

RESOLUTION 2024-13

AN EMERGENCY GRANITE COUNTY RESOLUTION ADDING AN EXEMPTION TO STAGE II FIRE RESTRICTIONS FOR ALL PRIVATE LAND IN GRANITE COUNTY UNDER COUNTY JURISDICTION, EXCEPT FOR REASONABLE, AGRICULTURAL RELATED PURPOSES

WHEREAS, western Montana, including Granite County, Montana, is currently experiencing extreme fire danger as established by the State of Montana and United States Forest Service; and,

WHEREAS, various local and state agencies are continuing to Stage II Fire Restrictions on private lands within Granite County which restricts burning as set forth in Montana law, but certain local utility companies have requested reasonable exemptions; and,

WHEREAS, the Board of Granite County Commissioners finds that an emergency does exist in regards to fire danger as there are currently several forest fires in western MT; and,

WHEREAS, the Board of Granite County Commissioners has authority under Montana law, as emergency measures, to require Stage II Fire Restrictions (and amend such restrictions) for designated high fire hazard areas on all private land within Granite County that are not under the jurisdiction of a municipality or a state or federal agency.

NOW, THEREFORE, BE IT RESOLVED that the Board of Granite County Commissioners designates all private land not under the jurisdiction of a municipality or state or federal agency as high fire hazard areas, and also establishes Stage II Fire Restrictions for all private lands within Granite County, Montana that are not under the jurisdiction of a municipality or state or federal agency, however all reasonable, agricultural and utility related purposes are exempted from such requirements; and,

BE IT FURTHER RESOLVED that all open burning and other activities are prohibited as set forth in attached Exhibit A, except as expressly allowed by law; and all reasonable, agricultural related purposes are exempted from such requirements; and,

BE IT FURTHER RESOLVED that the penalties for any violations of these Stage II fire restrictions shall be as stated in attached Exhibit; and,

BE IT FURTHER RESOLVED that notice of this emergency Resolution shall be reasonably and promptly provided to local news media outlets as customary; and,

BE IT FINALLY RESOLVED that this Resolution shall be effective immediately, and will remain in effect until rescinded or revoked.

ADOPTED AND PASSED this 30th day of July, 2024, A.D.

BOARD OF COUNTY COMMISSIONERS
OF GRANITE COUNTY

Blanche McLure
Blanche McLure, Chairperson

Blaine C. Bradshaw

Opposed by Scott C. Adler, Commissioner

Charles L. Hinkle
Charles L. Hinkle, Commissioner

ATTEST: *Becky Micky Deputy*
Sarah Graham, Clerk

APPROVED AS TO FORM AND CONTENT:

Blaine C. Bradshaw, Granite County Attorney

Granite County

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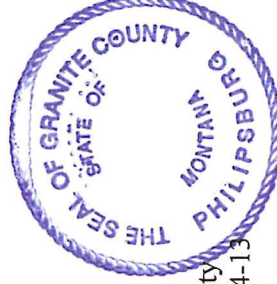


EXHIBIT A

STAGE II FIRE RESTRICTIONS

Rules:

Under Stage II Fire Restrictions, the following acts are prohibited: 1. Building, maintaining, attending, or using a fire or campfire. 2. 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 flammable materials. 3. Motorized vehicles off designated roads and trails. 4. The following acts are prohibited from 1:00 pm to 1:00 am: a. Operating an internal combustion engine- i.e. chainsaws and other equipment. b. Blasting, welding, or other activities that generate flame or flammable material. c. A patrol is required for one hour following cessation of all work as described in a. or b. The rules will remain in effect until there is a significant long-term change in fire danger and a resolution is adopted rescinding these rules.

Exemptions

Exemptions that apply to Stage II Fire Restrictions are as follows: 1. Persons with a written permit that specifically authorizes the otherwise prohibited act. 2. Persons using a device solely fueled by liquid petroleum or LPG (liquefied petroleum gas) 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 feet of the device. 3. Operating generators with an approved spark arresting device within an enclosed vehicle or building or in an area that is barren or cleared of all overhead flammable materials within three feet of the generator. 4. Operating motorized vehicles on designated roads and trails. 5. Emergency repair of public utilities and railroads pursuant to conditions set the Montana DNRC. 6. Persons conducting activities in those designated areas where the activity is specifically authorized by written public notice. 7. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty. 8. All land within a city or town boundary is exempted. 9. All lands subject to jurisdiction of a separate government agency. 10. All agricultural-related activities are exempted. 11. All work for or by local utility companies so long as their onsite crews have reasonable fire suppression equipment, including a customary water tanks onsite; and proof of such compliance is reasonably provided to Granite County prior to any work being started and with weekly updated proof being provided. Further exemptions will be reviewed on a case by case basis.*****An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

General Guidelines:

The smallest spark has the potential to cause significant damage, so always crush smokes dead out; never leave a campfire unattended; ensure that your vehicle has a properly installed spark arrester that is operational; stop and park only in areas clear of vegetation; and observe all fire restrictions. Take precautions, but always be prepared: carry a shovel, bucket and fire extinguisher. Also remember that cross country travel is not allowed on most federal and state lands.

Violation Penalties:

Any person or persons violating these Stage II Fire Restrictions set forth herein may be fined up to \$5,000 individually, or \$10,000 for an organization; and imprisoned up to six (6) months for violating such rules, restrictions, and closures.

Persons could be held liable for all suppression costs and damages caused by violating such Stage II Fire Restrictions set forth above.

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