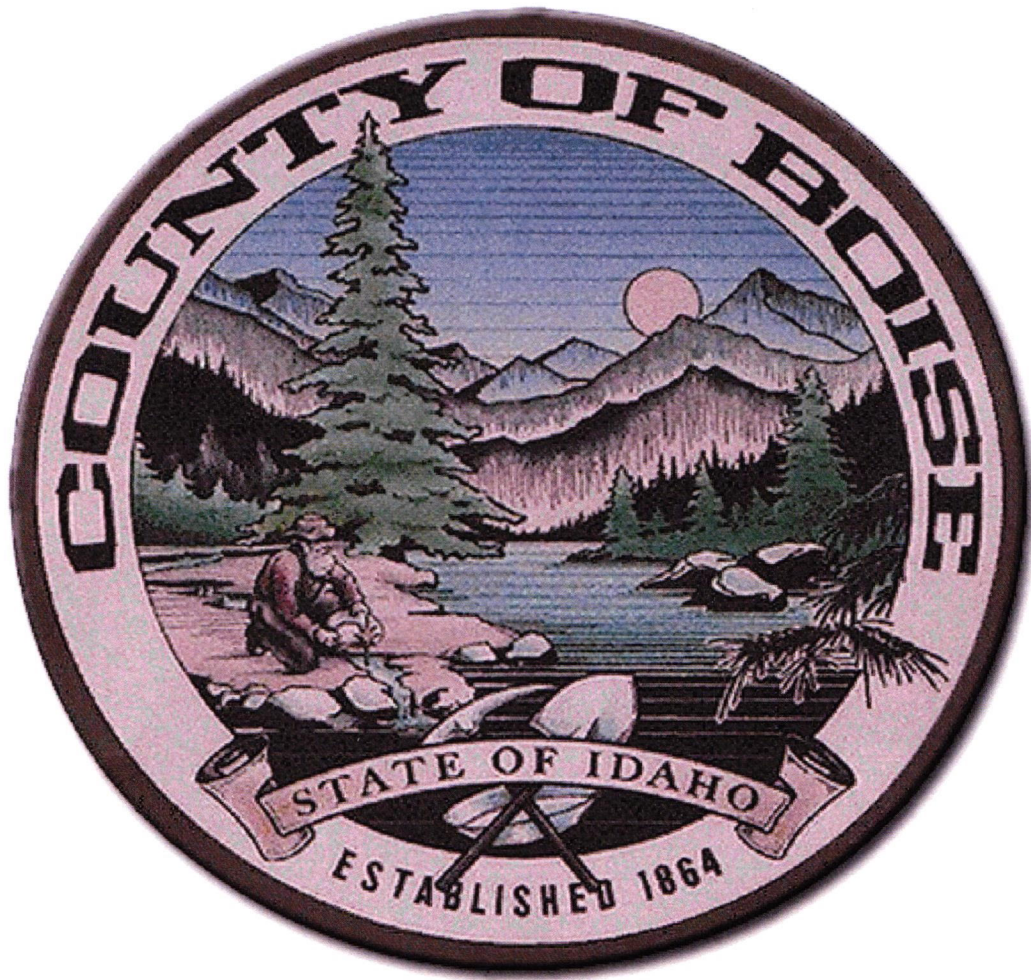


BOISE COUNTY OUTDOOR BURNING ORDINANCE

2025-06

REPEALS ORDINANCE 2017-01



August 19th, 2025



BOISE COUNTY ORDINANCE #2025-06

BOISE COUNTY FIRE SEASON PREVENTIVE BURN ORDINANCE

AN ORDINANCE REPEALING BOISE COUNTY ORDINANCE #2017-01; ESTABLISHING AN ORDINANCE MAKING IT A MISDEMEANOR TO START, FUEL OR MAINTAIN FIRES IN BOISE COUNTY OUTSIDE OF THE LIMITATIONS SET HEREIN; PROVIDING THAT CERTAIN PERSONELL SHALL HAVE AUTHORITY TO EXINGUISH FIRES; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BOISE COUNTY, IDAHO AS FOLLOWS:

Section I – TITLE

- A. This section shall be known and cited as the Boise County Fire Season Preventative Burn Ordinance.

Section II - PURPOSE

- A. In recognition of historically frequent and large wildfires throughout Boise County and the many severe fire seasons throughout the past decade, the danger of catastrophic fire in Boise County is likely to be extremely high in the future.
- B. To protect safety, the promotion of the health and prosperity and the improvement of the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of public and private property situated within the county.
- C. To restrict fires on both public and private property during the times of year in which fire threats are most severe.
- D. Portions of this ordinance are based on the Idaho Fire Code, which is the 2015 international Fire code, adopted by Idaho code § 41-253

Section III – DEFINITIONS

- A. "Approved fire structure" means any of the following:
 - i. An incinerator that is constructed in accordance with the International Building Code, the International Fuel Gas Code, and the International Mechanical Code. Machinery that is not equipped with an effective means for arresting sparks shall not qualify as an incinerator;

- ii. An incinerator that complies with National Fire Protection Association (NFPA) standard 211;
 - iii. A fully enclosed metal stove, grill, or sheep herder-type stove, any of which is outfitted with a chimney that is at least five (5) feet in length that is equipped with a spark arrester consisting of a mesh screen with screen opening of ¼ inch or less.
- B. "County closed season" means July 1 to October 20 of each year, unless otherwise adjusted by the Board of County Commissioners by resolution.
- C. "Ground fuel" means all combustible materials commonly found on the ground including but not limited to surface litter, leaves, pine needles, bark, duff, tree or shrub roots, punch wood, peat, and sawdust.
- D. "Solid wood fuel" means firewood, charcoal, pellets, and untreated timber products. Rotten wood, wood chips, and sawdust are not solid wood fuel.

