

**Ordinance 2018-07**  
**An Ordinance Amending Chapter 4.19**  
**Public Safety, Open Burning of the Municipal Code**

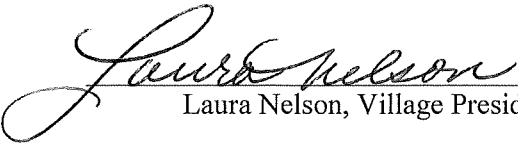
The Village Board of The Village of Suamico, Wisconsin Does Ordain as Follows:

**Ordinance Section 1:** Section 4.19 Open Burning of the Municipal Code is amended to read as attached.

**Ordinance Section 2:** All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

**Ordinance Section 3:** This ordinance shall be in full force and effect following passage and publication.

Adopted this 18<sup>th</sup> day of June, 2018.

  
\_\_\_\_\_  
Laura Nelson, Village President

Attest:

  
\_\_\_\_\_  
Bonnie Swan, Village Clerk

Nelson      aye  
Schneider    aye  
Eckert      aye  
Ward        aye

Andrews     aye  
VanRossum   aye  
Roddan      aye

Date Posted: \_\_\_\_\_

Village of Suamico

**4.19 OPEN BURNING**

**(1) General.** A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

*(a)* Any open burning other than recreational fires, requires a permit from the Fire Chief or his Designee.

**(2) Definitions:** The following definitions shall apply to this section:

*(a) Open fire.* The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames or recreational flames.

*(b) Accelerant.* A flammable or combustible liquid that will increase the rate of burning of a material. Under no circumstances may any flammable or combustible liquid be used to start or promote an open fire to burn.

*(c) Chamber.* For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gases are open.

*(d) Fuel.* Fuel for any fires identified under this code section shall only consist of dry natural wood materials, leaves or charcoal. Materials for fires shall NOT include rubbish, garbage, trash, grass, any material made of or coated with rubber, plastic, leather, paint or petroleum-based

materials and shall not contain any flammable or combustible liquids.

*(e) Recreational Fire/Fire Pit.* A below ground pit with a minimum depth of ten inches (10") not to exceed three feet (3') in diameter. The fire pit shall be surrounded on the outside, above ground, by a non-combustible material such as concrete block or rock.

*(f) Size.* Unless specified in the definitions above, the maximum size of any open fire, bonfire, recreational fire or fire/barbecue pit may not exceed three feet (3') in diameter and the fuel height may not exceed two feet (2') in height. Special permission (burning permits) may be granted by the Chief or his designee for larger piles.

**(3) Burning permits** shall be obtained from the Fire Department. The permit shall be good for ten (10) days unless otherwise amended by this code.

*(a)* Fees for burning permits shall be as set from time to time by resolution of the Board.

**(4) Safety Considerations:** The following shall be adhered to for open burning:

*(a) Atmospheric Conditions.* Fires will be limited to the following atmospheric conditions: No fire shall be started unless there are favorable conditions for burning with regard to wind direction and speed. No fire shall be started at a time when the wind speed exceeds eight miles per hour (8 mph) as measured at the Green Bay NOAA National Weather Service station or local circumstances make fires potentially hazardous. Open burning shall be prohibited when such atmospheric conditions exist that would cause the smoke from open burning to stagnate such as an inversion or extremely high humidity.

(b) *Burning times.* Open fires other than bonfires or recreational fire/barbecue pits may only be conducted during daylight hours and must be extinguished at dusk.

(c) *Prohibited open burning.* Open burning that will be offensive or objectionable to occupants of the surrounding properties (creating a Public Nuisance as defined in Chapter 11 of the Village Code) due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. A fire department officer is authorized to order the extinguishment by either the party in control of the fire or the Fire Department when open burning creates or adds to a hazardous or objectionable situation.

**(5) Location.** The location of open fires shall be as follows:

(a) *Recreational Fires/Fire Pit.* The location of open fires shall not be less than thirty feet (30') from any structure, and

provisions shall be made to prevent the fire from spreading to within thirty feet (30') of any structure.

**(6) Attendance.**

(a) All open fires shall be constantly attended until the fire is completely extinguished. A minimum of one (1) portable fire extinguisher complying with a minimum 4-A rating or other approved onsite fire extinguishing equipment, such as shovel, dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

(b) *Responsible Person.* At least one (1) responsible person of age sixteen (16) years or older must be in attendance of all fires.

**(7) Portable Open-Flame Cooking Devices.** Portable open-flame cooking devices, regardless of cooking fuel, shall not be operated within ten feet (10') of combustible construction.

(a) *Exceptions:* Where buildings and decks are protected by an automatic sprinkler system.

(b) *Prohibited locations.* Portable open-flame cooking devices are prohibited on the

balcony of any multi-family residential dwelling.

**(8) Liability.** In addition to any other penalty as set forth at Section 4.99 herein, or within any other statute, code, or regulation, any person violating this article shall reimburse the Village for reasonable cost of fire protection services made necessary by the violation including, but not limited to, the costs of investigation of the violation and any response by the Village's Fire Department as a result of the violation. The prosecution for violations of this article or payment of the penalties provided shall not prohibit any person from seeking any other remedy against the person causing or permitting the burning.

**(9) Exempt Fires.** The following described fires shall be exempt from the open fire requirements described in this section.

(a) Approved training for fire protection purposes. The Village Fire Department shall be the authority to determine approval of all such fires.

**(10) Emergency Powers of the Chief.** When the Chief determines there are environmental conditions likely to produce a serious threat of fire to life and property, it shall be the duty of the Chief of the Fire Department to impose a burning ban and burning restrictions and require that no person may: