

ORDINANCE NO.: 530

A TEMPORARY ORDINANCE BANNING OPEN FIRES WITHIN MADISON COUNTY, IDAHO; PROVIDING THAT A VIOLATION OF THIS ORDINANCE IS AN INFRACTION PUNISHABLE BY A FINE OF UP TO THREE HUNDRED DOLLARS (\$300.00); AND PROVIDING FOR CIVIL LIABILITY FOR THE COST OF FIRE CONTAINMENT AND DAMAGES CAUSED BY A VIOLATION.

WHEREAS, the Board values the lives and safety of Madison County ("County") residents and takes matters affecting the same very seriously; and

WHEREAS, the Board finds that conditions and circumstances within the County now or in the future may necessitate the imposition of an open fire ban to protect the public health, safety, and welfare; and

WHEREAS, there exists an extreme or serious danger of forest fires, grass fires, and wildfires due to dry weather and vegetation conditions within the County, and such fires have periodically occurred during dry conditions, causing property damage and creating a risk of loss of life; and

WHEREAS, dry conditions have already resulted in multiple fires during June and July 2026; and

WHEREAS, pursuant to Idaho Code Section 31-828, boards of county commissioners have the 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."

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

- 1. Declaration.** Conditions and circumstances within Madison County necessitate the imposition of a temporary open fire ban to protect the public health, safety, and welfare.
- 2. Open Fire Ban.** From July 15, 2026, through September 30, 2026, unless terminated earlier by the Board of County Commissioners, there is hereby imposed a ban on open fires of any kind on all property located within the unincorporated areas of Madison County. This Ordinance shall expire by its own terms at midnight on September 30, 2026, unless extended by the Board of County Commissioners.
- 3. Activities Prohibited.** This burn ban applies to any and all outdoor fires, including, but not limited to, campfires, warming fires, the use of explosives, firing of model rockets, discharge of tracer ammunition, discharge of fireworks, exploding targets, welding or operating an acetylene or other open-flame torch (except in an area cleared of all flammable materials and with adequate firefighting equipment immediately available), the burning of trash or debris, and any open burning that is offensive or objectionable because of smoke or odor emissions or that becomes hazardous because of atmospheric conditions or local circumstances.

4. Exceptions. This burn ban shall not apply to:

- a. Properly permitted commercial fireworks within incorporated city limits;
- b. Wood-burning stoves and fireplaces located within enclosed buildings;
- c. Roadside emergency flares used for vehicle safety in a safe and prudent manner with due regard to wildfire risk; and,
- d. Barbecue grills located at personal residences when used in a safe and prudent manner with due regard to wildfire risk.

5. Enforcement. The Madison County Sheriff's Office and its officers, deputies, designees, and agents are authorized to enforce the provisions of this Ordinance. The Sheriff shall be responsible for the administration of this Ordinance. All inquiries regarding the current status of open fire restrictions and bans within the County shall be directed to the Madison County Sheriff's Office.

6. Penalty. A violation of this Ordinance constitutes an infraction. Upon conviction or admission of responsibility, a violator shall be subject to a fine of not more than Three Hundred Dollars (\$300.00) for each violation. The minimum fine shall be One Hundred Dollars (\$100.00). It is the intent of this Ordinance that fines for repeated or multiple violations by the same person be significantly increased.

7. Citation Authority. The Madison County Sheriff's Office is authorized to issue citations for violations of this Ordinance. Prosecution may be brought under applicable state statutes or pursuant to the penalty assessment procedures authorized by law.

8. Separate Offenses. 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. Each day during which a violation continues shall constitute a separate offense.

9. Conflicting Regulations. If the State of Idaho, the Bureau of Land Management ("BLM"), or the United States Forest Service has issued fire restrictions or burning regulations applicable to public lands within Madison County that conflict with this Ordinance, the most restrictive applicable rules or regulations shall control.

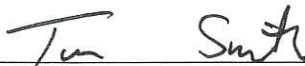
10. Civil Liability. Any person who willfully or negligently starts or permits an open fire in violation of this Ordinance shall be liable for all costs incurred by federal, state, or local agencies, or their authorized representatives, in controlling or extinguishing the fire, together with any damages to persons or property resulting from the violation. Such costs may be recovered through a civil action brought by the County, any person sustaining damages, or any governmental agency seeking reimbursement, as applicable. The civil liability provided by this section is in addition to, and not in lieu of, any criminal or civil penalties otherwise provided by law.

11. Severability. If any section, paragraph, sentence, clause, or provision of this Ordinance, or its application to any person or circumstance, is held invalid or unenforceable, such determination shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect.

12. Effective Date. This Ordinance shall take effect upon its passage and approval and shall supersede any prior resolution or ordinance in conflict herewith.

PASSED AND ADOPTED by the Board of County Commissioners of Madison County, Idaho, this 13th day of July, 2026.

BOARD OF COUNTY COMMISSIONERS
MADISON COUNTY, IDAHO



Todd Smith, Chairman

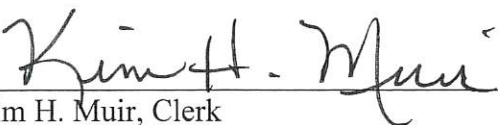


Brent Mendenhall, Commissioner



Dustin Parkinson, Commissioner

ATTEST:



Kim H. Muir, Clerk