

ORDINANCE NO. 33

AN EMERGENCY ORDINANCE OF THE PARK COUNTY COMMISSION, MONTANA, IMPLEMENTING PARK COUNTY FIRE SEASON, BAN ON OPEN BURNING AND STAGE 1 FIRE RESTRICTIONS, ESTABLISHING A CRIMINAL OFFENSE AND PENALTIES, AND EFFECTIVE UPON PASSAGE

WHEREAS, Montana Code Annotated (hereinafter "MCA"), Section 7-5-101 through 7-5-109, establishes within the Park County Commissioners ("Commissioners") the authority to pass such an emergency ordinance;

WHEREAS, Section 7-33-2205, MCA, allows a county commission to establish an annual fire season;

WHEREAS, the Commissioners have determined that a fire season is necessary;

WHEREAS, persistent high temperatures, low humidity, dry conditions, and high winds have contributed to exceptionally dry fuel conditions;

WHEREAS, there has been 4 severe fire danger days logged by the Forest Service in the last week and have worsening fire weather conditions forecast for the next week;

WHEREAS, Park County has exceptionally high visitor traffic currently and expect record levels of visitors for the Fourth of July holiday. There have been several human caused fires started in our region of the National Forest within the last several weeks that were resistant to control and it is likely to expect additional starts from both human and lightning causes.

WHEREAS, extreme fire behavior has been observed with fires burning actively through the night as predicted by the Energy Release Component and Burn Index fire indices reflecting

extreme conditions.

WHEREAS, Park County has limited firefighting resources available if a fire were to start and current regional resource demands are high due to other fires currently burning in the State. The Park County currently does not have sufficient resources to fight a fire beyond initial attached and outside resources are limited in their ability to respond due to other large fires burning in the State. The environmental conditions are as such that there are high ignition potential and rapid fire growth is likely;

WHEREAS, the Commission declares that all the private land not under the jurisdiction of the municipalities or state or federal agencies is a high fire hazard area;

WHEREAS, in passing this emergency ordinance, Park County will have adequate additional time to pursue an amended ordinance (effective for no more than 90 days) taking into account further public comment and discussion, while still ensuring the public health and safety are protected from the threat of fires; and

WHEREAS, this ordinance shall be effective on passage and approval and shall remain effective for no more than 90 days.

NOW THEREFORE, BE IT RESOLVED pursuant to Section 7-33-2205, MCA, the Commission sets the 2021 fire season from the effective date of this ordinance. 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 agricultural land subject to the provision of this part without having obtained a permit.

BE IT FURTHER RESOLVED Park County has implemented Stage 1 Fire Restrictions with its jurisdiction and the following are prohibited:

- Building, maintaining, attending, or using a fire or campfire except as allowed in State and Federal established campsites in accordance with these entities regulations; and
- Smoking except within enclosed vehicles, buildings, or where the area is cleared of all flammable material within three feet; and

The following exceptions apply:

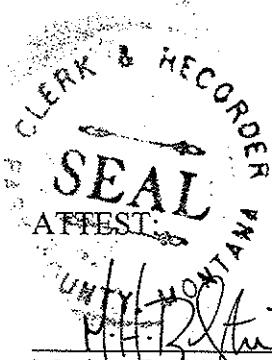
- Persons using a device solely fueled by a liquid petroleum or LPG fuels that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the device;
- Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty; or
- All lands within the boundaries of the City of Livingston or the Town of Clyde Park.

BE IF FURTHER RESOLVED AN EXEMPTION OR NON-PROHIBITED FIRE DOES NOT ABSOLVE AN INDIVIDUAL OR ORGANIZATION FROM LIABILITY OR RESPONSIBILITY FOR ANY FIRE STARTED BY THE EXEMPTED ACTIVITY. Under Section 50-63-103, MCA, you are liable for any and all fire suppression costs and damages resulting from an escaped and/or uncontrolled fire.

BE IT FURTHER RESOLVED it is unlawful for any person to violate this Ordinance and such person may be prosecuted for a criminal misdemeanor offense in accordance with Sections 7-5-109 and 7-33-2206, MCA, and may also be billed for the costs of any emergency and/or rural fire department response. In addition, anyone violating this ordinance may be fined not exceed \$500 or 6 months imprisonment or both the fine and imprisonment.

This resolution is effective upon passage until further notice.

Dated this 24<sup>th</sup>, day of June, 2021.



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Maritza Reddington  
Park County Clerk & Recorder

BOARD OF PARK COUNTY COMMISSIONERS

\_\_\_\_\_  
Steve Caldwell

\_\_\_\_\_  
Clint Tinsley

\_\_\_\_\_  
Bill Berg

APPROVED AS TO FORM

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Shannan M. Piccolo  
Civil Deputy Park County Attorney