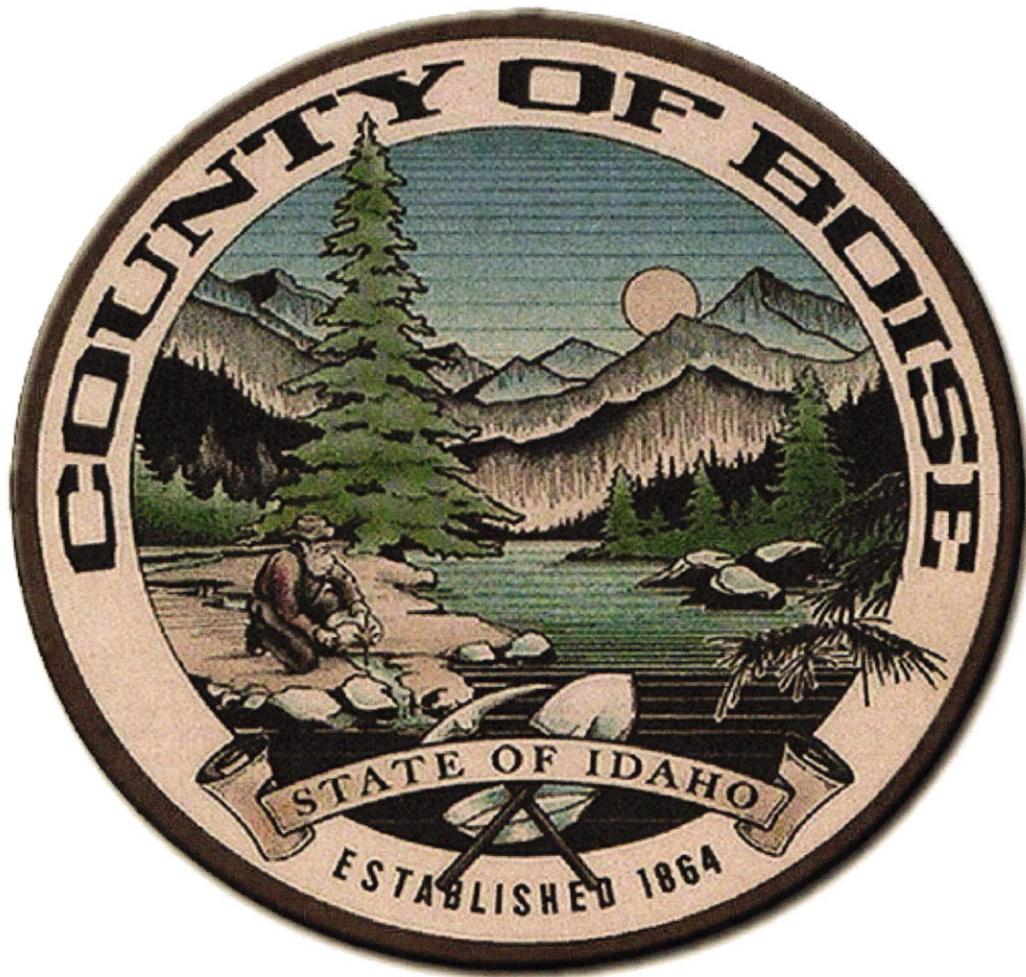


BOISE COUNTY  
OUTDOOR BURNING ORDINANCE

2017-01

REPEALS ORDINANCE 2014-03



June 27<sup>th</sup>, 2017

Be it ordained by the board of county commissioners of Boise County, Idaho as follows:

#### **SECTION A. Title**

This section shall be known and cited as the BOISE COUNTY PREVENTIVE BURN ORDINANCE.

#### **SECTION B. Authority**

This section is adopted pursuant to the powers granted by Idaho law, including but not limited to Article XII, § 2 of the Idaho Constitution, and Section 31-714, Idaho Code.

#### **SECTION C. Findings and Purpose**

1. In recognition of historically frequent and large wildfires throughout Boise County and the many severe fire seasons throughout the past decade, the board of county commissioners hereby finds that the danger of catastrophic fire in the county is likely to be extremely high in the future. The board finds that enactment of this section is necessary for the 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.
2. The purpose of this section is to restrict fires on both public and private property during the times of year in which fire threats are most severe.
3. 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 D. Severability**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this county ordinance or any part thereof or any portion adopted by reference herein is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance, or any part thereof, or any portion adopted by reference herein. The board of county commissioners hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

#### **SECTION E. Definitions**

1. **"Approved fire structure"** means any of the following:
  - a. 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;
  - b. An incinerator that complies with National Fire Protection Association (NFPA) standard 211;
  - c. 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.
2. **"County closed season"** means July 1 to October 20 of each year, unless otherwise adjusted by the Board of County Commissioners by resolution.
3. **"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.
4. **"Solid wood fuel"** means firewood, charcoal, pellets, and untreated timber products. Rotten wood, wood chips, and sawdust are not solid wood fuel.

## **SECTION F. Violations and penalties for fires.**

1. **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.
2. **Fire distance.** During the county closed season, no person shall act intentionally or with criminal negligence to start, fuel, or maintain any outdoor fire within 50 feet (15240 mm) of a structure or combustible material other than ground fuel, unless the fire is entirely contained in an approved fire structure.
3. **Attendance.** 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.
4. **Extinguishment equipment.** 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.
5. **Unsafe fire fuel.** 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.
6. **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.
7. **Exemption.** The following fires and persons are exempt from the requirements of this ordinance:
  - a. Any Federal, State or local officer or member of an organized rescue or firefighting force in the performance of an official duty;
  - b. Fires within city boundaries.
8. **Violations.** 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 G. Extinguishment authority.**

1. 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.
2. When any particular fire creates or adds to a hazardous situation, or an unauthorized fire exists, the sheriff and the sheriff's deputies are authorized to extinguish or to order the extinguishment of the fire.

## **SECTION H. Repeal**

This ordinance repeals Boise County Ordinance 2014-03.

**APPROVED** and **ADOPTED** in Open Session this 27<sup>th</sup>, day of June, 2017.

**BOISE COUNTY BOARD OF COMMISSIONERS**



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**ALAN D. WARD**, Chair



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**ROGER B. JACKSON**, Commissioner



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**LAURA L. BAKER**, Commissioner



**Attest:**



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**Mary T Prisco**, Clerk to the Board