RESOLUTION 2016-3

A RESOLUTION ESTABLISHING THE 2016 FIRE SEASON AND RELATED BURN PERMITS AND FEES FOR LEWIS AND CLARK COUNTY

WHEREAS, Section 7-33-2205, MCA, provides that the county governing body may, at its discretion, establish fire seasons annually, during which time no person may ignite or set a fire, slash-burning fire, land-clearing fire, debris-burning fire, or open fire within the County protection areas on any forest, range, or croplands without having obtained an official written permit to ignite or set such fire from the recognized protection agency for that protection area; and

WHEREAS, Section 7-33-2206, MCA, provides that any person who ignites or sets any forest fire, slash-burning fire, land-clearing fire, debris-burning fire, or open fire within any forest, range, or croplands during the fire season without first having obtained a written permit to ignite or set such fire is guilty of a misdemeanor punishable by a fine not to exceed $500 or be imprisoned in the county jail for any term not to exceed six (6) months, or both; and

WHEREAS, Section 7-33-2205, MCA, provides that any person or entity or representative of a person or entity who has entered into a fire hazard reduction agreement pursuant to Title 76, chapter 13, part 4, and is complying with that agreement, open burning may be conducted, subject to 76-13-121, between October 1 and April 30 without obtaining a written permit or permission to set a fire *provided* that they notify the county of the location of the burn area; and

WHEREAS, Lewis and Clark County incurs outside costs to develop and maintain a web-based permitting and notification service; and

WHEREAS, a transaction fee of $2.00 and data hosting fee of $1.00 will be charged to Lewis and Clark County, and

WHEREAS, Section 2-17-1101, MCA through 2-17-1103, MCA (Montana Electronic Government Services Act) and Section 7-5-2101, MCA and 7-5-2102, MCA authorizes the Board of County Commissioners (BOCC) to charge fees to recover costs associated with electronic government and business; and

WHEREAS, during the period from January 1, 2016 through December 31, 2016, a person must obtain a permit on-line at www.burnpermits.mt.gov OR by calling 1-406-447-8329 OR in-person at the City/County Building, Room 113, located at 316 North Park Avenue in Helena, MT before igniting any fire referred to above. During the period from January 1, 2016 through February 29, 2016 and December 1, 2016 through December 31, 2016, a person must also obtain documentation from the State of Montana Department of Environmental Quality authorizing burning during that period; and

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WHEREAS, 7-33-2203, MCA authorizes the BOCC to appoint a county official who in the opinion of the BOCC is best qualified to perform the duties of the office; and

WHEREAS, the primary responsibility of the county Sheriff will be to order the temporary closure of the burn season for the entire county or discreet areas within the county in the event of extreme fire conditions or air quality events; and

WHEREAS, the burn permit and notification service number is 1-877-453-BURN (2876) and the website is www.burnpermits.mt.gov; and

NOW, THEREFORE, BE IT RESOLVED that the Lewis and Clark County Board of County Commissioners establish the 2016 fire season for Lewis and Clark County from January 1, 2016 to December 31, 2016; and

BE IT FURTHER RESOLVED that the Lewis and Clark County Sheriff is appointed the County Fire Warden; and

BE IT FURTHER RESOLVED that the annual cost for each new burn permit is $8.00 (Eight Dollars and Zero Cents) and may be used multiple times on the same property; and

BE IT FURTHER RESOLVED that the annual cost for renewing a burn permit is $5.00 (Five Dollars and Zero Cents) and may be used multiple times on the same property; and

BE IT FURTHER RESOLVED that the annual cost for registering for the notification service for hazardous reduction agreements is $8.00 (Eight Dollars and Zero Cents) and may be used multiple times on the same location.

DATED this 5th day of January 2016.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Andy Hunthausen, Chairman

ATTEST:

Paulette DeHart, Clerk of the Board