

**RESOLUTION ISSUING EMERGENCY RULE AMENDING THE LARAMIE COUNTY
FIREWORKS PERMIT APPLICATION, AMENDING CERTAIN FILED
APPLICATIONS FOR FIREWORKS PERMITS; AND PROVIDING NOTICE TO
APPLICANTS**

WHEREAS, Wyoming State Statutes W.S. § 31-5-108-authorizes Laramie County, in promoting the public health, safety, morals and general welfare of the county, to adopt traffic regulations for streets and highways within its corporate; and

WHEREAS, W.S. §16-3-103(b) authorizes the Board of Laramie County Commissioners to adopt emergency rules in advance of the provision of notice and opportunity to be heard by the public pursuant to W.S. § 16-3-103(a); and

WHEREAS, 16-3-103; §18-5-101 to 18-5-107; §18-5-201 to 18-5-208; and 18-5-301 to 18-5-315 authorizes Laramie County, in promoting the public health, safety, morals and general welfare of the county to adopt regulations addressing the use of land through zoning regulation in unincorporated Laramie County; and

WHEREAS, a review of the Laramie County fireworks regulations as but underway over the last several months based on experiences in prior fireworks seasons, changes in law, and issues regarding public safety and security that have been noted over preceding years. As part of that process, when applications began to appear for approval on the agenda of the Laramie County commissioners, discrepancies in the permit application were noted; and

WHEREAS, the current Regulations of Laramie County contain requirements in regard to the operation of consumer fireworks retail sales and the accompanying structures; the requirements. These requirements include a mandated application and process for the issuance of permits allowing sales; The Application for a Fireworks Permit requires Applicants to swear to the receipt of and acknowledgement of the Laramie County Consumer Fireworks Retail Sales Regulations and acknowledge being bound thereby (hereinafter "LCCFR"); and

WHEREAS, based upon the review of the Application, it was determined that while sufficiently binding, it did not as accurately as possible provide identification of the applicable regulations and the penalty for false swearing intended by the application: As a result of the application not currently reflecting the identification of regulations and penalty, modification of the regulations/application is required; and

WHEREAS, a number of applicants had already submitted applications when the above noted discrepancies were discovered. Some of these applications were already complete, absent approval by the Board of County Commissioners, including in some cases, successful inspection by the Laramie County Fire Warden and payment of fees; and

WHEREAS, in order not to impose additional costs or use of resources on applicants already having submitted applications, this Resolution is intended to modify the Regulations, which include any already submitted applications, preventing any current applicants from having to repeat the application process in any manner; and

WHEREAS, these emergency and immediately effective amendments, will be followed by appropriate notice and adoption of amendments or modifications of the Regulations under the Wyoming Administrative Procedures Act for formation of rules, barring any further exigent circumstances;

WHEREAS, the Board of Laramie County Commissioners find that the impact to the health, safety and welfare to citizens of the County is significant enough to invoke emergency rules pursuant to Wyoming State Statute § 16-3-103(b);

Basis:

Based on the following requirements in the LCCFR and the potential harm through repetition of the Application process to Applicants, as well as the time being of the essence due to the month of the year and impending 'fireworks season,' the Board finds that sufficient grounds exist to pass these emergency rules pursuant to Wyo. Stat. § 16-3-103(b).

1. Time is of the essence: April and May of every year are the month in which many, if not all Fireworks vendors in Laramie County, make application for permits for fireworks sales. Should this matter have proceeded through rulemaking pursuant to Wyo. Stat. § 16-3-103(a) and its associated statutes," this would require an excess of 60 days or more, to complete. As a result, the issues addressed above and the regulations as a whole, would not accurately reflect the appropriate language.

2. As indicated above, and not be current in regard to the activities at issue surrounding the sales of fireworks in this year. Based on the existing regulations, the Commissioners may have been barred or potentially hampered in approving fireworks permits at a minimum, simply due to the issues in the application form due to the regulations.

3. The LCCFR requires, at 2.6.3 in part: "signatures of applicants indicating that... they understand the regulations, the requirements upon which the permit is issued, the basis upon which a permanently revoked and agreed to said requirements." Inadequate reference to the regulations, could be found and provided insufficient notice and makes a determination of compliance with this section of regulations problematic if not unobtainable.

4. The LCCFR at 2.6.6 states in part that the board *may not* issue a permit if the purpose of the regulations "shall not be carried out by the issuance of the permit." If the permit application has inadequacies or discrepancies, its purposes cannot be carried out.

5. The LCCFR at 2.6.8 states:

"Commissioners will review for approval or rejection a fireworks sales permit as soon as practicable after receipt by the Laramie County Clerk, is review and

approval of the application has been performed by the reviewing agencies and the application is incomplete conformity with these regulations and any applicable laws, codes, statutes or ordinances”

At a minimum, discrepancies in notice as to the penalty for false swearing in the application may hinder enforcement as well as not clearly inform applicants. Combined with any ambiguity in the identification of the regulations to which the applicant are mandated to be bound, could create a lack of conformity with both applicable law as well as the regulation.

6. It is the intent of the County to proceed with the adoption of permanent rules of a similar nature to the modifications herein, and others of substantially similar nature governing the sales of fireworks in Laramie County.

7. Additional modifications to the regulations have been under discussion and review throughout the last year, based on experience and events. It is this process, which remains ongoing, by which the matters affected by this Resolution, among others, were discovered.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING,

The application for a Laramie County Fireworks Permit will be modified in the following section as follows:

I hereby certify under penalty of false swearing that ALL information on this application form is true and correct, that I am the applicant named herein, and that I have received, reviewed and understand the “Laramie County Consumer Fireworks Retail Sales Regulations” adopted January 8, 2019 as amended. I understand all approvals represent a commitment by me to carry out the operations of the fireworks operation as represented. I further understand the basis of the regulations and that the permit may be revoked. Any and all modifications to the “Approvals” must be coordinated through the Development Office at which time a determination will be made as to the need for an updated Site Plan map and/or additional Administrative or Board of County Commissioners review. I also understand the site will be examined during the final inspection for compliance with the “Approved Site Plan” and applicable regulations. If any of the information in this application changes, it is the responsibility of the applicant to notify the Laramie County Clerk of the change within five (5) working days of the change. Failure to comply with this notice provision may result in denial or revocation of the permit.

IT IS FURTHER RESOLVED, that applications already filed and submitted by April 19, 2024, or prior to that date if permit applications can be modified as above are available in the Laramie County Clerk’s office, shall be considered to have been executed under the above modified language. Applicants who wish to refile an application already submitted, may do so under new forms when they are available if they so desire.

This resolution shall be effective upon approval by the Board of County Commissioners and signature thereon. It constitutes a final administrative agency decision and is therefore subject to judicial review pursuant to Wyo. Stat. § 16-3-114.

PRESENTED, READ AND ADOPTED this 16th day of April, 2024.

BOARD OF LARAMIE COUNTY COMMISSIONERS

Gunnar Malm, Chairman, Laramie County Commissioners

Date

ATTEST:

Debra Lee, Laramie County Clerk

Date

Approved as to form:

Mark T. Voss, Laramie County Attorney

Date

2/10/24