

ORDINANCE NO. 2007-004

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 5.01
OF THE TOWN OF DELAFIELD CODE REGARDING BURNING REGULATIONS**

The Town Board for the Town of Delafield, Waukesha County, Wisconsin, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 5.01 of the Town Code of the Town of Delafield, Wisconsin is hereby repealed and recreated as follows:

5.01 Burning Regulated

- (1) GENERAL REGULATION FOR OPEN FIRES. All burning, bonfires or other open fires shall be subject to the following regulations:

A. Burning Procedures: No person may engage in any burning of any nature except in strict conformity with the following procedures:

1. Tools Required: Persons engaged in burning shall have sufficient tools present at the fire to control the fire at all times. A minimum of two of the following shall be present at the location of the burn:

(a) Rakes, shovels, garden hose, water pump can or other implements necessary to control the spread of fire while the burning is in process.

2. Supervision: A person of at least 18 years of age shall remain at the fire at all times. He/She shall continuously monitor the burning and insure the fire remains under control at all times.

3. Size of Burn Pile: The size of any burn pile shall not exceed the dimensions of four (4) feet by four (4) feet by three (3) feet high.

4. Distances: The burning materials shall be located at a minimum 15 feet from any property line. The burning material shall also be at a minimum of at least 30 feet from any building, fences, utility poles, overhead wires or piles of combustible materials.

5. Wind: No burning shall be permitted if the National Weather Service reports a wind speed in excess of 9 MPH. No burning shall be permitted if the wind direction is such that smoke or soot will be visibly carried onto any adjoining building or when it would be a source of annoyance to persons near the location of the burn.

6. Material Banned From Burning: The burning of garbage, tires, asphalt products, plastic material, treated lumber, composite woods or other materials which create toxic or noxious smoke is prohibited at all times.

7. Type of Burning: Unless specifically provided herein, burning shall be permitted only between the hours of 8:00 A.M. and 10:00 P.M. seven days a week.

8. Fire Hot Line: The Fire Department shall maintain a recorded telephone service known as the Fire Hot Line. The Fire Hot Line shall identify whether ground conditions are favorable or unfavorable for burning. In addition to all other requirements herein, no person shall engage in any burning without first calling the Fire Hot Line at 646-6667 within four (4) hours prior to burning, and no person shall engage in burning if the Fire Hot Line identifies ground conditions as unfavorable for burning.

- (2) BONFIRES: All bonfires shall be subject to the following regulations:

1. Procedures to Burn: No bonfire shall be permitted except in strict conformity with the requirements of Section 1 (1) A, 1 through 6 inclusive and 8.

2. Materials: Only dry wood materials may be used for bonfires. No leaves, pine branches, Christmas trees or other similar materials may be used.

3. Time Burning is Allowed: Bonfires shall be permitted between the hours of 4:00 P.M. and 1:00 A.M., every day of the week.

(3) BURNING AT CONSTRUCTION SITES: Burning at any construction site, in any fashion, including a burn barrel, is PROHIBITED except as follows:

1. Masonry/Concrete Work: Sand used for the purpose of making cement may be warmed for use in the winter months by burning coal or charcoal in a metal tube or large diameter pipe.

a. Procedures to Burn: The fire shall comply with the requirements of Section 1.

b. Materials to Burn: Only coal or charcoal may be used. No on-site construction materials shall be burned at any time.

c. Method of Heating: An area of at least 15 feet shall be cleared of ALL combustible materials. The clear distance to the end of the heating pipe shall be 5' at a minimum. A large diameter pipe shall be run through a pile of sand open at both ends. The fuel shall be placed in the pipe to provide heating. At no time are burning materials allowed outside the heating pipe.

(4) DEMOLITION OR RAZING OF BUILDINGS: No buildings or materials from demolished buildings shall be burned except as defined within this section.

1. Requirements: No materials from a razed, demolished building or structure shall be burned unless the debris pile and materials are first inspected by the Fire Chief and his written approval is granted for such burning.
2. Debris Piles: Any debris pile for which approval is requested shall be at a minimum 30 feet from any other buildings, fences, utility poles, overhead wires or other combustible materials.
3. Buildings and Structures: No building or structure shall be burned in place, without the approval and supervision of the Fire Department. The Fire Department may, as it determines necessary, charge a reasonable fee for this supervision for the equipment and manpower necessary to insure public safety.
4. Public Safety: The burning in all cases shall be conducted in a manner that is safe and that does not adversely affect the environment or the public safety.

(5) **BURNING OF PRAIRIE, GRASS LANDS AND OPEN FIELDS**: No burning of any prairie, grass lands, or open fields shall be permitted except as defined within this section:

1. Requirements: No prairie, grass lands or open fields shall be burned unless the area and materials are first inspected by the Fire Chief and his written approval is granted for such burning.
2. Supervision: No prairie, grass lands or open fields shall be burned without the supervision of the Fire Department unless the Chief determines direct supervision by the Department is not required. The Fire Department may, as it determines necessary, charge a reasonable fee for this supervision for the equipment and manpower necessary to insure public safety.
3. Procedures to Burn: The fire shall comply with the requirements of Section 1 (1) A. 1 through 7 inclusive. If the Fire Department has determined it will not be present at the site of the burn, the area of open flame shall not extend beyond 20' in total length at any time.

(6) **CAMPFIRES**: All campfires are subject to the following:

1. Size: The size of the fire ring shall not exceed 36" in diameter with burning materials not to exceed 24" in height at any time.
2. Requirements: No campfire shall be permitted except in strict conformity with the requirements of Section 1 (1) A. 1 through 6.

(7) **BURNING IN A CONTAINER**:

1. Container: The container must be constructed of metal, masonry or concrete with a cover of metal mesh with opening not to exceed 3/8 of an inch.
2. Procedure to Burn: Burning in this type of container shall comply with the requirements of Section 1 (1) A. 1 through 5 inclusive.
3. Time Burning is Allowed: Burning in a container will be allowed from 8:00 A.M. to 10:00 P.M. on all days of the week. All fires must be COMPLETELY EXTINGUISHED by 10:00 P.M.

(8) **BURNING BAN**:

1. Burning Ban: The Fire Chief may, at any time in the interest of public safety, declare a "Burning Ban". When a burning ban is in effect, NO BURNING OF ANY TYPE will be allowed at any time within the Town limits.

(9) **PENALTIES**:

Except as otherwise provided, any person found to be in violation of any provisions of this ordinance shall be subject to penalties and forfeitures as set forth in Chapter 25 of the Town Code, and in addition, all personnel and equipment costs associated with any fire call made to the site. In the event the fire call costs are not paid within 60 days of levy, the Town Board may direct that the costs be placed on the owner's tax bill as a special charge.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this 8th day of May, 2007.

BY THE TOWN BOARD – TOWN OF DELAFIELD

Paul L. Kanter – Chairman