

Ordinance No.: 514

A TEMPORARY ORDINANCE BANNING OPEN FIRES WITHIN MADISON COUNTY, IDAHO, PROVIDING OR A VIOLATION OF THE ORDINANCE TO BE A MISDEMEANOR PUNISHABLE BY A FINE OF UP TO THREE HUNDRED DOLLARS (\$300.00) OR IMPRISONMENT OF UP TO SIX MONTHS OR BY BOTH SUCH FINE AND IMPRISONMENT; PROVIDING FOR CIVIL LIABILITY FOR COST OF CONTAINMENT AND DAMAGES CAUSED BY VIOLATION.

WHEREAS, the Board values the lives and safety of Madison County residents and take such matters affecting the same seriously; and,

WHEREAS, the Board hereby declares that conditions and circumstances within the County now or in the future will necessitate the imposition of an Open Fire Ban to protect the health, safety and welfare of the public; and,

WHEREAS, the Board has adopted the International Fire Code by Ordinance No 225-12 for the purpose of protecting, regulating, and governing the safeguarding of life and property; and,

WHEREAS, the International Fire Code Section 307.1.1 authorizes the prohibition of open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous; and,

WHEREAS, many parts of Madison County are extremely dry and due to current conditions, the threat of wildfires is severe; and,

WHEREAS, wildfires constitute a real threat to life and property in Madison County; and,

WHEREAS, it is commonly known that from time to time there exists and extreme or serious danger and threat of forest fires, grassfires and wildfires due to dry weather and vegetation conditions in Madison County and that fires have caused property damage and the potential for risk and loss of life; and,

WHEREAS, pursuant to Idaho Code 31-828, boards of county commissioners have the power and authority “[t]o do and perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the chief executive authority of the county government [,]” and,

WHEREAS, the Board finds is necessary to prohibit Open Fire, as defined in the International Fire Code.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS IN AND FOR MADISON COUNTY, IDAHO AS FOLLOWS:

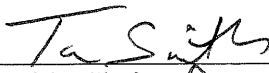
1. **BE IT ORDAINED**, from August 1, 2025 until September 30, 2024, or such earlier date as set forth by the Board, the Board hereby authorizes the Madison Fire Department to enforce and implement Section 307.1.1 of the International Fire Code.

2. **BE IT FURTHER ORDAINED**, the Board declares a ban on open fires of any kind, as defined by the International Fire Code, on all private property located in the unincorporated areas of the county.
3. **BE IT FURTHER ORDAINED**, that this burn ban does not apply to campfires built within an approved pit at improved campgrounds or picnic areas and smoking, within an enclosed vehicle, or building or developed recreation site. Further, this area shall not include public lands belonging to the United States of America or the State of Idaho located within the unincorporated areas of the county.
4. **BE IT FURTHER ORDAINED**, that burn permits are required for agricultural burning, however, no permits are being issued at this time.
5. **BE IT FURTHER ORDAINED**, that violations of this Ordinance shall be a misdemeanor and may be prosecuted and upon conviction or confession of guilt thereof shall be punished by a fine of not more than three hundred and 00/100 Dollars (\$300.00) for each violation of this Ordinance. The minimum fine shall be One Hundred and 00/100 Dollars (\$100.00). It is the intent of this Ordinance that the fine for repeated or multiple violations of an open fire ban implemented as provided herein, or of the burn permit system, by any one person, shall be significantly increased.
6. **BE IT FURTHER ORDAINED**, that each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any federal, state, or local law, rule, order or regulation, and each day during which violation of this Ordinance continues shall be deemed a separate offense.
7. **BE IT FURTHER ORDAINED**, that in the event the State of Idaho (the "State"), the Bureau of Land Management ("BLM") or the United States Forest Service ("Forest Service") have issued burning regulations pertaining to public lands within their respective jurisdictions in the County, in conflict with this Ordinance, strictest of such rules, regulations of the State, BLM or the Forest Service shall control.
8. **BE IT FURTHER ORDAINED**, that any person who willfully or negligently is responsible for the starting or permitting an open fire violation of this Ordinance shall be liable for the costs incurred by federal, state or local agencies or their authorized representatives in controlling or extinguishing the same, as well as damages to life and property arising from such a violation of this Ordinance. The amount of such costs shall be recovered by a civil action prosecuted in the name of the County at its discretion, those persons damaged or the agency seeking reimbursement. Civil liability provided herein shall be exclusive of, and in addition to, any criminal penalties provided herein.
9. **BE IT FURTHER ORDAINED**, that if any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

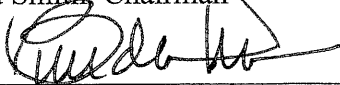
10. **BE IT FURTHER ORDAINED**, that this ordinance shall take effect and be in force from and after its passage and approval, and shall repeal any other resolution(s) or ordinance(s) in conflict herewith.

PASSED AND ADOPTED BY THE BOARD OF MADISON COUNTY COMMISSIONERS dated this 1st day of August, 2025.

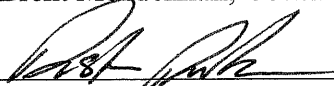
BOARD OF COUNTY COMMISSIONERS
MADISON COUNTY, IDAHO



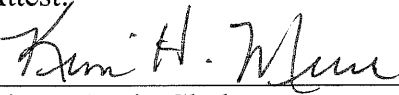
Todd Smith, Chairman



Brent Mendenhall, Commissioner



Dustin Parkinson, Commissioner

Attest:


Kim H. Muir, Clerk