

**Resolution No. 2021-07**

**A RESOLUTION DECLARING AND DEFINING STAGE ONE FIRE RESTRICTIONS**

**WHEREAS**, currently there is a high risk of wildfire in Richland County, Montana; and

**WHEREAS**, the high risk has a combination of causes including but not limited to: category D3 Extreme Drought; low winter snowfall; above normal winter temperatures; low spring precipitation; poor soil moisture; low water supplies; low river flows; low releases from reservoirs; dry fuel conditions; low humidity; sustained high winds; three-month predictions of above normal temperatures; three-month predictions of below normal precipitation; and the actual incidence of significant wildfires in our region; and

**WHEREAS**, in the geography of Richland County, there are many areas of rural, town, city, agricultural, industrial, and recreational susceptibility to wildfire; and

**WHEREAS**, under these conditions, the risk of wildfire includes risk of rapid onset and risk of rapid movement of fires; and

**WHEREAS**, the combination of wildfire risk, rapid onset, rapid movement, and widespread susceptibility may require incident commanders and law enforcement agencies to act immediately at any time to protect people, property, animals, and the environment; and

**WHEREAS**, the Board of County Commissioners has submitted a petition to the Governor of Montana to, among other things: submit a request to the U. S. Secretary of Agriculture and the President of the United States for an agriculture-related disaster declaration for Richland County, Montana based on drought, upgrading the designation of Richland County from a contiguous drought county to a primary drought county; and initiate procedures to proclaim a drought emergency or declare a drought disaster to, among other things, open opportunities for state assistance with such anticipated effects of drought as control of fire; and

**WHEREAS**, by Emergency Resolution No. 2021-06, "Open Burning Not Permitted in Richland County," the Board of County Commissioners declared Richland County to be in Stage One restrictions for burning; and

**WHEREAS**, it would be beneficial to define what Stage One restrictions and exemptions are within and on the face of a county resolution itself rather than only by reference to the term "Stage One" in commonly used external firefighting related sources;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of Richland County, State of Montana this 19<sup>th</sup> day of April, 2021, that:

1. **Geographic Application.** The declaration of Stage One fire restrictions by Emergency Resolution No. 2021-06 applies to all public and private land not under the jurisdiction of an incorporated municipality, a Montana state government agency, or a U. S. federal government agency. They do not apply within an incorporated municipality.
2. **Prohibited Acts.** Stage One fire restrictions include prohibition of the following:
  - A. Building, maintaining, attending, or using a fire, campfire, warming fire, charcoal grill fire, fused explosive, or explosive target unless noted and allowed in an exemption stated in this resolution.
  - B. Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in a area at least three (3) feet in diameter that is barren or cleared of all flammable materials.
  - C. Ignition, setting off, or using any fireworks that require an open flame or spark to ignite or that emit sparks, flame, or burning matter.
  - D. Welding or operating acetylene or other torch with open flame except in cleared areas of at least 10 feet in diameter and in possession of a pressurized fire extinguisher.
  - E. Any other activity that poses a significant risk of starting a fire.
3. **Exemptions.** The following are exempt from Stage One restrictions:
  - A. Activity covered by a written permit from a duly constituted authority that specifically authorizes an act otherwise prohibited.
  - B. Using pellet grills, electric powered pellet grills, or grills solely fueled by liquid petroleum, LPG fuels, or propane equipped with operable shut-off valves or shut-off switches.
  - C. Activities in designated areas specifically authorized in those areas by written notice by a duly constituted authority posted at the site of a designated area.
  - D. Burn barrels with spark arresters, with a pressurized water supply or pressurized fire extinguisher on site, and with continuous human monitoring.
  - E. Federal, state, and local officers or members of an organized rescue or firefighting force while in the performance of their duties as such officers or members, and other exemptions established by such forces.

F. With a burn permit, other ordinary agricultural activities that use fire such as attended burning of stubble fields and attended burning of irrigation ditch banks, provided however that those engaged in the activity notify Richland County 911 and their local fire department beforehand and provide the location of such burning, provide the timeframe of such burning, and have fire suppression equipment on site. Having a permit does not in and of itself constitute the notice to 911 and fire department required by the immediately preceding sentence.

4. **Liability.** The establishment of an exemption in this resolution does not mean that an exempted activity necessarily is safe or that an individual or organization engaging in it would not have liability for any damage, injury, or death by fire in the exempted activity, and does not absolve, release, excuse, or immunize any individual or organization of responsibility or liability.

**Effective Date.** This resolution shall become effective at midnight on April 19<sup>th</sup>, 2021 and be in effect for so long as Emergency Resolution No. 2021-06 is in effect.

Attest

Stephanie Verhasselt  
Stephanie Verhasselt  
County Clerk & Recorder

Duane Mitchell  
Duane Mitchell  
Chairman

( c o u n t y   s e a l )

Votes:      3   for  
                0   against  
              \_\_\_\_\_ absent  
              \_\_\_\_\_ abstaining