

We adopted the International Fire code in ordinance 290 2022-08 and in that document there are fines and penalties for fireworks causing fires etc.

The International Fire Code (IFC) allows for significant fines and penalties, including potential jail time, for illegal fireworks use that causes fires, though local jurisdictions adopt and modify the IFC, so specific amounts vary; generally, you face fines for the *act* of using illegal fireworks, plus liability for all damages, costs, and potential criminal charges for any resulting fire.

#### International Fire Code (IFC) Provisions

- General Penalties: IFC Section 112.4 outlines violations can lead to fines, imprisonment, or both, with each day of violation being a separate offense.
- Fireworks Restrictions: Chapter 56 deals with explosives and fireworks, generally prohibiting most uses, with exceptions for permitted displays, and often referencing other codes for consumer fireworks.
- Liability: The code implies liability for damages, and local adoption often adds clauses making individuals responsible for costs (firefighting, property damage) from fires they cause.

[https://codes.iccsafe.org/content/IFC2021V2.0/chapter-56-explosives-and-fireworks#IFC2021V2.0\\_Pt05\\_Ch56](https://codes.iccsafe.org/content/IFC2021V2.0/chapter-56-explosives-and-fireworks#IFC2021V2.0_Pt05_Ch56)

Chapter 56: Explosives and Fireworks

Chapter 14  
**FIRE PREVENTION AND PROTECTION**

**86- ORDINANCE NO. 2002-4<sup>1</sup>**

AN ORDINANCE PROVIDING FOR A FIRE BAN TO THE TOWN OF ALPINE, WYOMING, PROVIDING FOR SEVERABILITY, ORDINANCES REPEALED, DECLARATION OF AN EMERGENCY, AND EFFECTIVE DATE.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ALPINE, WYOMING:

**FIRE BAN PROHIBITION**

**1. Purpose:**

The Town of Alpine is situated adjacent to national forest lands and the Town itself contains a substantial amount of standing trees. While the County Commissioners of Lincoln County may eventually enact a no burn ordinance, the Town of Alpine needs to be able to act immediately due to the potential combustible location and nature of the Town. (Ord. No. 2002-4, § 1, eff. 7-2-2002)

**2. Regulation:**

There is hereby added to Title VII of the Ordinances of the Town of Alpine a new section one (I), entitled Fire Ban to read as follows:

(a) The Mayor is hereby empowered by proclamation to prohibit all open burning and fires within the Town limits including but not limited to bonfires, trash fires, fireworks, and other open flames, or the discharge of any Class A, B and/or C fireworks, with the following exceptions:

(i) Trash or refuse fires are permitted provided they are between the hours of 6:00 p.m. and 8:00 a.m. and they occur inside containers equipped with spark arresters and the containers are located within a cleared area that has at least ten (10) foot radius.

(ii) Charcoal fires within closed grills are permitted.

(iii) Use of acetylene cutting torches or electric arc welders are permitted, provided that said torches or welders are used within a cleared area that has at least a ten (10) foot radius.

(iv) Propane or open fire branding activities are permitted, provided that said branding activities are conducted within a cleared area that has at least a ten (10) foot radius.

(v) Use of chainsaws is allowed provided the chainsaws have spark arresters installed and functioning.

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<sup>1</sup> Legal Analysis: Ord. No. 2002-4. Fire ban. Delete as superseded by Ord. No. 2020-1.

(vi) Federal, state or local fire or law enforcement officers participating in fire, emergency, and law enforcement activities are exempt from the prohibition.

(b) This proclamation prohibiting open burning shall only be enacted in the event of prolonged dry conditions where there is extreme fire danger to the Town of Alpine.

(c) In the event of such proclamation, the same shall be posted in conspicuous places throughout the Town of Alpine.

(Ord. No. 2002-4, § 2, eff. 7-2-2002)

**3. Partial Invalidity:**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(Ord. No. 2002-4, § 3, eff. 7-2-2002)

**4. Emergency:**

This ordinance is passed as an emergency measure, and that more than three-fourths (3/4) of the Town Council does, by the vote by which the Ordinance is passed, hereby declare that an emergency exists due to the imminent fire danger, which makes it imperative that this Ordinance should become effective forthwith without being read on three different days, in order that the public, health, welfare and safety might most effectively be provided for.

(Ord. No. 2002-4, § 4, eff. 7-2-2002)

**#218 ORDINANCE NO. 2012-11<sup>2</sup>**

**ADOPTING THE INTERNATIONAL FIRE CODE**

**AN ORDINANCE REPEALING #175 ORDINANCE NO. 2008-31 AND PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL FIRE CODE 2012 EDITION FOR THE TOWN OF ALPINE, AND PROVIDING FOR THE EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ALPINE, WYOMING IN REGULAR SESSION DULY ASSEMBLED THAT:**

**SECTION I.**

#175 Ordinance No. 2008-31 is hereby repealed in its entirety.  
(Ord. No. 2012-11, § I, 12-4-2012)

**SECTION II.**

There is hereby adopted by the Town Council of the Town of Alpine, for the purpose of

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<sup>2</sup> Legal Analysis: Ord. No. 2012-11, 2012 International Fire Code. Delete as superseded by Ord. No. 2022-08.

prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code and Standards known as the International Fire Code 2012 Edition (the "IFC"), including Appendices B, C, D, E, F, and G, published by the International Code Council, hereby establishing an effective date upon approval and passage of this ordinance. The IFC is hereby incorporated by reference as if the same were more fully set out herein.

(Ord. No. 2012-11, § II, 12-4-2012)

### **SECTION III.**

Priority of ordinances.

