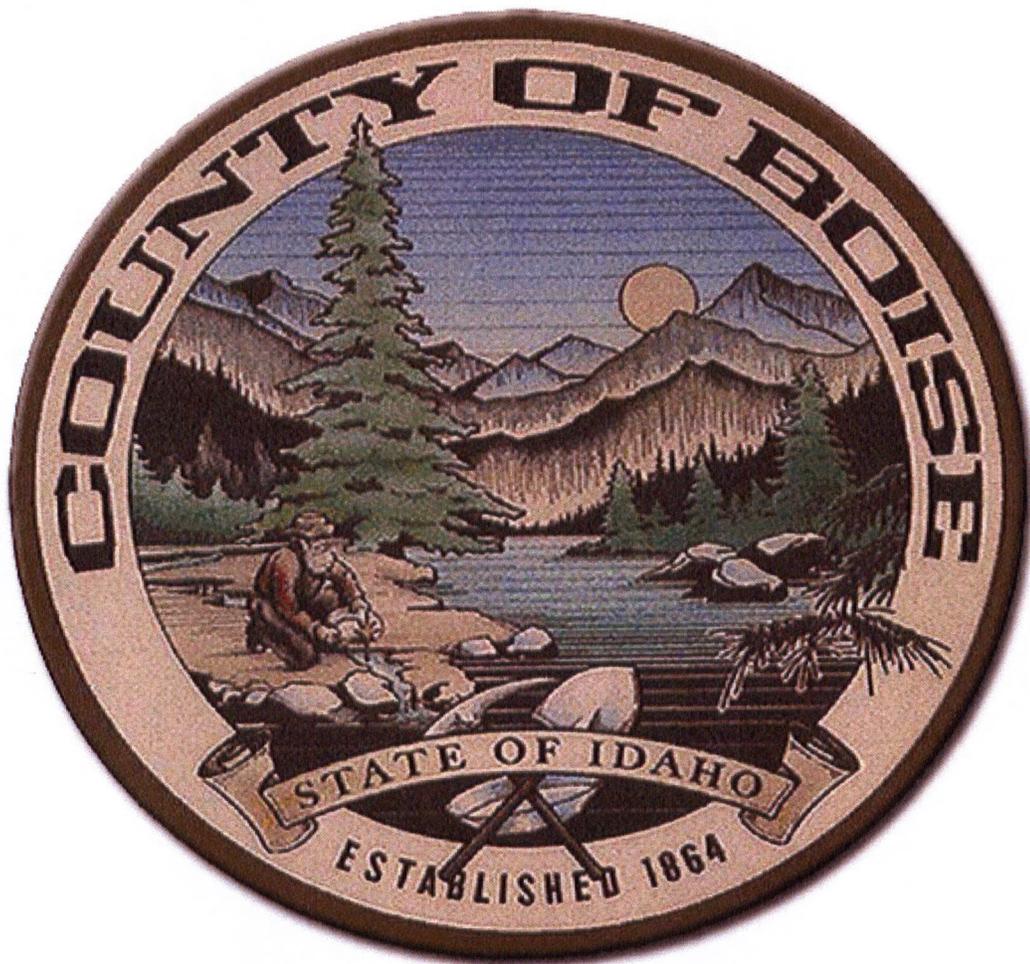


BOISE COUNTY
OUTDOOR BURNING ORDINANCE

2014-03

REPEALS A PORTION OF ORDINANCE 2011-03



July 22nd, 2014

SECTION I, Short Title. This ordinance shall be known as the Boise County Outdoor Burning Ordinance.

SECTION II, Enactment. Be it ordained by the Board of Commissioner's of the County of Boise, Idaho as follows:

SECTION III, Authority. The Legislature of the State of Idaho has, in Idaho Code § 31-714, delegated the responsibility to counties to adopt ordinances designed to promote the public health, safety and general welfare of its citizenry.

SECTION IV, Repeal of Ordinance 2011-03. This ordinance repeals Chapter 5, Section IV of Ordinance 2011-03.