Section IV – VIOLATIONS AND PENALTIES FOR FIRES DURING THE COUNTY CLOSED FIRED SEASON FOR APPROVED FIRE STRUCTURE

- A. **Clean adjacent ground fuel.** During the county closed season, no person shall act intentionally or with criminal negligence to start, fuel, or maintain any outdoor fire, whether inside or outside of an approved fire structure, without clearing any and all ground fuel for a minimum of 10 feet (3048 mm) in all directions from the fire.
- B. **Penalties.** A violation of any of the provisions of this ordinance shall be a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six (6) months, or both.

Section V – VIOLATIONS AND PENALTIES FOR FIRES DURING THE COUNTY CLOSED FIRED SEASON FOR NON-APPROVED FIRE STRUCTURE, I.E. CAMPFIRE RINGS, RESIDENTIAL FIRE

- A. **Restricted fire size.** During the county closed season, no person shall act intentionally or with criminal negligence to start, fuel, or maintain any outdoor fire which has a fuel area that is either more than 3 feet (914 mm) in diameter, or more than 2 feet (610 mm) in height, unless the fire is entirely contained in an approved fire structure.
- B. **Fire to be attended.** During the county closed season, no person shall act intentionally or with criminal negligence to start, fuel, or maintain any outdoor fire that is not entirely contained in an approved fire structure without ensuring constant attendance by a person at least 18 years of age until the fire is fully extinguished, which means that there are no coals or heat emitting from the remains of the leftover material or ashes.
- C. **Extinguishment equipment with fire.** During the county closed season, no person shall act intentionally or with criminal negligence to start, fuel, or maintain any outdoor fire without ensuring providing adequate means that is available for immediate utilization in the extinguishing of a fire, unless the fire is entirely contained in an approved fire structure. Such adequate means are a minimum of

one portable fire extinguisher complying with Idaho Fire Code Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck.

- D. **Unsafe/erratically combustible fire fuel prohibited.** During the county closed season, no person shall act intentionally or with criminal negligence to start, fuel, or maintain any outdoor fire that is not entirely contained in an approved fire structure burning any trash or any materials other than solid wood fuel, and reasonably necessary amounts of typical fire starter materials that are not prohibited by law, such as IDAPA 58.01.01.603.
- E. **Clean adjacent ground fuel.** During the county closed season, no person shall act intentionally or with criminal negligence to start, fuel, or maintain any outdoor fire, whether inside or outside of an approved fire structure, without clearing any and all ground fuel for a minimum of 10 feet (3048 mm) in all directions from the fire.
- F. **Penalties.** A violation of any of the provisions of this ordinance shall be a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six (6) months, or both.

Section VI – EXCEPTIONS

- A. The following fires and persons are exempt from the requirements of this ordinance:
 - i. Any Federal, State or local officer or member of an organized rescue or firefighting force in the performance of an official duty;
 - ii. Fires within city boundaries.

Section VI – EXTINGUISHMENT AUTHORITY

- A. The authority of the fire chief or officer of the fire department in charge at the scene of a fire to direct operations and extinguish or control any fires is as provided in the International Fire Code 2015, adopted by Idaho Code § 41-253, and any other pertinent provisions of Idaho law.
- B. Idaho Code § 41-253 further authorizes that when any particular fire creates or adds to a hazardous situation, or an unauthorized fire exists, the Boise County Sheriff, Sheriff's Deputies, or their designees, are authorized to extinguish or to order the extinguishment of the fire.

Section VII – SEVERABILITY

- A. If any section, subsection, sentence, clause, or phrase of this title is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title and they shall remain in full force and effect.

Section VIII – EFFECTIVE DATE

- A. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Section IX – REPEAL

- A. The provisions of this ordinance shall repeal all previously enacted resolutions or ordinances pertaining to the preventative burns, specifically Boise County Ordinance #2017-01.

Section X - AUTHORITY

- A. This ordinance is adopted pursuant to the authority vested in Boards of County Commissioners in the State of Idaho under Idaho Code §§ 67-7112 and 31-714, and the Idaho Open Meeting Law, Idaho Code § 67-2340, et seq.

PASSED and APPROVED by the Boise County Board of County Commissioners on this 19th day of August, 2025.

BOISE COUNTY BOARD OF COMMISSIONERS



CLAY S. TUCKER, Chairman



LINDY E. LINDSTROM, Commissioner



ROBERT CALLAHAN, Commissioner





MARY T. PRISCO, Clerk to the Board