

## ORDINANCE NO. 2011-06

### An Ordinance Relating to Open Burning

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

SECTION 1. Section 5-2-78(c) of the Municipal Code of the City of Cedarburg is hereby amended to include the following:

#### SEC. 5-2-78 OPEN BURNING

- (c) **Open Burning is prohibited.** Outdoor fires within the corporate limits of the City of Cedarburg are prohibited except as set forth in below.
- (1) No grills or devices used for outdoor fires for cooking are authorized to be used above the first story of any building on a balcony, raised porch or platform, etc., except for properly maintained liquid petroleum or liquid natural gas outdoor cooking appliances that have tanks no greater than 2.7 lb. water capacity or 1.02 lb. LP gas capacity.
  - (2) Recreational Fires.
    - (a) No recreational fires may be started or allowed to continue burning unless such recreational fire is fully contained within an approved fire pit or outdoor appliance.
      - (1) An approved fire pit is any below ground dug pit not greater than 36 inches inside diameter (inside edge of the pit to inside edge); lined with non-combustible material, soil, metal or stone; a minimum of 6 inches deep; and ringed on the outer diameter with stone, brick or concrete.
      - (2) An outdoor appliance is any commercially available appliance designed to contain a wood fire when operated according to manufacturer's instructions with all lids, screens and spark arresting devices in place; or permanent structure built entirely of non-combustible materials designed with spark arrestors and screens to contain a wood fire.
    - (b) No fire pit shall be closer than 25 feet from any dwelling, building structure, shed or garage or closer than 10 feet from any wooden fence, deck or combustible material. Commercially available outdoor appliances shall not be within 10 feet of any structure or combustibles; all recreational fires are to be set back a minimum of 6 feet from adjoining property lines.
    - (c) No recreational fire shall be started or allowed to continue burning when the wind direction or wind speed will cause embers or other burning material to be carried onto any building or combustible material; nor any time that wind direction will carry smoke into the open windows of any building. Smoke from any recreational fire shall not create a nuisance for neighboring properties and fires shall be completely extinguished when police or fire department investigation determines a nuisance is present.
    - (d) Fuel for outdoor recreational fires shall consist of natural wood or manufactured fire log material only and may not include leaves, rubbish, garbage, trash, construction materials, any materials made of or coated

with rubber or plastic, leather or petroleum based materials. Flammable or combustible liquids may not be used to aid in starting any outdoor fire. Flammable or common/standard dry kindling materials may be used to aid in starting any outdoor fire.

- (e) Recreational fires shall be constantly attended and supervised by a competent person at least 18 years of age until the fire has been completely extinguished. The means for extinguishing any fire (as deemed necessary by the Fire Chief) must be kept immediately available at all times when a recreational fire is burning. Proper fire extinguishing equipment includes: a garden hose, shovels, water buckets or an ABC rated Fire Extinguisher at least 10 lbs. capacity.
- (f) Any party who starts or maintains a recreational fire that is allowed to burn out-of-control shall be held responsible for paying any costs associated with fire control efforts to extinguish the fire.
- (g) Recreational fires shall be permitted only from 11 a.m. to 11 p.m.

SECTION 2. This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this 9<sup>th</sup> day of May, 2011.

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Gregory P. Myers, Mayor

Countersigned:

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Constance K. McHugh, City Clerk

Approved as to form:

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Kaye K. Vance, City Attorney