

**COMMISSIONERS MINUTES
JUNE 28, 2012**

The Elmore County Commissioners met in special session on the above date in the Commissioners Room, basement of the Elmore County Courthouse, 150 South 4th East, Mountain Home, Idaho.

Present at the meeting were Chairman Arlie Shaw, Commissioners Wes Wootan and Al Hofer. Also present were Civil Attorney Buzz Grant, Clerk Barbara Steele, Deputy Clerk Shelley Hooper, Growth and Development Director Alan Christy, Sheriff Rick Layher, Larry Jewett and Bud Corbus.

The purpose of the special session was to discuss the adoption of a burn ban resolution. Attorney Grant drafted a resolution to put in place until he can research and draft an open burning ban ordinance. The resolution will encourage residents to take precautions and state what will be prohibited in regard to the open burning ban. The use of barbecue grills was discussed. Careful use of an enclosed charcoal grill at a private residence will be permitted, but grilling at campsites, in wooded areas, etc. will be prohibited. Commissioner Hofer stated that cheat grass and high weeds surrounding properties is an issue and needs to be addressed in both the resolution and the ordinance. The county has a Nuisance Weed Ordinance in place. The ordinance stated that you cannot maintain a nuisance, which means the accumulation of weeds, grasses or vegetation with a height over twelve inches likely to be fired. If a property is in violation of the ordinance, the property owner is given a citation and has ten days to clean up the property. If they do not comply, the citation is sent to the prosecutor's office for further action. Mr. Corbus is going to contact the Bureau of Land Management today to get packets that include information regarding property maintenance to help in fire prevention, seed packets to plant fire resistant shrubs and flowers to help protect their properties. Once they receive the packets, the firefighters will go out and hang them on resident's doorknobs. The packets have been useful in the past in helping inform the public of safety and the prevention of fires. Attorney Grant discussed the items to be included in the resolution, such as the accumulation of weeds, trash, lawn clippings or anything else around structures that can be a fire hazard. The use of burn barrels is going to be an issue. Currently you need a permit to use a burn barrel, but it is felt that even though you have a permit, burn barrels should be restricted when a burn ban is in force. The operation of fireworks stands was also discussed. Mr. Christy stated they can only be in commercial and industrial based zones. They need to obtain written approval from the appropriate fire district, they shall comply with the requirements of the district and the dates of the fireworks sales shall comply with Idaho Code 39-2606. They also need to meet findings of the Planning and Zoning Department, that the use will not be detrimental to public health, safety or welfare. The use also shall not adversely impact the health and safety of surrounding residents and shall not create undo adverse impacts on surrounding

properties. If there is a ban, resolution or ordinance initiated by the Board of Commissioners, the fireworks stands may be in conflict. Clerk Steele stated the County adopted a Fireworks Ordinance in 2007. Attorney Grant will reference Ordinance No. 2007-6 regarding fireworks in the resolution. Discussion followed.

Motion by Shaw, second by Hofer, to approve Resolution No. 477-12 Open Burning Ban.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

RESOLUTION NO. 477-12

ON THIS 28th DAY OF JUNE, 2012, THE ELMORE COUNTY BOARD OF COMMISSIONERS (“BOARD”) HEREBY RESOLVES THE FOLLOWING:

WHEREAS, the Board values the lives and safety of Elmore County residents and takes such matters affecting the same very serious;

WHEREAS, many parts of Elmore County are extremely dry and due to current conditions the threat of wild fires is severe;

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

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

WHEREAS, the Board wants to take such actions as are necessary to preserve property and the safety of residents within Elmore County;

WHEREAS, the Board finds it necessary to prohibit open fires, as defined herein;

WHEREAS, the Board find the fire threat as severe;

WHEREAS, pursuant to Idaho Code §39-2609 (4), the Board has sent forth the regulations and restrictions contained herein;

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.”

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT UPON THE EFFECTIVE DATE OF THIS RESOLUTION:

1. From the date hereof until October 31, 2012, or such earlier date as set forth by the Board, the Board hereby declares a ban on Open Fires on private and public lands (to the greatest extent allowed by law) outside of the unincorporated areas of Elmore County and lands within the fire protection districts’ boundaries, as shown on the attached map (“Burn Ban”). The Board strongly urges Elmore County residents and others occupying federal lands in Elmore County to determine and follow such guidelines as established by the State of Idaho (the “State”), Bureau of Land Management (“BLM”) and the United State Forest Service (“Forest Service”) pertaining to public lands. In the event the State, BLM or the Forest Service have issued burning regulations pertaining to public lands in Elmore county, the rules, regulations of the State, BLM or the Forest Service, shall apply.

2. Under this Resolution, the term “Open Fire” shall mean: outdoor fire, including but not limited to, campfires, burn barrels, warming fires, charcoal cooking fires, all explosives, firing of model rockets, fireworks (as defined in Idaho Code §39-2602(3)) discharge of tracer bullets, exploding targets, welding or operating an acetylene or other torch with open flame (other than in an area cleared of all flammable materials and with adequate firefighting equipment immediately available and on hand), and the prescribed burning of fence rows, irrigation ditches, fields, farmlands wild lands, trash and debris.

3. This Burn Ban shall not apply to: (i) commercial fireworks within city limits; (ii) wood burning stoves and fireplaces located within an enclosed building(s); (iii) roadside emergency flares used in a safe and prudent manner with regard to wildfire threat; and (vi) barbecue grills located on a personal residence when used in a safe and prudent manner with regard to wildfire threat.

4. No dry vegetation, Christmas trees, or any other combustible material may be stored, displayed, sold or otherwise kept within twenty-five (25) feet of any structure.

5. The Board further references and restates in its entirety Ordinance No. 2007-6 the Elmore County Fireworks Ordinance.

This Resolution is dated and is made effective as of this 28th day of June, 2012.

ELMORE COUNTY COMMISSIONERS

/S/ ARLEN O. SHAW, Chairman

/S/ ALBERT HOFER, Commissioner

/S/ WESLEY R. WOOTAN, Commissioner

ATTEST: /S/ BARBARA STEELE, Clerk