

**MEETING AGENDA ITEM COVER SHEET**

**ALBANY COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** 9/20/2022

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**TITLE OF ITEM TO APPEAR ON AGENDA:**

Present for **APPROVAL** Emergency Resolution 2022-018 Resolution Declaring Countywide Fire Restriction and Ban on the Use of Fireworks in Albany County.

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**ITEM**

**OPTIONS:**

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**RECOMMENDED COMMISSION ACTION:** Approve Emergency Resolution 2022-018

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**STRATEGIC GOAL MET:**

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**BUDGET/FINANCIAL IMPACT:**

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**CONTACT FOR ADDITIONAL INFORMATION:** Chad Dinges, Albany County Fire Warden or Jennifer Curran, Deputy Albany County Attorney

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**REVIEWED BY:**

Assessor: \_\_\_\_\_

Attorney: \_\_\_\_\_

Clerk: \_\_\_\_\_

Coroner: \_\_\_\_\_

Information Technology: \_\_\_\_\_

Fire Warden: \_\_\_\_\_

Grant Manager: \_\_\_\_\_

Planning Director: \_\_\_\_\_

Public Health: \_\_\_\_\_

Road & Bridge: \_\_\_\_\_

Building Superintendent: \_\_\_\_\_

Drug Court: \_\_\_\_\_

Sheriff: \_\_\_\_\_

Treasurer: \_\_\_\_\_

Clerk of Court: \_\_\_\_\_

Geographic Information Systems: \_\_\_\_\_

Other: \_\_\_\_\_

**ATTACHMENTS:**

**EMERGENCY RESOLUTION NO. 2022-018**  
**RESOLUTION DECLARING COUNTYWIDE FIRE RESTRICTION AND**  
**BAN ON THE USE OF FIREWORKS**

**WHEREAS**, throughout Albany County a potentially severe to extreme fire situation exists that is created by a heavy fuel load and dry conditions and could create situations that over-extend the firefighting capability of local government and may be aggravated by open burning and the use of incendiary devices;

**WHEREAS**, Wyoming Statute § 35-9-301 et al. provides that upon the recommendation of the County Fire Warden the Board of Commissioners of Albany County, Wyoming (“Board”) may close the area to any form of use by the public or limit such use. This closing shall include the prohibition of any type of open fire for such periods of time as the Board may deem necessary and proper;

**WHEREAS**, Wyo. Stat. § 35-10-201 et al. regulates fireworks and Wyo. Stat. § 35-10-208(a)(i) allows the Board to prohibit use of fireworks via resolution;

**WHEREAS**, Albany County Fire Warden Chad Dinges has recommended that open burning and fireworks restrictions be imposed on all unincorporated, non-federal land in Albany County after a reasonable time for notice;

**WHEREAS**, any violation of this Emergency Resolution may be in violation of Wyoming Statute § 35-9-304 and is punishable by up to thirty (30) days in jail and up to a one hundred dollar (\$100.00) fine, or both, together with restitution for the cost of fire suppression and damages to others caused by the violation of this resolution; and

**WHEREAS**, this open fire restriction and ban on the use of fireworks shall begin September 14, 2022 and end no later than November 1, 2022, unless temporarily lifted or reimposed by the County Fire Warden.

**NOW THEREFORE THE BOARD OF COMMISSIONERS OF ALBANY COUNTY, WYOMING RESOLVES:**

**Section 1.** The foregoing recitals are incorporated in and made a part of this Emergency Resolution by this reference.

**Section 2.** The Board hereby deems the fire danger in Albany County to be extreme because of heavy fuel load and dry conditions.

**Section 3.** The prohibitions within this Emergency Resolution begin September 14, 2022 and end no later than November 1, 2022, unless temporarily lifted or re-imposed by the County Fire Warden during this prohibition.

**Section 4.** That all outdoor fires, discharge of any Explosives, Division 1.4 (common fireworks), or Division 1.3 (Display Fireworks), and discharge of a firearm using incendiary or tracer ammunition are prohibited in the unincorporated area of Albany County, Wyoming.

**Section 5.** That the prohibitions within this Emergency Resolution are subject to the following exceptions:

- a. Trash or refuse fires between the hours of 8:00 p.m. and 6:00 a.m., inside containers provided with a spark arrester screen and located within a cleared area ten (10) feet in radius and fire suppression means are present at the site and comply with all other laws and requirements.
- b. Attended campfires contained within an established fire ring, no larger than three (3) feet in radius, in an established campground and located within a cleared area ten (10) feet in radius or an outdoor residential free standing fire pit with spark arrester screen within a cleared area ten (10) feet in radius and fire suppression means are present at the site.
- c. Charcoal, pellet or propane fires within enclosed grills located within a cleared area ten (10) feet in radius and fire suppression means are present at the site.
- d. Use of acetylene cutting torches or electric arc welders in cleared areas ten (10) feet in radius, and fire suppression means are present at the site.
- e. Propane or open branding activities, in cleared areas ten (10) feet in radius, and fire suppression means are present at the site.
- f. Internal or external combustion engines including ATV's and motorcycles shall have approved spark arrestors.
- g. Use of a chainsaw is permitted, if it has an approved spark arrester, and fire suppression means are present at the site.
- h. Discharge of fireworks are prohibited except as authorized by a permit granted by the County Fire Warden for public display.

**Section 6.** That all other outdoor fires are prohibited except as authorized by a permit granted by the County Fire Warden. The County Fire Warden shall have the authority to determine the terms and conditions of said permit including requirements for proof of liability insurance. If the County Fire Warden denies the permit the matter may be appealed to the Board at their next regular monthly meeting by contacting the County Clerk.

**Section 7.** That the ban does not include the exceptions set forth in Wyo. Stat. § 35-10-204, the areas within the incorporated cities and towns within Albany County, or federal lands managed by the Forest Service or BLM. These entities may impose more or less restrictive regulations.

**Section 8.** That the County Fire Warden shall immediately provide a copy of this Emergency Resolution to the County Sheriff, State Land Commissioners, Bureau of Land Management, U.S. Forest Service, and State Forester and other state and federal agencies.

**Section 9.** That the County Fire Warden shall immediately post these restrictions on the County's website at [www.co.albany.wy.us](http://www.co.albany.wy.us) and via any other method the County Fire Warden may use to economically notify the public.

**Section 10.** That a violation of this Emergency Resolution may be in violation of Wyo. Stat. § 35-9-304 and punishable by up to thirty (30) days in jail, up to a one hundred dollars (\$100.00) fine, or both, in addition to restitution for the cost of fire suppression and damages to others caused by the violation of this Emergency Resolution;

**Section 11.** The County Fire Warden has the authority to temporarily lift and or reimpose this Fire Restriction and shall provide notice as set forth above.

**Section 12.** The purpose of this Emergency Resolution is to protect the health, safety, and general welfare of the people within Albany County due to the serious immediate concern for our community.

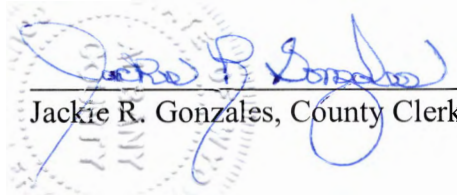
**PASSED, ADOPTED, AND APPROVED** this 20<sup>th</sup> day of September, 2022.

**BOARD OF COMMISSIONERS OF THE COUNTY OF ALBANY, WYOMING**



Pete Gosar, Chairman

**ATTEST:**



Jackie R. Gonzales, County Clerk.