



The City and County of
Butte-Silver Bow Montana



Butte-Silver Bow Fire Department
Fire Prevention Bureau
120 South Idaho Street
Butte, MT 59701

NOTICE REGARDING OPEN BURNING AND OUTDOOR & BACK -YARD FIREPLACES

BURN PERMITS

Open burning is the burning of a bonfire, rubbish fire, or other fire in an outdoor location where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit. Weather permitting, open burning is allowed March 1st – November 30th with a burn permit. Open burning is not allowed without a permit. Burn permits may be obtained by going to the State of Montana's burn permit site at <https://app.egovmt.com/burnpermit/> or by purchasing a permit at the BSB Treasurer's Office between the hours of 8 a.m. to 5 p.m., Monday through Friday. The cost for a burn permit is \$10.00. It is nonrefundable and good for the whole season, as long as weather and fire conditions remain optimal. September – November open burns require additional steps listed further below.

Burn permit holders are required to activate their permit each time they burn by either visiting <https://app.egovmt.com/burnpermit/> or by calling the county's automated phone system at 1-855-567-2958. Mishandling burn permit holder responsibilities could result in violating Montana laws. These violations could result in misdemeanor and/or felony arson convictions ranging from fines to jail time. Refer to the *Terms and Conditions* section of the burn permit website, existing Montana Codes, and the Administrative Rules of Montana for current open burning rules and responsibilities.

OPEN BURNING

General permit requirements consist of adequate separation distances, adequate water or fire suppression sources, weather conditions, and proper supervision.

What can I legally burn?

- **Natural vegetation is the ONLY thing that your burn permit allows you to burn.**
- 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, wood and wood byproducts that have been coated with a foreign material, campers, garbage, railroad ties, oil, insulated wire, plastic products, paper products, cardboard, manure, dead animals, asbestos, Christmas tree waste, trade waste, etc.

When can I legally burn?

- The burn season continues all year round but there are three periods of the season each having different requirements.
 - **March 1st to August 31st** - you only need a county burn permit which is required to be activated each day you burn.
 - **September 1st through November 30th** - in addition to a county burn permit (which needs to be activated each day you burn), you must **ALSO** call the Montana Department of Environmental Quality (MDEQ) Ventilation Hotline at 800-225-6779 prior to burning. You may only burn if both systems allow burning that day.
 - **December 1st to March 1st** - burning is restricted to only those burns considered **ESSENTIAL**. You need a county burn permit, a MDEQ air quality permit (called a **Montana Wintertime Open Burning Request**), and you must activate your permit each day **AFTER** getting permission from MDEQ's meteorologist for burning on that specific day.
- No matter the date, due to weather or other applicable conditions burning may be closed on any given day. If burning is closed you are prohibited from burning in the county and **the website and automated phone system will prevent you from activating your permit.**

What responsibilities am I assuming when I light my burn?

- Fires shall not be ignited when weather, wind and other conditions make it hazardous to do so.
- You must have enough water, hand tools/equipment, and people to keep your fire under control.
- You are responsible for all suppression costs and damages caused if your burn escapes your control.
- 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.
- The burn permit must be accessible at the burn location.
- Someone must remain with the fire until it is completely out. (No smoke or hot embers present.)
- Permission to burn may be revoked by the Fire Marshal at any anytime, due to weather conditions.
- That you will abide by all permit requirements.
- Between September 1 and November 30, by activating your permit, you certify you have complied with the Ventilation Hotline.
- Between December 1st and March 1st, by activating your permit, you certify you have an approved **Montana Wintertime Open Burning Request** AND permission from the Montana Department of Environmental Quality (MDEQ) meteorologist to burn that specific day.

BACK-YARD FIREPLACES

The Fire Department receives numerous questions regarding the use of back-yard fireplaces/fire pits within the city limits. The fireplaces may be found at local hardware stores and are typically constructed of metal or ceramic material. A burn permit is **not** required for portable outdoor fireplaces. The Butte-Silver Bow Fire Prevention Office has allowed the use of these fireplaces under the following circumstances:

- Follow the manufacturer's instructions.
- Fire shall be attended always.
- Must have an extinguishing source within ten (10) feet.
- Must be a commercial type back-yard or outdoor fireplace with a spark arrestor in place.
- Fire rings cannot exceed 48" in diameter.
- Gas fireplaces are allowed as long as the shutoff is remote from the unit.
- 55 gallon or less metal burn barrels are allowed to burn natural vegetation only and require a screen covering the opening.
- **Fireplaces shall not be located within 15 feet of combustible walls, roofs, or other combustible materials, building openings or property lines.**
- Only the use of firewood or charcoal is permitted. No burning of rubbish, dimensional lumber (2x4's), yard debris, or vegetation.
- No homemade fireplaces are allowed.
- Notify your insurance company of your intent to use a back-yard or outdoor fireplace.
- The use may be subject to immediate discontinuance if it creates a nuisance, which is defined as: Anything which is harmful to health or is indecent or offensive to the senses or is an obstruction to the free use of another's property, so as to interfere with the comfortable enjoyment of the property of another.

ADDITIONAL OPEN BURNING RULES

- Bonfires shall not be conducted within 50 feet of a structure or combustible material.
- At a minimum, bonfires shall be cared for and managed with the same extinguishment tools and rules as other open burns.
- The Butte-Silver Bow Fire Marshal is authorized to order the extinguishment of any open burning.
- On Red Flag Warning days, burning will be suspended and online permits will not be able to be activated.
- Contact The Fire Marshal for approval.

Sincerely,

Kelly J. Lee
Assistant Fire Chief/Fire Marshal, Burn Permit Program Manager

FIRE RESTRICTIONS

What Fire Restrictions mean to you.

Common activities and how they are affected by Stage I and Stage II fire restrictions are shown below.

	Stage I	Stage II	Closure
Campfire or Other Fire *	No Fires - unless site is posted with specific exemptions	No Fires	To be defined if needed by wildland fire agency administrators
Smoking *	No, unless within an enclosed vehicle, building, developed recreation site, or area 3 feet in diameter cleared of all flammable materials	No, unless within an enclosed vehicle, building, developed recreation site, or area 3 feet in diameter cleared of all flammable materials	To be defined if needed by wildland fire agency administrators
Operating any internal combustion engine **	N/A	Prohibited from 1 PM to 1 AM Daily	To be defined if needed by wildland fire agency administrators
Welding or operating acetylene or other torch with open flame **	N/A	Prohibited from 1 PM to 1 AM Daily	To be defined if needed by wildland fire agency administrators
Using an explosive **	N/A	Prohibited from 1 PM to 1 AM Daily	To be defined if needed by wildland fire agency administrators
Operating motorized vehicles off designated roads and trails	N/A	Prohibited	To be defined if needed by wildland fire agency administrators

* land within city boundaries is exempt

** a patrol is required for 2 hours following cessation of all activities as identified above

Violations:

1. You could be fined up to \$5,000 individually or \$10,000 for an organization and imprisonment up to 6 months for violating restrictions and closures.
2. You can be held liable for all suppression costs and damages if you start a fire.