

ORDINANCE NO. 641

AN ORDINANCE REPEALING AND RECREATING SECTION 9.14 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, RELATED TO OPEN BURNING

THE COMMON COUNCIL OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 9.14 of the Municipal Code is repealed and recreated to read as follows:

9.14 OUTDOOR BURNING REGULATIONS.

- (1) *Open Burning.* Open burning is defined as a controlled, limited size, open area fire. Except as otherwise provided in this ordinance, open burning within the City limits is prohibited.

- (2) *Open Burning Regulations.* Open burning not otherwise prohibited by this ordinance, shall be subject to the following regulations, restrictions and limitations:
 - a. **Size of Pile.** The size of the pile of material to be burned shall not exceed 4' by 4' by 3' high or as permitted by the Fire Chief on two acres or larger lot size.
 - b. **Material for burning.** Fuel for open burning shall consist of dry material only and shall not be ignited with flammable or combustible liquids.
 - c. **Restrictions on locations.** Materials used, or intended to be used for open burning shall be subject to the following location restrictions:
 1. Piles of material or non-contained material being burned shall be at a distance of 50 feet from any structure, wood or lumber pile, wooden fence, trees or brushes; and provision shall be made to prevent the fire from spreading to such items; or
 2. Contained burning shall be an approved burner located at least 25 feet from any structure, wood or lumber pile, wooden fence, tree or brush.
 - d. **Time of burn.** Open burning shall be permitted only from 7 a.m. to ½ hour after sunset or as permitted by the fire department.
 - e. **Prohibited Activities.** Notwithstanding anything contained herein to the contrary, open burning shall be prohibited under the following circumstances:
 1. When the wind velocity exceeds 9 MPH or local circumstances make the fire potentially hazardous. Local circumstances include, but are not limited to, thermal inversions, ozone alerts, and very dry conditions.
 2. No open burning shall be permitted when the location of the pile of material and the wind velocity may cause smoke to create a nuisance for adjacent property owners as determined by Police or Fire Department on scene. This prohibition shall apply regardless of the wind velocity.
 3. No burning shall take place within 25' of the high watermark of lakeshores, streams or other watercourses or in roadside ditches in the City.

4. Burning of standing or razed buildings. No building, structure or materials from a razed building shall be burned, unless it shall be a fire for the practice and instruction of firepersons or the testing of firefighting equipment and shall be under the supervision of the Fire Department.
 5. There shall be no burning on construction sites of any building materials at any time.
 6. No burning shall be permitted on any day deemed by the State as an "atmospheric alert" day.
 7. Burning shall not be permitted on any Federal holiday or the weekend associated with it. If the holiday falls on Tuesday, Wednesday, or Thursday there is no weekend associated with the holiday.
- f. Prohibited materials. The following materials may not be burned within the City limits: Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, animal waste, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes. Any material made of or coated with rubber, plastic, leather or petroleum based materials. Materials containing any flammable or combustible liquids. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives. Any materials required to be recycled by law.
- (3) *Exceptions.* The open burning restrictions contained in this ordinance shall not apply to the following:
- a. Recreational fires.
 - b. Fire department training exercises.
 - c. Outdoor grilling or cooking.
- (4) *Recreational Fires.* A recreational fire is any small fires such as a campfire, built in a fire pit or portable manufactured fire container, for the purpose of recreational and personal enjoyment, and not intended for the disposal of waste wood or yard waste.
- a. Recreational fires are allowed between the hours of 6:00 AM and 11:59 PM, subject to the following restrictions and limitations:
 1. Material for burning. Only dry wood materials may be used for recreational fires. No yard waste, grass clippings, leaves, pine branches, Christmas trees, or other similar materials may be used.
 2. Size of fire. The size of the burning materials shall not exceed 36" in diameter or 24" in height and shall not have a flame height exceeding 4' from the base of the fire at any time.
 3. Location. The burning materials shall be located at a minimum 20 feet from any property line, building, wood fences, utility poles, overhead wires or piles of combustible materials. The burning material must also be a minimum of 50 feet from any flammable or combustible liquid storage container. A fire pit used for recreational fires shall include a non-combustible outdoor fire ring extending not more than 18" above ground

level, and not exceeding 36 inches in diameter. The fire pit shall be surrounded by noncombustible materials, extending at least 12" inches in all directions around the perimeter. of the fire pit.

4. Manufactured containers. Portable manufactured fire containers shall be located, at ground level, and on a non-combustible surface. All recreational fires must be kept clear of combustible vegetation and debris.
- (5) *Bonfires.* A bonfire is defined as a large (greater than 3 feet wide x 2 feet high) open area fire kindled to mark a public event, victory celebration or similar occurrence where dry, combustible materials, such as wood, paper and similar items, are burned. Bonfires, which are included within the definition of open burning, shall be subject to the following additional restrictions and limitations:
- a. Prior approval. All persons shall obtain authorization from the Fire Chief before kindling or maintaining any bonfire or authorizing the kindling or maintaining of any bonfire on any premises in the City.
 - b. Quantity of material to be burned. The allowable quantity of material to be burned shall be determined by the Fire Chief and shall be based upon the fire safety considerations of the situation and the desired duration of the burn.
 - c. Material for burning. Fuel for bonfires shall consist of dry material only and shall not be ignited with flammable or combustible liquids. Material for bonfires may not include rubbish, garbage, trash, any material made of or coated with rubber, plastic, leather or petroleum based materials and may not contain any flammable or combustible liquids.
 - d. Other regulations. Persons kindling or maintaining bonfires or authorizing the kindling or maintenance of bonfires shall be subject to the ordinances and regulations of the City Fire Department.
- (6) *Supervision.* All open burning, bonfires, and recreational fires shall be constantly attended and supervised by a competent person at least 16 years of age until such fire is extinguished. This person shall have fire extinguishing equipment available, and shall be responsible for properly and thoroughly extinguishing all open burning, bonfires or recreational fires before leaving the fire unattended.
- (7) *Prohibitions.* The prohibitions and restrictions that apply to open burning, as set forth in Section 9.14(2)(e)1. through 6. shall apply to recreational fires.
- (8) *Nuisances.* Notwithstanding anything contained herein to the contrary, any open burning, bonfire or recreational fire which is determined by fire or police officials, to create a health or safety hazard, or otherwise unreasonably interferes with the use and enjoyment of other residential properties within the City, shall be extinguished if so ordered by either police or fire department officials.
- (9) *Emergencies.* Whenever because of extreme dryness or drought the Fire Chief shall deem it necessary to prohibit the setting of fires upon any land within the City, the Chief shall, by proclamation, declare an emergency and cause to be published in the official newspaper a notice forbidding the setting of fires within the City.

SECTION 2: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This Ordinance shall become effective upon passage and publication as required by law.

Dated this 1st day of November, 2010.

CITY OF DELAFIELD



Ed McAleer, Mayor

ATTEST:



Gina C. Gresch, MMC/ WCPC
City of Delafield Clerk-Treasurer
Waukesha County



Date Adopted: November 1, 2010
Date Published: November 11, 2010
Effective Date: November 12, 2010