

HOUSE BILL NO. HB0147

Burn orders-violations and permitted fires.

Sponsored by: Representative(s) Lindholm, Blake and Hunt  
and Senator(s) Baldwin and Driskill

A BILL

for

1 AN ACT relating to fire protection; including specified  
2 fires as a legitimate use not subject to county fire bans  
3 or restrictions; increasing penalties for violating county  
4 fire bans or restrictions; and providing for an effective  
5 date.

6

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

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9 **Section 1.** W.S. 35-9-302 and 35-9-304 are amended to  
10 read:

11

12 **35-9-302. Access of residents to home or property;**  
13 **contents of order of proclamation.**

14

1 ~~Provided however, that~~ Nothing in W.S. 35-9-301 through  
2 35-9-304 and no order of a board of county commissioners  
3 shall prohibit any person residing within the area from  
4 full and free access to his home or property, nor prevent  
5 any legitimate use thereof by the owner or authorized  
6 personnel on ordinary day to day business or lessee of such  
7 property. For purposes of this article, "legitimate use"  
8 includes a fire intentionally set by the owner, lessee or  
9 authorized personnel on land that person owns or controls  
10 unless the fire escapes from the land or the person  
11 requests suppression by the local fire service. The order  
12 of proclamation closing or limiting the use of said area  
13 shall set forth the exact area coming under the order, the  
14 date on which the order shall become effective, and if  
15 deemed advisable, the authority from which permits for  
16 entry into said area may be obtained.

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18 **35-9-304. Illegal entry or use.**

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20 Any entry into or use of any area in violation of this ~~act~~  
21 ~~shall be~~ article is a misdemeanor ~~and shall be punished~~  
22 punishable by a fine of not to exceed ~~one hundred dollars~~  
23 ~~(\$100.00)~~ or seven hundred fifty dollars (\$750.00),

1 imprisonment ~~in the county jail~~ for not to exceed ~~thirty~~  
2 ~~(30) days~~ six (6) months, or both. ~~the fine and~~  
3 ~~imprisonment.~~

4

5       **Section 2.** This act is effective immediately upon  
6 completion of all acts necessary for a bill to become law  
7 as provided by Article 4, Section 8 of the Wyoming  
8 Constitution.

9

10

(END)