

## ORDINANCE #631

### ORDINANCE REPEALING AND RECREATING §101-17 OF THE MUNICIPAL CODE OF THE VILLAGE OF SAUKVILLE, OZAUKEE COUNTY, WISCONSIN

BE IT ORDAINED, by the Village Board of the Village of Saukville, Ozaukee County, Wisconsin, that § 101-17 of the Municipal Code of Ordinances of the Village of Saukville is hereby repealed and recreated to read as follows:

#### § 101-17 OPEN BURNING

- A. Open burning Prohibited. No person, firm or corporation shall build, light, create or permit any open fire within the corporate limits of the Village of Saukville, except as set forth in Subsection B Below.
- B. Exceptions.
- (1). The following may be permissible
- (a) The use of electric, charcoal, wood or gas portable or permanent cooking grills designed and sized for normal residential use, provided that no:  
grills or devices used for outdoor cooking will  
be allowed to be used or stored above the first story  
of any building including on a balcony, raised porch or platform.
- (b) Fires set by the Village's fire department for practice and instruction of fire fighters or for testing fire fighting equipment.
- (c) Controlled burns of natural areas for environmental management purposes provided that the property owner has written approval for the burn from the Wisconsin Department of Natural Resources.
- (d) Ceremonial campfires and bonfires with prior written permit from the Fire Chief, and subject to the following:
- [1] Ceremonial bonfires may be permitted by the Fire Chief upon receipt by the Fire Chief of a written request for the fire. Requests for permission shall contain the date, time and site of the proposed fire as well as the name of the requesting group or organization and shall be submitted to the Fire Chief at least 3 days prior to the date desired for the holding of the fire. 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. Material for bonfires shall consist of dry wood only.
- [2] Bonfires shall be constantly attended and supervised by a competent person at least 18 years of age until such fire is extinguished. This person shall have readily available for use fire extinguishing equipment deemed necessary by the Fire Chief.

- [3] The size of a bonfire shall not exceed 3 feet by 3 feet and shall be at least 50 feet away from any structure, wood or lumber pile, wooden fence, trees or bushes or other combustibles and provisions shall be made to prevent the fire from spreading nearer than 25 feet of such items. The Fire Chief may increase the size restrictions on upon written request to him for such increase.
- (e) Recreational campfires in a covered or approved container or device located at least 10 feet from all combustibles, buildings, decks and lot lines with prior written permit from the Fire Chief, and subject to the following:
  - [1] There shall be a garden hose connected to a water supply or other fire extinguishing equipment readily available for use.
  - [2] Fuel for recreational campfires shall consist of dry wood only and may not include rubbish, garbage, trash, any yard waste, any materials made of or coated with rubber, plastic, leather or petroleum based materials and may not contain any flammable or combustible liquids.
  - [3] The maximum height of the flames shall be 18 inches above the top of the container that fire is being burned in.
  - [4] At no time shall the smoke or heat created by such burning be an annoyance or discomfort to the neighborhood or the traveling public and the fire shall be ordered extinguished upon any complaint to the fire department or police department.
- (f) The Fire Chief may also permit cooking grills or fire pits or appliances which do not comply with the specific requirements set forth upon individual application, provided that adequate safeguards are maintained.

C. Permits.

- (1) Granting. Whenever a permit is granted by the Fire Chief under the provisions of this section, the permit shall be granted only after an on-site inspection, consideration of any hazards that could affect adjacent property, and observance of any safety restrictions that the Fire Chief may require. A permit fee shall be paid to the Village of Saukville in an amount as set by the Village Board.
  - (a) Unless issued for a single event fire, any permit issued shall be for an indefinite period and is not transferable.
  - (b) Permits shall be at all times kept on the premises designated therein and shall at all times be subject to inspection by any officer of the Fire or Police Departments.
- (2) Violations. If the Fire Chief is notified that any permit holder has in any way violated any of the provisions of this section, a written warning or a citation may be issued under provisions of § 101-9. Notification to the Fire Chief may be based on either his personal knowledge or upon information and belief based on an official police report of complaint/violation.

(3) Revocation. If the Fire Chief determines that the permit holder has violated any provisions of this section and that a written warning or citation was issued, the Fire Chief may revoke the permit by giving written notice to the permit holder. The duration of the period of permit revocation shall be at the discretion of the Fire Chief.

(4) Appeal. Whenever the Fire Chief Revokes a permit under subsection C (3) above, the permit holder may appeal the revocation to the Village of Saukville Public Safety Committee. Written notice of appeal must be made within 3 days of the day of receipt of the notice of revocation pursuant to the provisions of §101-15.

D. Authority of Fire Chief. The Fire Chief may prohibit any or all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous, except on written permit from the Fire Chief, which permit shall designate the time and place for such burning. Notice of designation of a fire danger emergency period shall be made by publication of an appropriate order, once in the official newspaper, to be effective forthwith.

E. Burning on Streets. No materials may be burned upon any street, curb, gutter, sidewalk, or parking lot.

F. Liability. Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damages caused by such fires.

This Ordinance shall be come effective upon passage and execution of Affidavit of Posting.

Introduced and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2005

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Barbara A. Dickmann  
Village President

ATTEST:

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Dawn M. Wagner  
Village Clerk-Administrator