

AN ORDINANCE TO AMEND § 9.12 OF THE MUNICIPAL CODE  
OPEN-AIR BURNING PROHIBITED

Ordinance No. 1230

The Common Council of the City of New London, Outagamie and Waupaca Counties,

Wisconsin do ordain as follows:

Section 1. That § 9.12 OPEN-AIR BURNING PROHIBITED of the Municipal Code shall be amended to read as follows:

9.12 OUTDOOR BURNING

- (1) PURPOSE. The purpose of this section is to prohibit or strictly control the burning of materials in the City. The City recognizes that unregulated fires pose hazards, including air and water pollution that may result from such burning. Only by completely prohibiting outside burning of rubbish, leaves and other yard waste can an unnecessary fire hazard and pollution be abated.
- (2) PROHIBITED ACTS. No person shall build or burn any bonfire or burn in the open any wood, grass, trash, rubbish or other material or permit the same to be done within the City upon any public street, court or alley, or upon any premises. The use of outdoor portable incinerators, drums, barrels or other containers, or outdoor or inside fireplaces for the burning of leaves, trash, garbage or refuse is prohibited.
- (3) EXCEPTIONS. The following open burning shall be permitted without authorization from the City Clerk or the Fire Department:
  - a. Outdoor cooking over a fire contained in a device or structure designed for such use.
  - b. Burning of wood, corn, or pellets in interior fireplaces or stoves.
  - c. Maintaining controlled wood fires in pits not more than 36 inches in diameter, encircled with nonflammable material and located a minimum of 20 feet from any structure and 15 feet from a lot line. Fire pits shall be extinguished by 2:00 a.m., and may not be initiated prior to 8:00 a.m., or any time during a period of emergency (detailed in paragraph 9).
  - d. Burning as part of training for fire departments.

#### (4) PERMITS FOR BURNING.

- a. Ceremonial Bonfires. Permits for ceremonial bonfires for occasions may be issued by the City Clerk, provided that the Fire Chief shall investigate and report the restrictions, which shall be a condition of the permit. The Chief's duplicate report and restrictions for each permit shall be attached to the permit and shall be observed and followed by the permit holder.
- b. Commercial Outdoor Cooking. Permits for commercial outdoor cooking may be granted by the City Clerk for special days and celebrations in the City, subject to conditions of the Fire Chief whose restrictions shall be made a part of the permit.
- c. Cancellation of Permits. Burning permits may be cancelled by the Issuing authorities by written notice to the permit holder of the reasons for the cancellation.

#### (5) CONDITIONS OF BURNING. Any burning permitted hereunder shall be done in a safe and nuisance-free manner in accordance with the New London Fire Department rules and regulations at times, locations and in a manner specified by the Department. Conditions may include:

- Hours when burning is allowed.
- Days when burning is allowed.
- Material which may or may not be burned.
- Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device.
- The length of time the permit is valid.
- What constitutes an approved burning device or incinerator.
- The size of the material pile burned by open burning.
- The distance to be maintained between the material being burned and other flammable material.
- Supervision required for burning, including the minimum age of supervisors and the type of fire extinguishing equipment which must be present at the burn site.
- The manner in which ashes created by the burning under the permit are to be disposed of.

#### (6) PROHIBITING CONDITIONS. Outdoor burning shall be prohibited when circumstances may make the fire potentially hazardous. Local circumstances include but are not limited to high wind velocity, thermal inversions, ozone alerts and very dry conditions.

(7) STATE CODE REGULATIONS. Other regulations not listed in this section prescribed in Wis. Admin. Code §§ Comm 14.12, 14.13, 14.14, 14.15, 14.16 and 14.17, as well as all applicable statutes, shall also be followed. Other regulations listed in section 30-99 shall be followed.

(8) ORDER TO EXTINGUISH. The police department may order any open burning fire to be extinguished due to hazard, for excessive smoke or odor, for violation of the parameters of this ordinance, or for any related ordinance or statute violation, including, but not limited to, loud noise.

(9) PERIOD OF EMERGENCY. A period of emergency may be established as follows:

- a. The periods of emergency for which this section shall be in effect shall be during such periods that the county is under emergency fire regulations of the state department of natural resources banning outdoor smoking and campfires or when necessary as determined by the mayor, upon the recommendation of the fire chief.
- b. Pursuant to Wis. Stats. § 166.23, burning emergencies shall become effective upon the time and date of the mayor declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification or repeal of the burning state of emergency by the common council.

Section 2. This ordinance takes effect upon passage and publication.

BY: \_\_\_\_\_  
Gary Henke, Mayor

ATTEST: \_\_\_\_\_  
Susan Tennie, City Clerk

1<sup>st</sup> Reading: \_\_\_\_\_ 5-11 \_\_\_\_\_, 2010

2nd Reading: \_\_\_\_\_ Waived \_\_\_\_\_, 2010

Published: \_\_\_\_\_ 5-20 \_\_\_\_\_, 2010