In the event any of the adopted ordinances of the town as codified in this code as of the date of the adoption of the ordinance codified in this section conflict with any other sections of the Town of Alpine Municipal Code, the most restrictive shall apply.

(Ord. No. 2012-11, § III, 12-4-2012)

## **272 ORDINANCE NO. 2020-01**

AN ORDINANCE AMENDING TITLE V LAW ENFORCEMENT CHAPTER \_\_\_\_\_ SECTION \_\_\_\_\_ TO INCLUDE SECTION \_\_\_\_\_, REGULATING PYROTECHNIC DEVICES, RECREATIONAL FIRES WITHIN THE INCORPORATED LIMITS OF THE TOWN OF ALPINE, WYOMING

WHEREAS, the Town of Alpine, Wyoming is located in a semi-rural area where residential structures often found within or close to forested areas or, within or close to areas where combustible materials grow in abundance; and

WHEREAS, the potential for wildfires is greatest between the months of June through October; and

WHEREAS, the Town needs the ability to control recreational fires within the Town of Alpine in order to protect the health and safety of the public.

WHEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ALPINE, WYOMING IN REGULAR SESSION, DULY ASSEMBLED, THAT SECTION \_\_\_\_\_ OF CHAPTER \_\_\_\_\_ OF TITLE LAW ENFORCEMENT OF THE ALPINE TOWN CODE BE AMENDED AS FOLLOWS:

### **SECTION 1. DEFINITIONS**

"Pyrotechnic Device". A pyrotechnic device shall be defined as any explosive device designed to create noise, sparks, smoke, or pyrotechnic effects.

"Recreational Fire". An outdoor fire burning only natural wood and/or charcoal materials where the fuel being burned is not considered an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit and has a total fuel are of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

"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 short chimney opening in the top.

(Ord. No. 2020-01, § 1, 5-19-2020)

## **SECTION 2. EMERGENCY DECLARATIONS.**

**EMERGENCY DECLARATIONS.** The Town of Alpine may, by Order of the Mayor and Council, prohibit the use of Pyrotechnic Devices, Recreational Fire(s), or Portable Outdoor Fireplace(s) if it is determined that there is a danger of wildfires at any time of the year.

(Ord. No. 2020-01, § 2, 5-19-2020)

## **SECTION 3. PYROTECHNIC DEVICES**

The discharge of pyrotechnic devices shall only be permitted on the twenty-four (24) hours prior to, during, and twenty - four (24) hours subsequent to the 4th day of July of each year, or as permitted upon petition to the Governing Body of the Town of Alpine for other events or occasions.

(Ord. No. 2020-01, § 3, 5-19-2020)

## **SECTION 4. RECREATIONAL FIRES**

Recreational Fires must be constantly attended. Fire areas must have water, fire extinguishers, dirt, sand, water barrels, garden hose or other on-site fire extinguishing equipment available for the purpose of extinguishing the fire upon cessation of use, or in the event of excess flame.

Fires must be a minimum of twenty-five (25) feet from all combustibles (buildings, cars, vegetation, etc.)

Fires must be extinguished in the event of gusty or strong winds.

(Ord. No. 2020-01, § 4, 5-19-2020)

## **SECTION 5. PORTABLE OUTDOOR FIREPLACES**

Portable Outdoor Fireplaces must be used in accordance with manufacturer's instructions shall not be operated within fifteen (15) feet of a structure or combustible material.

Portable Outdoor Fireplaces must be constantly attended. Fire areas must have water, fire extinguishers, dirt, sand, water barrels, garden hose or other on-site fire extinguishing equipment available for the purpose of extinguishing the fire upon cessation of use, or in the event of excess flame.

Fires must be extinguished in the event of gusty or strong winds.

(Ord. No. 2020-01, § 5, 5-19-2020)

## **SECTION 6. PENALTIES<sup>3</sup>**

Any person found guilty of a violation of any section of the chapter shall be subject to a fine of not more than one thousand dollars (\$1,000.00) per occurrence.  
(Ord. No. 2020-01, § 6, 5-19-2020)

## **290 ORDINANCE NO. 2022-08**

### **INTERNATIONAL FIRE CODE**

AN ORDINANCE REPEALING 263 ORDINANCE NO. 2018-13 AND PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL FIRE CODE 2021 EDITION FOR THE TOWN OF ALPINE AND PROVIDING FOR THE EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ALPINE, WYOMING IN REGULAR SESSION DULY ASSEMBLED THAT:

#### **SECTION I.**

263 Ordinance No. 2018-13 is hereby repealed in its entirety.  
(Ord. No. 2022-08, § I, 5-17-2022)

#### **SECTION II.**

There is hereby adopted by the Town Council of the Town of Alpine, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code and Standards known as the International Fire Code ("IFC") 2021 Edition ("IFC"), including Appendices B, C, D, E, F, and G, published by the International Code Council, hereby establishing an effect date upon approval and passage of this ordinance. The International Fire Code is hereby incorporated by reference as if the same were more fully set out herein.  
(Ord. No. 2022-08, § II, 5-17-2022)

#### **SECTION III. Priority of ordinances.**

In the event any of the adopted ordinances of the town as codified in this code as of the date of the adoption of the ordinance codified in this section conflict with any other sections of the Town of Alpine Municipal Code, the most restrictive shall apply.  
(Ord. No. 2022-08, § III, 5-17-2022)

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<sup>3</sup> Legal Analysis: Ord. No. 2007-08, § 2020-01, § 6. Penalties. Please review penalty (\$1,000).  
This penalty exceed the penalty authorized by W.S. 15-1-102(a)(xli).