

ORDINANCE NO. \_\_

AN ORDINANCE TO AMEND SECTION 5-I-8.B(9) THROUGH (19) OF THE  
GILLETTE CITY CODE AND TO REPEAL SECTION 9-20 OF THE  
GILLETTE CITY CODE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF  
GILLETTE, WYOMING:

SECTION ONE. Sections 5-I-8. B (9) through (13) of the Gillette City Code are  
renumbered 5-I-8. B (15) through (19).

SECTION TWO. Sections 5-I-8. B (9) of the Gillette City Code is amended to  
read as follows:

(9) The Definitions of BONFIRE, OPEN BURNING, PORTABLE  
OUTDOOR FIREPLACE and RECREATIONAL FIRE in Section 202 of the  
International Fire Code read as follows:

BONFIRE. An outdoor fire utilized for ceremonial purposes.

OPEN BURNING. The burning of materials wherein products of combustion are  
emitted directly into the ambient air without passing through a stack or chimney  
from an enclosed chamber. Open burning does not include road flares,  
smudgepots and similar devices associated with safety or occupational uses  
typically considered open flames, *recreational fires* or use of portable outdoor  
fireplaces. For the purpose of this definition, a chamber shall be regarded as  
enclosed when, during the time combustion occurs, only apertures, ducts, stacks,  
flues or chimneys necessary to provide combustion air and permit the escape of  
exhaust gas are open.

PORTABLE OUTDOOR FIREPLACE. A portable, outdoor, solid-fuel-burning  
fireplace that may be constructed of steel, concrete, clay or other noncombustible  
material. A portable outdoor fireplace may be open in design, or may be equipped  
with a small hearth opening and a short chimney or chimney opening in the top.

RECREATIONAL FIRE. An outdoor fire burning materials other than rubbish  
where the fuel being burned is not contained in an incinerator, outdoor fireplace,  
portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area

of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

SECTION THREE. Sections 5-I-8. B (10) of the Gillette City Code is amended to read as follows:

(10) Section 307.1 *General* and Section 307.1.1.1 *Prohibited Open Burning* of the International Fire Code are amended to read as follows:

**307.1 General.** A person shall not kindle or maintain or authorize to be kindled or maintained any *open burning* or *recreational fires*, unless conducted and *approved* in accordance with Sections 307.1.1 through 307.5.

**307.1.1 Prohibited Open Burning.** Open burning and recreational fires shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous, such as in the case of a full or partial fire restriction issued by the Campbell County Commissioners.

SECTION FOUR. Section 5-I-8. B (11) of the Gillette City Code is amended to read as follows:

(11) Section 307.3 *Extinguishment Authority* of the International Fire Code is amended to read as follows:

**307.3 Extinguishment Authority.** When open burning or recreational fires create or add to a hazardous situation, or in the case of open burning, when a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning or recreational fire operation.

SECTION FIVE. Section 5-I-8. B (12) of the Gillette City Code is amended to read as follows:

(12) Section 307.4.1 *Bonfires* of the International Fire Code is amended to read as follows:

**307.4.1 Bonfires .** A bonfire shall not be conducted within 50' of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50' of a structure shall be eliminated prior to ignition. A bonfire that is not a recreational fire requires a written permit from the Fire Chief.

SECTION SIX. Section 5-I-8. B (13) of the Gillette City Code is amended to read as follows:

(13) Section 307.5 *Attendance* of the International Fire Code is amended to read as follows:

**307.5 Attendance.** *Open burning, bonfires, recreational fires* and use of portable outdoor fireplaces shall be constantly attended by a responsible adult, who is not impaired by alcohol or controlled substances, until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with minimum 4-A rating or *other approved* on-site fire extinguishing equipment, such as, water barrel, garden hose or water truck, shall be available for immediate utilization.

SECTION SEVEN. Section 5-I-8. B (14) of the Gillette City Code is amended to read as follows:

(14) Section 307.6 *Maintenance* of the International Fire Code is enacted to read as follows:

**307.6.Maintenance.** Fireplaces and portable fireplaces shall be maintained in good repair and shall be equipped with a spark arrestor if they have a chimney or chimney opening in the top. Fireplaces and portable fireplaces with hearth openings shall be equipped with screens.

SECTION EIGHT. Section 9-20 of the Gillette City Code is Repealed.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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John Opseth, Mayor

( S E A L )  
ATTEST:

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Karlene Abelseth, City Clerk  
Published: