

CHAPTER 133

FIRE DANGER AREAS-CLOSURE

Original House Bill No. 228

AN ACT to amend W.S. 35-9-301 through 35-9-303 relating to public health and safety; authorizing boards of county commissioners to close areas of the county where fire danger is deemed to be extreme; transferring duties from the state board of land commissioners to boards of county commissioners; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-9-301 through 35-9-303 are amended to read:

35-9-301. Closing area upon recommendation of county fire warden. When, upon ~~application by~~ RECOMMENDATION OF the county ~~commissioners of any county or counties of the state, the state~~ FIRE WARDEN, A board of land COUNTY commissioners deems the fire danger in a given area of the state COUNTY to be extreme, because of drought, the presence of an excessive amount of inflammable material or for any other sufficient reason, the board OF COUNTY COMMISSIONERS may close the area to any form of use by the public or may limit such use UPON RECOMMENDATION OF THE COUNTY FIRE WARDEN. This closing shall include prohibition of any type of open fire for such period of time as the board OF COUNTY COMMISSIONERS may deem necessary and proper. THE COUNTY FIRE WARDEN SHALL NOTIFY THE WYOMING STATE FORESTER OF ANY TYPE OF FIRE CLOSURE OR THE LIFTING OF ANY TYPE OF FIRE CLOSURE UNDER THIS SECTION.

35-9-302. Access of residents to home or property; contents of order of proclamation. Provided however, that nothing in this act W.S. 35-9-301 THROUGH 35-9-304 and no order of the A board OF COUNTY COMMISSIONERS shall prohibit any person residing within the area from full and free access to his home or property, nor prevent any legitimate use thereof by the owner or authorized personnel on ordinary day to day business or lessee of such property. The order of proclamation closing or limiting the use of said area shall set forth the exact area coming under the order, the date on which the order shall become effective, and if deemed advisable, the authority from which permits for entry into said area may be obtained.

35-9-303. Rules. The board of land commissioners shall ~~make such~~ PROMULGATE rules as are necessary to REQUIRE COUNTY FIRE WARDENS AND BOARDS OF COUNTY COMMISSIONERS TO carry out the purposes of this act W.S. 35-9-301 THROUGH 35-9-304, and provide for proper notice to the public.

Section 2. This act is effective July 1, 1993.

Approved February 27, 1993.