

# Lewis & Clark County Burn Permit Information

## Why are permits required?

- To limit the amount of time volunteers spend responding to non-emergency calls, instead, allowing them to focus on true emergencies.
- To prevent the unneeded response of fire departments that put them at greater risk to potential accidents.
- To limit the number of calls placed to the emergency dispatch and reserve efforts for true emergencies.
- To track the locations of all approved burns in Lewis & Clark County so dispatch can more easily determine whether a smoke plume/fire is an emergency such as a wildfire or structural fire. By tracking approved burns, the fire department may not have to be dispatched each time smoke/fire is reported.

## What does it cost?

- A new permit costs \$8.00 and is good for the entire burn season.
- You may renew your permit from the prior year for \$5.00 and it is good for the entire burn season. You will need your permit number from the prior year to use the renewal option.

## How do I obtain a burn permit?

- Beginning January 1 of each year, you may obtain a burn permit by:
  - Going online to <https://app.mt.gov/burnpermit/> (electronic checks and credit/debit cards are accepted, **OR**
  - Visiting the Lewis & Clark County Treasurer's office in the City/County building, Monday-Friday, 8 am – 5 pm (cash, check or credit/debit cards are accepted), **OR**
  - Calling the City/County information desk at 406-447-8000 or 1-800-682-0033 to request an application through the mail.

## How do I activate my burn permit?

- Online at <https://app.mt.gov/burnpermit/> (click on “activate burn permit,” enter your burn permit number and following the remaining steps).
- Call the automated phone system at **1-877-453-BURN (2876)**
- Please note, when activating a burn permit, it is only active for a **single day**. Should you wish to burn for consecutive days, **you must reactivate your permit for each day you intend to burn**.
- When entering a start and stop time for your burn, be as accurate as possible to avoid potential deployment of fire department personnel.

## What responsibilities am I assuming when I light my burn?

- You must have enough water, hand tools/equipment and people to keep your fire under control.

- If you do not activate your permit before burning, the Fire Department may respond to your fire even though it is under control because dispatch is unaware it is a controlled burn.
- If the fire escapes your control, you may be cited and fined, as well as pay the cost of suppression and any damages caused to someone else's property.
- If your smoke fails to adequately disperse, you could face penalties for violating State air pollution regulations.

## What are the possible fines?

- If a person burns without having a permit or for violating rules of a permit they do have (such as failing to activate it as required), violations can be charged under several laws.
  - MCA 7-33-2205 & 2206 deal with the fire seasons and permit requirements. Violations under those codes are a misdemeanor with fines possible up to \$500 and/or 6 months in jail. Average fines are approximately \$285.
  - If a person burns in a manner that is unsafe, damages property belonging to another, or places anyone in danger of injury or death, the Arson laws apply. Negligent arson, MCA 45-6-102, can be either a misdemeanor or a felony, depending on the circumstances. Misdemeanor charges can cost up to \$500 and/or 6 months in jail. Felony charges can cost up to \$50,000 and/or up to 10 years in prison.
- In all cases, restitution can be ordered separately from the criminal fine. Restitution may include but are not limited to, paying damages to other property owners and paying for the firefighting resources.

## When can I legally burn?

- **Lewis & Clark County** – Burning is allowed on private grounds outside of City limits.
- **Helena City Limits** – Burning is allowed under burn permit and ONLY by contacting the City of Helena Fire Department at 406-447-8472
- **East Helena City Limits** – There are open burning restrictions in the East Helena City Limits, please view the City ordinance for details:  
[http://sterlingcodifiers.com/codebook/index.php?book\\_id=859&chapter\\_id=63772](http://sterlingcodifiers.com/codebook/index.php?book_id=859&chapter_id=63772)
- **Westside Fire Service Area** – Burning is allowed under permit and ONLY by contacting the City of Helena Fire Department at 406-447-8498 or 406-447-8472 when activating a permit.

## Whom can I call if I still have questions?

- Bob Drake, Tri-Lakes Fire Chief: 406-475-3552
- Jerry Shepherd, West Valley Fire Chief: 406-458-3717
- David Hamilton, Montana Department of Natural Resources Central Land Office Rural Fire Specialist: 406-458-3526
- Montana Department of Environmental Quality Air Quality Bureau: 406-444-3490.