



ORDINANCE NO. 1354

A TEMPORARY ORDINANCE BANNING OPEN FIRES WITHIN THE CITY OF REXBURG, 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 Council values the lives and safety of the City of Rexburg ("City") residents and takes matters affecting the same very seriously; and

WHEREAS, the Council finds that conditions and circumstances within the City 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 City, 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 50-302, cities have the authority "to maintain the peace, good government and welfare" of the city and "may enforce all ordinances by fine, including an infraction penalty."

NOW, THEREFORE, BE IT ORDAINED BY THE REXBURG CITY COUNCIL, AS FOLLOWS:

- 1. Declaration.** Conditions and circumstances within The City of Rexburg 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 Rexburg City Council, there is hereby imposed a ban on open fires of any kind on all property located within the City of Rexburg boundaries. This Ordinance shall expire by its own terms at midnight on September 30, 2026, unless extended by the Rexburg City Council.
- 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;
- d. Barbeque grills located at personal residences when used in a safe and prudent manner with due regard to wildfire risk

5. Enforcement. The Rexburg Police Department and its officers, designees, and agents are authorized to enforce the provisions of this Ordinance. The Police Chief shall be responsible for the administration of this Ordinance. All inquiries regarding the current status of open fire restrictions and bans within the City shall be directed to the Rexburg Police Department or Rexburg's Compliance Officer.

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 Rexburg Police Department 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 the City of Rexburg that conflict with this Ordinance, the most restrictive applicable rules or regulations shall control.

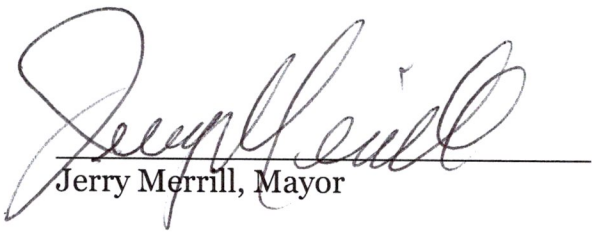
10. Civil Liability. Any person who willfully or negligently starts or permits an open fire in violation of this Ordinance shall be liable for all costs incurred by federal, state, or local agencies, or their authorized representatives, in controlling or extinguishing the fire, together with any damages to persons or property resulting from the violation. Such costs may be recovered through a civil action brought by the City, 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.

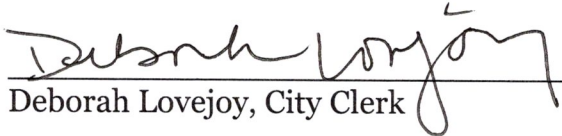
12. Effective Date. This Ordinance shall take effect upon its passage and approval and shall supersede any prior resolution or ordinance in conflict herewith.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on this 15th day of July, 2026.




Jerry Merrill, Mayor

ATTEST:


Deborah Lovejoy, City Clerk

STATE OF IDAHO)

) ss.

County of Madison)

I, DEBORAH LOVEJOY, City Clerk of the city of Rexburg, Idaho, do hereby certify that the above and foregoing is a full, true and correct copy of the Ordinance Entitled:

A TEMPORARY ORDINANCE BANNING OPEN FIRES WITHIN THE CITY OF REXBURG, 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.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR
on this 15th day of July 2026.




Deborah Lovejoy, City Clerk