

## ORDINANCE NO. 4, SERIES 2017

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**AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF THE TOWN OF THE CITY OF NEWCASTLE, WYOMING, 1961 TO INCLUDE AS SECTION 12-2 PROVISIONS REGULATING FIRE PITS WITHIN THE CITY; PROVIDING PENALTIES FOR VIOLATION; AND PROVIDING FOR AN EFFECTIVE DATE**

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**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING, that:**

SECTION 1: Chapter 12 of the Code of the Town of the City of Newcastle, Wyoming, 1961 shall be, and hereby is, amended to include as Section 12-2 the following:

“Sec. 12-2. Open fires prohibited; exceptions; penalties

- (a) It shall be unlawful for any person to start or ignite, or cause to be started or ignited, any fire within the City outside of a home, garage, shop or other enclosed building, except: (i) a fire in a barbeque or smoker used for cooking food (gas, charcoal or otherwise); or (ii) a small controlled recreational fire contained in a fire pit as defined in subsection (b) below.
- (b) The term “fire pit” as used in subsection (a) above shall mean either: (i) a free-standing fire box or container constructed of steel, brick, masonry or other non-flammable material and placed upon a non-combustible surface, and if commercially manufactured used in accordance with the manufacturer’s specifications and safety guidelines; or (ii) a permanent below ground pit, permanent grade level pit or an above ground fireplace constructed of steel, brick, masonry or other non-flammable material. Fire pits shall not be located within ten (10) feet of a structure, tree or combustible material; nor shall the fire pit be located directly under any overhead combustible structure such as a gazebo or awning, or directly under the branches of any tree. Fires shall at all times be enclosed by the fire pit to prevent the fire from burning outside the fire pit, and the fire pit shall be equipped with a screen or other spark arresting device to prevent sparks from the fire from becoming airborne. Except when igniting the fire, only dry, natural (untreated) wood or commercial fireplace logs shall be burned, which shall be of such size so as to fit completely within the fire pit. The use of the fire pit shall not cause any building fire alarm system to activate. At all times while the fire pit is in use, the fire shall be attended

by a person sixteen (16) years of age or older, and a portable ten (10) pound or larger ABC type fire extinguisher, garden hose or a bucket of water, sand or dirt sufficient to extinguish the fire must be readily available.

- (c) The City police or the City fire department, through their authorized officers, may order the extinguishment of a fire in a fire pit at any time when the use of the fire pit creates a hazardous or objectionable condition, including unreasonable smoke or odor, and upon such order the person(s) in control of the fire pit shall immediately extinguish the fire.
- (d) Violation of this section constitutes a misdemeanor and is punishable by a fine of one-hundred dollars (\$100.00).

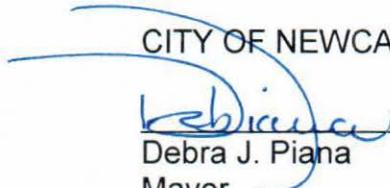
SECTION 2: This Ordinance shall become effective after passage and upon publication as provided by law.

Passed on first reading: July 17, 2017

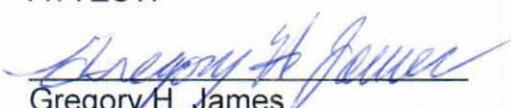
Passed on second reading: August 7, 2017

PASSED, APPROVED AND ADOPTED on third reading this 21<sup>st</sup> day of August, 2017.

CITY OF NEWCASTLE:

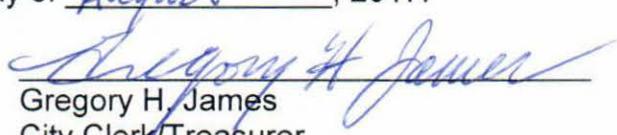
  
Debra J. Piana  
Mayor

ATTEST:

  
Gregory H. James  
City Clerk/Treasurer

#### CERTIFICATE OF PUBLICATION

I, Gregory H. James, City Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 4, Series 2017 was published in the Newsletter Journal, Newcastle, Wyoming, on this 31<sup>st</sup> day of August, 2017.

  
Gregory H. James  
City Clerk/Treasurer