



RESOLUTION 2017-138

**A RESOLUTION DECLARING STAGE I FIRE RESTRICTIONS (REINSTATING THE EXEMPTION FOR CAMPFIRES)
IN LEWIS AND CLARK COUNTY
EFFECTIVE 12:01 A.M. SATURDAY, SEPTEMBER 23, 2017**

Whereas, favorable weather conditions have reduced the fire risk but have not eliminated it; and

Whereas, lower elevations are still at a high risk for wildfire; and

Whereas, the Lewis and Clark County Fire Warden/Sheriff and Rural Volunteer Fire Council have recommended Stage I Fire Restrictions remain throughout Lewis and Clark County with the allowance of campfires; and

Whereas, the Board of Lewis and Clark County Commissioners concur with the need for Stage 1 fire restrictions to reduce the possibility of man-caused fires; and

Whereas, pursuant to MCA § 7-33-2205, the Board of Lewis and Clark County Commissioners may, in its discretion, establish controlled burning seasons annually, during which, subject to **76-13-121**, 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.

Therefore, be it resolved, effective September 22, 2017, the Board of Lewis and Clark County Commissioners declares Lewis and Clark County under Stage I Fire Restrictions as described below and such restrictions supersedes Resolution 2017-129 and shall remain in effect until weather conditions improve and this order is rescinded or revoked.

Stage I Fire Restrictions (Modified to Remove the Exemption for Campfires)

The following acts are prohibited until further notice:

1. 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 (i.e. has no vegetation) or cleared of all flammable materials.

Exempt acts and locations:

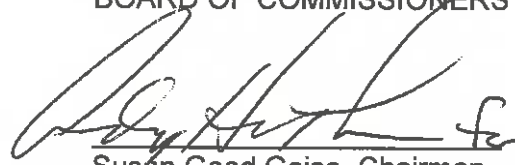
1. Campfires on private or public property only if they are within an improved fire ring or pit made of solid metal, stone or cement and not larger than 48 inches across.
2. Persons with a written permit that specifically authorizes the otherwise prohibited act.
3. Persons using a device solely fueled 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 three (3) feet of the device.
4. Persons using charcoal briquettes in a manufactured barbeque device designed for such purposes and located in an area that is barren or cleared of all overhead and surrounding flammable materials within three feet of the device.

5. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
6. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
7. All land within a city boundary is exempted.
8. Other exemptions unique to each agency/tribe as provided for by law.

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

Dated this 21 day of September, 2017

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Susan Good Geise, Chairman

ATTEST:


Paulette DeHart, Clerk of the Board

