

ORDINANCE NO. 2019- 02

VILLAGE OF BROWNSVILLE, DODGE COUNTY, WISCONSIN

An Ordinance Restricting Burning of Refuse, Open Burning and Recreational Fires

WHEREAS, the village board of the Village of Brownsville desires to repeal and re-create section 8.08 of the Brownsville Municipal Code to regulate restrict burning, open burning and burning of refuse.

NOW, THEREFORE, the Village Board of the Village of Brownsville do ordain as follows:

I. Section 8.08 of the Brownsville Municipal Code is hereby repealed and re-created to read as follows:

8.08 REFUSE BURNING, OPEN BURNING AND RECREATIONAL FIRES.

(1) OPEN BURNING-PROHIBITION. It is unlawful for any person or persons within the Village limits to burn trash, rubbish, lumber, combustible waste, grass, garden waste or other refuse or material of whatever natures leaves, or any other combustible material in any street, alley, vacant lot, or on any private property of oneself or another unless specifically allowed by the provisions of this chapter.

(A) The operation of outdoor grills, outdoor fireplaces and related outdoor cooking equipment for outdoor cooking of food only shall be permissible subject to provisions contained in this section.

(2) EXEMPTIONS TO BURNING RESTRICTIONS

(A) No permit shall be required for the burning of brush or other materials by Village employees while on duty. The Brownsville Fire Company may conduct controlled burns to train without obtaining a burning permit. No other persons may burn any combustible substance within the Village limits without special permission from the Chief of the Brownsville Fire Company.

(B) PERMISSIBLE BURNING RESTRICTIONS.

(1) Burning shall be done with due regard as to weather conditions, safety of surrounding property, and comfort of citizens in the neighborhood. All burning must be done with an adult in constant attendance.

(2) No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Brownsville except as set forth:

- (a) Outdoor cooking over a fire contained in a device or structure designed for such use.
- (b) Material used to make a cooking fire cannot include construction materials, trash, rubbish or other combustible waste.
- (c) All cooking devices must be in good working condition to prevent the possible spread of fire.

(3) For all multifamily dwellings more than one story in height, the use and/or storage of any propane or charcoal portable cooking device or any portable fireplaces is strictly prohibited above the first-floor occupancy.

(4) For all multifamily dwellings more than one story in height, the use of any open or closed outdoor cooking device, any approved portable fireplace device, or any open flame device is prohibited within 25 feet of the structure on the ground floor or any combustible material on the ground floor.

(C) RECREATIONAL FIRES

Intent. It is the intent of the Village of Brownsville that citizens shall have the opportunity to have recreational fires at single-family and multi-family dwellings, provided that such fires are in strict compliance with restrictions relating to recreational fires. It is further the intent of the Village of Brownsville that the Brownsville Police Department and Brownsville Fire Company shall strictly enforce these restrictions so as to ensure that such fires do not compromise safety or annoy neighbors.

(1) No recreational fires may be started or allowed to continue burning unless such recreational fire is fully contained within an approved permanent fire pit, portable fire place device or outdoor fireplace.

(a) 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 noncombustible material, soil, metal or stone; a minimum of six inches deep; and ringed on the outer diameter with stone, brick or concrete.

(b) An outdoor fireplace 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 fireplace structure built entirely of noncombustible materials designed with spark arrestors and screens to contain a wood fire.

(c) An approved portable fire place device is a structure or device intended to contain and control outdoor wood-only fires. This shall include a

structure which although not portable is designed to contain and control outdoor wood fires.

(2) No recreational fire pit shall be closer than 25 feet to any dwelling, building structure, shed or garage or closer than 10 feet to any wooden fence, deck or combustible material. Commercially available permanent or portable outdoor fireplaces shall not be within 10 feet of any structure or combustibles. All recreational fires are to be set back a minimum of six feet from adjoining property lines.

(3) 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 the Brownsville Police Department or Brownsville Fire Company investigation determines a nuisance is present.

(4) 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, or any materials made of or coated with rubber or plastic, leather or petroleum-based materials. Flammable or combustible liquids other than commercially available charcoal lighter fluid 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.

(5) 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 ten-pound capacity.

(D) OTHER RESTRICTIONS ON BURNING

(1) Ceremonial bonfires may be permitted by the Fire Chief upon written receipt of a written request for the fire. Requests for permission shall contain date, time and site of proposed fire as well as the name of the requesting group or organization and shall be submitted to the Fire Chief three business 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 may not include rubbish, garbage, trash, any materials made of or coated with rubber, plastic, leather or petroleum based materials and may not contain any flammable or combustible liquids.

(2) The burning of brush and other natural vegetation, when its removal is required for the development of that property, may be permitted with the consent of the Fire Chief. Each request will be reviewed by the Fire Chief or his designee. If the site and conditions are acceptable, verbal or written authorization to conduct the burn may be issued.

(3) Open-flame candles and fixtures. No airborne open flame device, i.e., sky lantern, may be launched or used, free-floating or tethered in the Village of Brownsville. Airborne open-flame devices from neighboring jurisdictions that enter into the Village are also prohibited. The term "sky lantern" as used in this section means any airborne lantern typically constructed from paper with a wood, metal or cardboard frame containing a candle or fuel cell composed of a waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. Sky candles, fire balloons and airborne paper lanterns means the same as sky lanterns.

(4) The Brownsville Police Department shall be notified whenever permission is given for permissible burning under this section.

(3) OPEN BURNING-SPECIAL PERMISSION.

(A) Should it be necessary for any person or persons to burn combustible material within the village limits, special permission must be obtained from the Chief of the Brownsville Fire Company or in his absence one of the assistant chiefs.

(B) The burning of brush and other natural vegetation, when its removal is required for the development of that property, may be permitted with the consent of the Fire Chief. Each request will be reviewed by the Fire Chief or his designee. If the site and conditions are acceptable, verbal or written authorization to conduct the burn may be issued.

(C) The Brownsville Police Department shall be notified whenever permission is given for permissible burning under this section.

(4) CHIEF MAY REGULATE AND PROHIBIT. The Fire Chief or his designee is permitted to prohibit all outdoor burning when atmospheric conditions or local circumstances make such fires hazardous. The Fire Chief or his designee or the Village Marshal may order a fire to be immediately extinguished when the fire is deemed hazardous to the safety of Village residents or properties within the Village limits.

(5) VIOLATION AND PENALTY. Any person or persons found guilty of violation of this

section shall be subject to the penalty provisions set out in Chapter 25.

II. This ordinance shall become effective upon passage and publication according to law.

Passed by the Village Board of the Village of Brownsville in the County of Dodge, in the State of Wisconsin this 10th day of April, 2019.

Jeffrey B. Bloohm, Village President

ATTEST:

Marilyn Halley, Village Clerk