

**2021 MISSOULA COUNTY
AMENDED STAGE II FIRE RESTRICTION
EMERGENCY PROCLAMATION**

RESOLUTION NO. 2021-085

WHEREAS, pursuant to Montana Code Annotated § 7-33-2205, the Board of County Commissioners is authorized to establish fire seasons annually;

WHEREAS, pursuant to Code of Federal Regulation Title 36 §261.50 and §261.52 prohibitions may be designated by order;

WHEREAS, pursuant to Montana Code Annotated §§ 7-33-2205(3) & 50-63-103, a person who ignites a fire in violation of the fire season restrictions shall reimburse for any fire suppression needed or damage caused;

WHEREAS, dry and extreme fire conditions are occurring and predicted to continue for the foreseeable future in Missoula County;

WHEREAS, wildland fires have occurred in the County in recently, are continuing to occur, and will occur;

WHEREAS, the wildland fire danger in Missoula County is now rated Extreme;

WHEREAS, the Board of County Commissioners signed an emergency proclamation stating that a wildland fire emergency exists in Missoula County on July 13, 2021;

WHEREAS, in accordance with the 2020-2022 Restrictions and Closures Procedures for the Northern Rockies Coordinating Group, County, State, federal, and tribal cooperators will impose Stage II Fire Restrictions effective at 00:01 AM on July 17, 2021.

NOW, THEREFORE BE IT RESOLVED by the Missoula County Board of County Commissioners that Stage II Fire Restrictions are imposed effective 00:01 AM on July 17, 2021, and will remain in place on all private land in Missoula County until lifted. These restrictions do not include land within the City limits of Missoula. The City of Missoula may impose fire restrictions that will apply to City lands.

The restrictions imposed by this Resolution include the following:

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 all flammable materials.**
3. **The following acts are prohibited from 1:00 p.m. to 1:00 a.m.:**
 - a. **Operating any internal combustion engine off designated roads.**
 - b. **Welding, or operating acetylene or other torch with an open flame.**

c. Using an explosive

A one-hour foot patrol is required following the cessation of these activities.

- 4. Operating motorized vehicles off designated roads and trails, except for persons engaged in official business including the functions of governmental agencies and the activities of utilities, cooperatives, and telecommunications providers to operate, construct, repair, and maintain utility facilities that are essential to the public. Fire extinguishers and fire tools are required during such operations.**

The aforementioned restrictions are subject to the following exemptions, **which do not absolve** an individual or organization from liability or responsibility for any fire started by the exempted activity:

1. 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 3 feet of the device.
2. 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 and surrounding flammable materials within 3 feet of the generator.
3. Operating motorized vehicles on designated roads.
4. Emergency repair of public utilities and railroads.
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. Welding, use of acetylene, cutting torches with open flame, or other industrial activities that are conducted in an enclosed building.
8. Agricultural activity in non-forested areas and unrelated to forest harvest
9. Land within the City of Missoula is exempt from Stage II restrictions imposed by this resolution; the City of Missoula may impose specific restrictions to City owned lands.

BE IT FURTHER RESOLVED that Missoula County will remain in Stage II Fire Restrictions until the earlier of (1) rescission of this Resolution by the Missoula County Board of County Commissioners or (2) lifting of Stage II Restrictions by the State of Montana Department of Natural Resources and Conservation Southwest Land Office, which shall automatically and immediately lift Missoula County's Stage II Restrictions.

BE IT FURTHER RESOLVED that violation of these restrictions is a misdemeanor offense and a person who purposely ignites a fire in violation of these restrictions shall reimburse the county governing body or recognized protection agency for costs incurred for any fire suppression activities resulting from the illegal fire and may be liable for other civil damages.

BE IT FURTHER RESOLVED that in accordance with Montana Code Annotated § 7-5-104, a second reading of this ordinance is waived due to the emergency conditions existing in Missoula County and it shall become effective on passage and approval and remain in effect for no more than 90 days.

DATED THIS 15TH OF JULY, 2021

Attest:

Board of County Commissioners
Missoula County

Clerk and Recorder

Chair – Dave Strohmaier

Commissioner – Josh Slotnick

Commissioner – Juanita Vero