

ORDINANCE 2019-149
An Ordinance Rescinding Ordinance 2011-110 in its Entirety and
Allowing and Regulating the Use of Wood Burning Constructed and Manufactured Fire
Pits, Gas Fire Pits, Gel Fuel Fire Pits and Outdoor Fireplaces

**BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ROLLING HILLS,
CONVERSE COUNTY, WYOMING:**

Section 1. Scope and Applicability.

The purpose of this ordinance is to allow for the recreational use of constructed and manufactured wood burning fire pits, gas fire pits, gel fuel fire pits and outdoor fireplaces while placing regulations on the same for purposes of reducing the possibility of fires and the corresponding threat to life and property, and shall be effective within the corporate limits of the Town of Rolling Hills.

Section 2. Definitions.

A. Gas Fire Pits. Gas fire pits feature a gas burner fueled with propane or natural gas to provide flames and can be used with different fire medias such as lava rock, fire glass or ceramic log sets.

B. Gel Fuel Fire Pits. Gel fuel fire pits are powered with gel fueled logs.

C. Wood Burning Fire Pits and Outdoor Fire Places. Wood burning fire pits and outdoor fire places are those structures outside of the home that are designed to burn wood. Wood burning fire pits and outdoor fire places can be constructed or manufactured.

D. Recreational Use. For the purposes of this Ordinance, recreational use includes an outdoor fire used for pleasure, religious, ceremonial, cooking, warmth or similar purposes, exclusive of open fires.

Section 3. Permitted Uses.

A. Gas fire pits and gel fueled fire pits may be used anywhere on a property.

B. A constructed or manufactured wood burning fire pit must be free standing and shall be three feet (3') or less in diameter and equipped with a cover or screen to prevent the emission of sparks or embers. A permanent outdoor fireplace structure must be equipped with screens or doors and a spark arrester to prevent the emission of sparks or embers. All fire pits must be constructed of non combustible material such as stone, concrete block, concrete, metal or ceramic. All fire pits are to be set upon non combustible material such as brick or stone.

C. The constructed or manufactured wood burning fire pit must be a minimum of fifteen feet (15') from any combustible structure.

Section 4. Prohibited Uses.

A. The following may not be burned:

- Treated or painted lumber
- Lumber products containing glue or resin
- Wet or unseasoned wood
- Leaves, brush, weeds or yard waste
- Garbage
- Rubber, tires or plastic

- Any animal carcass or part, including feces
- B. No pits shall be dug and used as a fire pit; only freestanding constructed, manufactured or permanent fire pits will be allowed.
- C. Bonfires are strictly prohibited.

Section 5. General Regulations.

- A. A portable fire extinguisher or garden hose shall be immediately available for use in the area of a wood burning fire pit and outdoor fire place.
- B. The fire shall be constantly attended. The fire must be cold to the touch when the pit or fireplace is left alone. A hard cover shall be placed on top of the wood burning fire pit after burning.
- C. Law enforcement and the fire department shall retain the right to extinguish any fires that exceed reasonable size (over three feet (3') both in height and width), endanger life or property, or cause a nuisance.
- D. Landowners shall be responsible for all suppression costs associated with putting out any fires that damage property, and all costs incurred as a result of the fire, whether said damage is on the property owner's personal land, or that of any other property.
- E. No fire pit shall be located upon town-owned property including, but not limited to, roadways, pathways, parking lots and parks without a one-event, special burn permit issued by the Town of Rolling Hills.
- F. Converse County, Wyoming, typically enacts restrictions on open burning on an annual basis. The Town Council retains the authority to enact the same restrictions which may apply to all constructed and manufactured wood burning fire pits and outdoor fireplaces within the Town of Rolling Hills. It is the property owner's responsibility to verify that no such restrictions are in place prior to using any wood burning fire pit or outdoor fireplace.

Section 6. Violation.

Any outdoor fire in violation of this Ordinance, or in violation of Ordinance 2008-104 (as amended) regarding controlled burns, shall be a violation.

Section 7. Penalties.

Any person found in violation of this ordinance shall be subject to a fine of not less than \$250.00 and not to exceed \$1,000.00 per incident. In addition, violators may be ordered to pay restitution for any damages caused by the violation.

Section 8. Severability.

If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid or unenforceable, the validity of the remaining ordinance, sections, subsections and clauses shall not be affected.

Section 9. Effective Date.

This ordinance shall be effective upon completion of all readings and other acts required by law.

Passed and Approved May 21, 2019.