

ORDINANCE NO. 2010-04 (Amending ordinance 5-2-9 in its entirety)

OPEN BURNING/RECREATIONAL FIRES

It is the intent of the City that citizens shall have the opportunity to create fires for cooking and recreation at single-family and two-family dwellings provided such fires are in strict compliance with this ordinance. The Police Department and/or the Peshtigo Volunteer Fire Department shall strictly enforce this ordinance by fully investigating any complaint to ensure compliance with these regulations.

(1) *Definitions:* The following word, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Clean Wood: Natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

In-ground fire pit: A fire pit or depression in the ground surrounded on the outside by a non-combustible material such as concrete block or rocks.

Open burning: The kindling or maintaining a fire, not a recreational fire, where the products of combustion are emitted directly into the ambient air without passing through a stack or from an enclosed chimney.

Portable fire pit: A structure or device commercially intended to contain and control outdoor wood fires. This shall include a structure, although not portable, which is designed commercially to contain and control outdoor wood fires.

Recreational fire: An outdoor fire or campfire for the purpose of recreation and personal enjoyment, not intended for disposal of waste or refuse.

(2) *Open burning prohibited.* Except as provided in sub. (3), no person, firm, entity or corporation shall build any outdoor fire within the corporate limits of the City.

(3) *Exception:* The following exception applies to the prohibition under sub. (2):

- a. Outdoor cooking over a fire contained in a device or structure designed for such use provided the device or structure is in good working condition to prevent the spread of fire and the combustible material used is LP gas, commercial charcoal or clean wood.

(4) *Recreational fires prohibited.* Except as provided in sub. (5), no person, firm entity or corporation shall build any recreational fire within the corporate limits of the City.

(5) *Exception:* Notwithstanding sub. (4), recreational fires are allowed if all of the following conditions are met:

- a. A recreational fire may be started and allowed to continue burning if such recreational fire is in a portable fire pit or in an in-ground fire pit;
- b. The portable fire pit or in-ground fire pit must be at least ten (10) feet from any building, structure, shed, garage, fence, or any combustible material;
- c. The recreational fire shall not have a diameter larger than three feet nor may the fuel extend more than two feet above the pit;
- d. If a portable fire pit, such as devices commercially designed and intended to control and contain outdoor wood fires, is used, it must be used in accordance with the manufacturer's instructions and specifications, be in compliance with this ordinance and must be placed on a noncombustible surface;
- e. No recreational fire shall be started or allowed to continue burning when the wind direction or wind speed will cause smoke, embers, or other burning materials to be carried by the wind toward any building or other combustible materials, nor anytime when the wind speed exceeds seven miles per hour. Smoke from any recreational fire shall not create a nuisance for neighboring property owners.
- f. Material for recreational fires shall not include rubbish, garbage, recyclable items, trash, or any material made of petroleum-based materials, and shall not contain any flammable or combustible liquids, except for devices which are designed to burn LP gas. Such LP gas devices shall only be used per the manufacturer's instructions;
- g. Adequate fire suppression equipment shall be immediately available to control or extinguish the recreational fire. Adequate fire suppression shall consist of, but not limited to, a connected or charged garden hose or a large bucket of water within two feet of the fire.
- h. All recreational fires shall be attended to at all times by at least one responsible person of age 18 or older from the initial ignition of the fire until it is completely extinguished;
- i. Any party who has started or maintained a recreational fire shall pay any and all costs incurred by the City of Peshtigo Volunteer Fire Department for any service related call as a result of a recreational fire not being in compliance with these regulations as determined by the Fire Chief;
- j. No recreational fire may be started or allowed to continue to burn between the hours of 12:00 a.m. (midnight) and 6:00 a.m.

(6) *Ceremonial campfires or bonfires:* These types of fires are allowed with prior written approval of the Fire Chief and subject to whatever restrictions or regulations the Fire Chief deems appropriate.

(7) *Chief may regulate and prohibit:* The Fire Chief is permitted to regulate and or prohibit any or all open burning and recreational fires when atmospheric

conditions or local circumstances make such fires hazardous in the sole discretion of the Fire Chief.

- (8) **Liability:** The property owner and/or person who has started an open or recreational fire, shall hold the City harmless and indemnify it from any and all damages caused by such fire and be responsible for any liability resulting from damage caused by such fire.;

This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Common Council of the City of Peshtigo on the 10th day of November, 2010.



Alderman

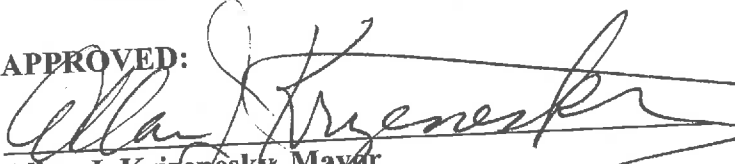
OFFERED BY:



Alderman

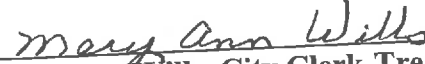
SECONDED BY:

APPROVED:



Allan J. Krizeresky, Mayor

ATTEST:



Mary Ann Wills, City Clerk-Treasurer