

Resolution no. 6, adopting a rule controlling fires, open burning and fireworks

WHEREAS, section 7.3 of the Declaration of Covenants of Canyon Ferry Crossing prohibits hazardous activities within Canyon Ferry Crossing. **The definition of hazardous activities specifically includes fires, open burning and fireworks.**

WHEREAS, brush fires and forest fires are a common threat in the region where Canyon Ferry Crossing is located, enhanced by the mountain pine beetle infestation, and it is not uncommon for a controlled properly permitted and supervised burns to get out of control and the use of fireworks present a clear and present danger of fire

WHEREAS, it is the Boards belief that developing and managing a comprehensive burning permit program is beyond the capabilities and expertise of the Board or this association and the risk of fire is NOT justified by any program

WHEREAS, the ability to obtain a burn permit from Lewis and Clark County (or any other governmental agency), in and of itself, does not insure the burning would be conducted in a safe manner and that the permitted burn would not get out of control;

WHEREAS, the board recognizes that Canyon Ferry is in a rain shadow and one of the most arid fire danger areas in western Montana. **There have been many fires surrounding the subdivision.** 7/2000 the Cave Gulch fire burned over 29,000 acres - and the Buck Snort Fire burned 9,500 acres and **over 40 homes.** 7/2010 the Jim Town fire caused nearby evacuations and loss of power in the subdivision for over a week. 2018 fire on the west side of Belts and in 2020 two fires in the Spokane Hills opposite our subdivision – one of which caused the evacuation of West Shore Dr. All of the aforementioned fires basically encircle our subdivision and remnants can be seen on the border of our subdivision.

THEREFORE, the Board adopts the following rule:

Rule No. 6 Canyon Ferry Crossing Burning/Fireworks Rule

AT NO TIME, for any reason, shall burning of any kind, recreation, cooking or otherwise, be permitted on an undeveloped lot or parcel or within the conservation or road easement within Canyon Ferry Crossing.

AT NO TIME shall the burning of garbage, construction debris, or yard debris, or any other material be permitted within Canyon Ferry Crossing (regardless of any governmental approval).

Recreational fires may be had on DEVELOPED lots provided the fire is in a pre-approved fire pit not exceeding 32 inches in diameter equipped with a top, sides and a spark screen. The Fire pit must be preapproved by the Board before any usage. Running water from a functional well must be at the fire pit. The fire pit (OTHER THAN A NORMAL RESIDENTIAL BARBQUE GRILL) must be inspected by a member of the Board, or their designee, prior to its use. The device must be surrounded by non-combustible material for a distance of 30 feet. There shall be no overhead trees. The fire shall be attended at all time by a responsible adult and when the function is complete or the fire is destined to be unattended, the fire in the fire pit device must be doused with running water, insuring that the fire is completely extinguished

Wind is a continuing issue and the fire pit shall be extinguished if the wind comes up while it is in use.

AT NO TIME are fireworks permitted on any lot, easement, and road or otherwise within the Canyon Ferry Crossing Subdivision.

It is the express intent of the rule that the only exterior fire that is permitted within the subdivision is a NORMAL RESIDENTIAL BARBQUE or a pre-approved fire pit device. The board recognizes the extreme risk of fire and intends that **fires of any other type and the use of fireworks are not allowed at anytime in the subdivision.**

The original effective date of this rule was by board vote of June 9th, 2010 – said rule hereby re-enacted and reconfirmed, September 1, 2022 with amendments.

Upon Motion, the foregoing rule was unanimously approved by board vote.

Certified by _____ Board Member

