shall call into the Dispatch each day of ignition after receiving authorization to burn.
- IV. The permit process shall be monitored by the Fergus County Disaster and Emergency Services coordinator as the point of contact.

PASSED AND APPROVED on June 10, 2019.

BOARD OF COMMISSIONERS:



Ross Butcher



Sandy Youngbauer



Carl Seilstad

ATTEST:



Rana J. Wichman, Clerk & Recorder



Fergus County Burn Permit

Please read the following carefully before applying for an open burning permit. Any burn over 48 inches in diameter (which may include recreation fires) requires a burn permit. Your signature on the permit will acknowledge that you have read and understand the liability you hold in regards to open burning.

Pursuant to Montana Code Annotated § 7-33-2205, the County governing body requires written permits for all open burning within County jurisdiction.

The signed permit is good from the time of issue until December 31 on even number years at which time a new permit will be needed. The permit will be maintained by the Fergus County Disaster and Emergency Services (DES) Coordinator. A list of permits will be made available to the Dispatch Center.

The permit holder must obtain authorization to burn each time he/she kindles a fire throughout the permit period from their Fire District Designee(s) and notify the Dispatch Center (406) 535-3415. You are liable if you provide false information to dispatch under Montana Code Annotated § 47-5-208.

Permission may be granted only on days when weather conditions are conducive to controlling a fire. Permission may not be granted during dry spells, windy days, or other conditions that would make it difficult to control a fire. An open burning permit may be suspended or revoked at any time when conditions warrant or when the permit holder is in non-compliance with the Fergus County Burn Permit Resolution. The County Fire Warden has the authority to discontinue any open burn. This permit may be cancelled or revoked for any cause at any time, and you will be burning illegally.

Under the provision of Montana Code Annotated § 50-63-103, you are liable for any and all fire suppression costs, or damages resulting from an escaped or uncontrollable fire.

You are liable for any fines and/or restitution even if you have been issued a permit. Under Montana Code Annotated § 45-6-102, a person commits the offense of Negligent Arson if he/she purposely places the property of another in danger of damage or destruction.

You are liable under Fergus County Ordinance 2-2017 if you burn without a permit or during any fire restrictions.

The following common materials are PROHIBITED to be burned AT ANY TIME in accordance with ARM 17-8-604:

- Food wastes
- Styrofoam and other plastics
- Treated lumber and timbers
- Wood and wood byproducts that have been coated, painted, stained, treated, or contaminated by a foreign material.
- Plywood, oriented strand board (OSB) and particleboard.
- Poultry litter and animal droppings
- Dead animals or dead animal parts
- Tires and rubber material
- Asphalt shingles and tar paper
- Oil or petroleum products
- Waste generating noxious odors
- Hazardous or pathogenic waste
- Chemicals or paint
- Other items as listed in ARM 17-8-604

Once you have been issued a permit, it is your responsibility to contact your Fire Chief, or designee(s) and then the Dispatch Center (406)535-3415 on each day that burning is anticipated and provide the following information:

1. Location of burn
(Burn Area must be located at least 50 feet from any structure or combustible materials.)
2. Materials to be burned:
 - Grass / hay / weeds
 - Paper Products
 - Yard waste
 - Slash pile
3. Size of fire
 - Up to 10 x 10
 - Between 10 x 10 and 24 x 24
 - Larger than 24 x 24
 - Field / Fence line / ditch
4. Name and contact number of the responsible party, and confirmation that the fire will be attended at all times
5. What time are you anticipate beginning the burn
6. What time do you anticipate finishing the burn, if the burn continues after dark you must contact your fire official and the dispatch center.

7-33-2205. Establishment of fire season-- permit requirements-- reimbursement of costs. (1) The county governing body may in its discretion establish fire seasons annually, during which 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

(2) A permit or permission is not needed for recreational fires 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.

(3) A person who purposely ignites a fire in violation of this section shall reimburse the county governing body or recognized protection agency for all costs incurred for any fire suppression activities resulting from the illegal fire, as provided in 50-63-LO J.

7-33-2206. Violations. A person who ignites or sets a fire, including a slash-burning fire, land-clearing fire, debris-burning fire, or open fire on any residential or commercial property, forest, range, or cropland subject to the provisions of this part without first having obtained a written permit or permission from the recognized protection agency for that protection area to ignite or set the fire is guilty of a misdemeanor

76-13-121. Permit for burning required. (1) During the wildfire season or an expansion of the wildfire season, a person may not ignite or set a fire, including a slash-burning fire, land-clearing fire, debris-burning fire, or, except as provided in subsection (2), an open fire without an official written permit to ignite or set the fire from the recognized agency for that protection area.

(2) (a) If no restrictions are in place, a permit is not needed for recreational fires measuring less than 48 inches in diameter that are surrounded by a nonflammable area or structure and for which a suitable source of extinguishing the fire is available.

(b) A recreational fire may not be ignited if special restrictions prohibiting recreational fires have been established by an authority having jurisdiction

FERGUS COUNTY

CONTROLLED BURNING AUTHORIZATION

FIRE DISTRICT: _____

DATE OF ISSUE: _____

EXPIRES: _____

*PRIOR TO EACH BURN YOU MUST CONTACT YOUR FIRE DISTRICT TO OBTAIN
AUTHORIZATION TO ACTIVATE PERMIT AND CONTACT DISPATCH TO NOTIFY
THEM OF THE BURN.*

NAME

ADDRESS OR LOCATION

PHONE

INSTRUCTIONS

RESPONSIBILITY: The individual requesting this authorization to burn assumes all responsibility for the controlled fire, and is liable for claims, or damages resulting from the burn. Fergus County, the Rural Fire District, and their members cannot be held responsible under any circumstances for the issuance of this permit.

NOTIFICATION TO FIRE DISTRICT: On the day of the controlled burn, receive authorization from the Fire District Designee(s) and notify the Dispatch Center.

TIME AND ATMOSPHERE RESTRICTION: Controlled burning will only be performed during daylight hours, and when atmospheric conditions comply with the limits set forth by the state air quality guidelines.

LOCATION: Controlled burning will not be conducted within 50 feet of any structure. Combustible materials not intended to burn and flammable liquids will be moved the same distance. Precautions must be made in light grass and brush to ensure the fire will not burn out of the controlled area.

FIRE CONTROL: An adequate water supply and/or fire extinguishers and other firefighting tools, equipment, and manpower at the burn site to control the fire.

ATTENDANCE: The responsible party must ensure that someone is watching the controlled burn until it is completely out.

I: _____ have read this form, and understand the conditions cited.

Signature of Requester: _____

Fire Official: _____, Signature: _____

ITEMS AUTHORIZED TO BURN

Agricultural Vegetation
Leaves & Small Branches
Untreated Wood and Paper Products

ITEMS NOT ALLOWED TO BURN

Food Waste or Garbage	Hydrocarbon Products
Any Polymers	Distillates
Tar Paper	Mixed Piles of Unknown
Asphalt Siding	Products
Any Hazardous Waste	