SECTION V, Purpose. This ordinance is intended to mitigate the risk to life and structures from the start of wildland fire throughout the County and the spreading of wildland fire into developed land.

SECTION VI, Scope. This ordinance shall apply to all public and private lands within the legal boundaries of the un-incorporated areas of Boise County which are subject to the jurisdiction of Boise County.

SECTION VII, Outdoor fires.

- 1) **General.** Burning on all lands within Boise County must comply with fire permit requirements of the specific fire district or the state or federal entity that has ownership/jurisdiction of the land. Proper burn permits are required during specific times of the year and are issued by fire jurisdiction agency providing response in each area of the County. Burn permits, obtained from the Idaho Department of Lands, are required by Section 38-115, Idaho Code, from May 10 to October 20 of each year; however this ordinance may further restrict those permitted debris fires.
- 2) **No Open Burning.** Open burning is prohibited from July 01 to Oct 20 on private properties in all of Boise County, except for recreational fires described in this Ordinance. Incinerators which comply with NFPA 211 are exempted. This ordinance does not regulate fires inside residential or commercial structures. The Boise County Firefighters Association may recommend action by the Board of County Commissioners to cancel or extend the burn ban, if conditions permit.
- 3) **Recreational Fires.** Recreational fires are permitted where such fires are in a permanent barbecue, fire-pit or outdoor fireplace and are a minimum of 10 feet from any combustible material or non-fire-resistive vegetation. Recreational fires are herein defined as a fire with a fuel bed of not more than 3 feet in width or length, or 2 feet in depth. All recreational fires must be attended by a person at least 18 years of age, equipped with a shovel and adequate water to extinguish the fire. A recreational fire is not permitted if the recreational fire is determined to be "Reckless Fire Activity", as defined below.
- 4) **Reckless Fire Activity.** Reckless fire activity is prohibited by this ordinance. For purposes of this ordinance, "Reckless Fire Activity" occurs when any person, whether on public or private property, carelessly and heedlessly or without due caution and circumspection starts, fuels or

maintains a fire in a manner that endangers persons, property or creates an undue risk of the spread of fire based upon the surrounding conditions.

- 5) **Landowner Responsibility.** In addition to the person responsible for creating or maintaining the fire activity, the landowner can be cited as the legally responsible party in the event of enforcement as provided in Section IX.
- 6) **Disaster Closures:** Boise County may prohibit all outdoor fires and order area and/or road closures for public safety during declared disasters.

SECTION VIII, Notification and Authority to Enforce. Anyone witnessing or having knowledge of careless activity with fire should notify Boise County Dispatch (911) regarding any prohibited fire activity. The Boise County Sheriff or other authority having legal jurisdiction is authorized to enforce this ordinance and stop any unlawful fire activities of a person or persons if the official determines that the action is in violation of the provisions of this ordinance.

SECTION IX, Penalties for Noncompliance. Violations of the provisions of this ordinance, by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute an infraction and is punishable as provided in Section 18-113A, Idaho Code. Nothing herein contained shall prevent Boise County from taking such other lawful action, as is necessary, to prevent or remedy any violation. Nothing in this ordinance restricts the authority of federal, state or Fire Protection District employees in the performance of their duties.

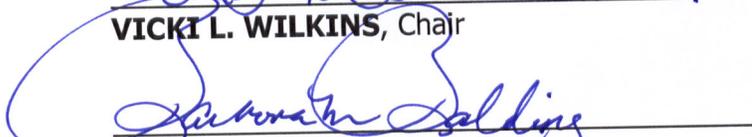
This ordinance shall become effective upon its passage, approval and publication in the manner provided by law.

APPROVED and **ADOPTED** in Open Session this 22nd day of July, 2014.

BOISE COUNTY BOARD OF COMMISSIONERS



VICKI L. WILKINS, Chair



BARBARA M. BALDING, Commissioner



JAMIE A. ANDERSON, Commissioner





Mary T Prisco, Clerk to the Board