

## City of Sun Prairie, Wisconsin

### AN ORDINANCE REPEALING AND RECREATING SECTION 8.12.010 - OPEN BURNING

Presented: May 20, 2003

Adopted: May 20, 2003

Publication: May 29, 2003

**File Number: 9249**

**Ordinance No.: #92**

## ORDINANCE

The Common Council of the City of Sun Prairie, Dane County, Wisconsin, hereby ordains as follows:

**SECTION 1.** That Section 8.12.010 is hereby repealed and recreated as follows:

Section 8.12.010 Open burning.

A. Open Burning.

1. Open burning is the process of burning any materials where the products of combustion pass directly into the open air without going through a chimney or stack.

2. Except as provided in Section C, open burning is prohibited in the City of Sun Prairie without a burning permit approved by the Chief of the Sun Prairie Volunteer Fire Department Company, Inc. or his/her designee and approved and signed by the City Administrator.

B. Open Burning with Permit.

1. Permits may be granted only for bonfires, ceremonial campfires, alternative landscape burning and practice and training by the Sun Prairie Volunteer Fire Department Company, Inc.

2. Permits shall not be granted to burn construction debris, garbage, brush and/or yard waste.

3. A permit must be obtained from the City of Sun Prairie or the Sun Prairie Volunteer Fire Department Company, Inc. prior to burning.

4. Permits are valid for one day only.

5. Burning is restricted to daylight hours, unless otherwise specified on permit.

6. Fires must be attended at all times by a responsible adult with immediate access to a garden hose attached to a functioning water supply.

7. Additional conditions may be imposed on the permit based on the potential for danger to person or property.

C. Open Burning Allowed Without Permit Under the Following Circumstances:

1. Below grade outdoor fireplaces:

a. Must include a metal bowl for holding wood not to exceed six (6) square feet and a cover available to extinguish the fire that can completely enclose the surface of the metal bowl.

b. Gasoline or other flammable liquid cannot be stored/used in the vicinity of the unit.

c. Only dry wood may be burned. The burning of demolition debris, yard waste, brush and garbage are strictly prohibited.

d. The fireplace cannot be used within ten (10) feet of a building, structure, lot line, combustible materials or in high winds.

e. The smoke cannot create a nuisance (i.e. for other properties, travel or health of others).

f. A fire extinguisher, garden hose, or other method of first aid fire control must be readily available.

g. The fire must be supervised at all times by a responsible adult.

h. The fire must be completely extinguished before the fireplace is left unsupervised.

2. Commercial Manufactured Outdoor Fireplaces.

a. Commercial manufactured outdoor fireplaces are devices constructed and sold for the primary purpose of containing an outdoor recreational fire.

- b. Must include a metal bowl or pit for holding wood, must be covered, and have a method for/of containing embers and sparks.
  - c. The bowl or pit shall not exceed eight (8) square feet in surface area.
  - d. Must be used in accordance with all of the manufacturer's safety requirements.
  - e. Gasoline or other flammable liquids cannot be stored/used in the vicinity of this unit.
  - f. Only dry wood may be burned. The burning of demolition debris, yard waste, brush and garbage are strictly prohibited.
  - g. The fireplace cannot be used within ten (10) feet of a building, structure, lot line, combustible materials or in high winds.
  - h. The smoke cannot create a nuisance (i.e. for other properties, travel, or health of others).
  - i. The fireplace cannot be used on a wood deck or porch. It can be used on non-combustible patios provided it is not within ten (10) feet of the building or lot line.
  - j. A fire extinguisher, garden hose, or other method of first aid fire control must be readily available.
  - k. The fire must be supervised at all times by a responsible adult.
  - l. The fire must be completely extinguished before the fireplace is left unsupervised.
3. Clay Fireplaces.
- a. Must meet all requirements for outdoor fireplaces as provided in Section C. 1. and 2.
  - b. Cannot be used within ten (10) feet of a building, structure, lot line, combustible materials or in high winds.
4. Liquid Petroleum (LP) Gas-Fueled Cooking Devices.
- a. Shall not be located on balconies except in single-family and two-family dwellings where one dwelling unit is not directly above the other.
  - b. Cannot be used within ten (10) feet of a building structure or lot line, except in single-family and two-family dwellings.
  - c. Must be used in accordance with all of the manufacturer's safety requirements.
5. Charcoal Grills and other Open Flame Cooking Devices.
- a. Cannot be used on a wood deck or porch, except in single-family and two-family dwellings.
  - b. Cannot be used on balconies, except in single-family and two-family dwellings where one dwelling is not directly above the other.
  - c. Can be used on noncombustible constructed surfaces.
  - d. Cannot be used within ten (10) feet of a building structure or lot line, except in single-family and two-family dwellings.
  - e. Must be used in accordance with all the manufacturer's safety requirements.
- D. Chief May Prohibit. The fire chief or designee shall prohibit open burning ten (10) feet from structures when atmospheric conditions or local circumstances make such fires hazardous.
- E. Burning on Streets. No materials may be burned upon any street, curb, gutter or sidewalk.
- F. Liability. Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his or her fire. (Prior code § 5-2-8)
- G. Enforcement. It shall be the responsibility of the Chief of the Sun Prairie Volunteer Fire Department Company, Inc. and his or her designee to enforce this section of the Code.
- H. Any person who violates any provision of this section shall be fined not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) per occurrence in addition to applicable court costs and in addition to any applicable state or federal fines or penalties.

**SECTION 2.** Effective Date. This Ordinance shall become effective upon passage and publication as provided by law.

APPROVED: \_\_\_\_\_  
David D. Hanneman, Mayor

Date Approved: May 20, 2003

This is to certify that the foregoing Ordinance was adopted by the Common Council of the City of Sun Prairie at a meeting held on the 20<sup>th</sup> day of May 2003.

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Diane J. Hermann-Brown, City Clerk