Stillwater County

Burn Permit and Notification Service

Terms and Conditions

You must read and agree to the following terms and conditions before renewing a burn permit.

Montana Code Annotated

- 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 felony, depending on the circumstances. Misdemeanor charges can cost up to $500 and/or up to 6 months in jail. Felony charges can cost up to $50,000 and/or up to 10 years in prison.
- Open burning may be conducted year-round. You will be liable for all fire suppression costs and damage resulting from any escaped or uncontrollable fire. MCA 50-63-103
- 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.

Fire Control Restrictions and Duties in Stillwater County

A permit holder may delegate the following duties to a designated responsible person; however the permit holder is ultimately responsible for violations.

1. **Notice of Burn.** Each permit holder or designee must activate their permit on each day that burning is anticipated.
2. **Preparation for Fires.** Before a fire is set, the permit holder or designee shall ensure that adequate fire suppression equipment and personnel are present for fire control during the duration of the burn.
3. **Safe Conditions.** No fire shall be set if wind or other weather conditions make it hazardous to burn. If wind or other conditions change making a fire hazardous, the fire must be extinguished as quickly as possible.
   Where there is high fire danger, because winds or other conditions make burning hazardous, or if fire suppression equipment and resources are not available, permits may be temporarily suspended until safe conditions exist and to allow assignment of burn priorities (if others request permission to burn at the same time).

Rural fire chiefs may close their Fire Service Area or Fire District to open burning, when necessary.
Permit holders or designees shall extinguish a fire if requested by the Sheriff, a rural fire chief, or other designee.

4. **Daylight Hours Only.** No fire shall be set between sunset and sunrise. If it appears that a fire will continue to burn after sunset, the permit holder or designee must notify the Stillwater County Open Burning Number.
5. **Control of Fire.** The permit holder or designee shall not leave the immediate fire area until the fire has completely burned out, that is, with no embers or smoke remaining.

What responsibilities am I assuming when I light my burn?

1. Fires shall not be ignited when weather, wind and other conditions make it hazardous to do so.
2. You must have enough water, hand tools/equipment, and people to keep your fire under control.
3. If you do not activate your permit before burning, the Fire Department may be dispatched to your fire even though it is under control, and you will be cited.
4. Burn permit must be accessible at the burn location.
5. Someone must remain with the fire until it is completely out. (No smoke or hot embers present)
6. Permission to burn may be revoked at any anytime, due to weather conditions.
7. That you will abide by all permit requirements.

What can I legally burn?

1. Natural vegetation is the ONLY thing that your burn permit allows you to burn.
2. You are not allowed to burn prohibited materials as outlined in the Montana Department of Environmental Quality's air quality regulations found at ARM 17.8.604. This includes, but is not limited to buildings, asphalt shingles, campers, garbage, railroad ties, plastic products, paper products, cardboard, manure, dead animals, etc.

I understand this permit will be suspended or revoked if conditions warrant or if I do not comply with the fire control ordinance.

I have read and agree to the above terms and conditions.