

# DRAFT 07-10-19

Ordinance No. 2019-05

Town of Ledgeview  
Brown County, Wisconsin

## AN ORDINANCE TO AMEND CHAPTER 19 BURNING, OUTDOOR, SECTION 19-7 OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATION

The Town Board of Supervisors of the Town of Ledgeview do hereby ordain as follows:

Section 1: Chapter 19 Burning, Outdoor of the Town of Ledgeview Municipal Code is hereby amended to read as follows:

§19-4 Definitions.

**Residential recreational outdoor burning** – The burning of clean wood or fuel contained in a manufactured portable (Weber-Style) enclosed device or a permanent structure for recreational purposes in R-1, R-2 and R-3 zoning districts.

**Rural recreational outdoor burning** – The burning of clean wood or fuel contained in a non-combustible portable or permanent structure for recreational purposes in R-R, AG-FP, or AG-2 zoning districts.

**Manufactured Portable (Weber-Style) Device** – Commercially designed devices intended to control and contain outdoor wood or fuel fire.

**In-ground fire pit** - Fire pit located below the ground level, with the perimeter surrounded on the outside by a non-combustible material such as concrete, concrete block, rocks, or metal.

**Above-ground fire structure** – A permanently installed fire pit, stove or oven that is surrounded on the outside by a non-combustible material such as concrete, concrete block, or rocks.

§19-7 Recreational outdoor burning.

A. All residential recreational outdoor burning, excluding open burns as defined by this chapter, shall be contained in a non-combustible device with the following requirements:

- 1) The device must be a maximum of three feet in diameter.
- 2) The device must be a minimum depth of four inches.
- 3) The device shall be secured and surrounded by an enclosure of non-combustible material such as concrete, concrete block, rock or metal, kept in good condition.
- 4) The device and enclosure shall be a minimum of 15 feet from any structure, fence, property line, woodpile or any other combustible materials at all times.
- 5) Burning materials shall be contained within the device/enclosure at all times.
- 6) The fire/flames shall not extend more than three feet above the source at any time. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
- 7) Fire suppression equipment shall be present (i.e. shovels, fire extinguisher, water hose or other equipment) to control the fire.
- 8) Fires shall be attended by a person 18 years old or older at all times until the fire is completely extinguished.
- 9) The property owner, renter or lessee shall be held liable for any damage caused by any fire including the cost of citations.
- 10) A renter or lessee shall notify and/or obtain written permission from the owner prior to initiating any fire pit/enclosure fire.
- 11) Residential recreational outdoor burning is strictly prohibited in any easements or land designated as conservancy.
- 12) Material for recreational fires shall not include rubbish, garbage, recyclable items, trash, or any material made of petroleum-based material and shall not contain any flammable or combustible liquids, except for devices which are designated to burn LP gas. Such LP gas devices shall only be used per the manufacturers' listing instructions.

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- 13) The property owner and/or person who have started any recreational fire shall hold the Town harmless from any and all damages caused by a recreational fire.
- 14) No recreational outdoor fire shall be started or allowed to continue until application is made to the Building Inspector, Fire Chief, or Code Enforcement Officer.

B. All rural recreational outdoor burning, excluding open burns as defined by this chapter, shall be contained in a non-combustible device with the following requirements:

- 1) The device must be a maximum of four feet in diameter.
- 2) The device must be a minimum depth of four inches.
- 3) The device shall be secured and surrounded by an enclosure of non-combustible material such as concrete, concrete block, rock or metal, kept in good condition.
- 4) The device and enclosure shall be a minimum of 25 feet from any structure, fence, property line, woodpile or any other combustible materials at all times.
- 5) Burning materials shall be contained within the device/enclosure at all times.
- 6) The fire/flames may not extend more than four feet above the source at any time. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
- 7) Fire suppression equipment shall be present (i.e. shovels, fire extinguisher, water hose or other equipment) to control the fire.
- 8) Fires shall be attended by a person 18 years old or older at all times until the fire is completely extinguished.
- 9) The property owner, renter or lessee shall be held liable for any damage caused by any fire including the cost of citations.
- 10) A renter or lessee shall notify and/or obtain written permission from the owner prior to initiating any fire pit/enclosure fire.
- 11) Rural recreational outdoor burning is strictly prohibited in any easements or land designated as conservancy.
- 12) Material for recreational fires shall not include rubbish, garbage, recyclable items, trash, or any material made of petroleum-based material and shall not contain any flammable or combustible liquids, except for devices which are designated to burn LP gas. Such LLP gas devices shall only be used per the manufacturers' listing instructions.
- 13) The property owner and/or person who have started any recreational fire shall hold the Town harmless from any and all damages caused by a recreational fire. No recreational outdoor fire shall be started or allowed to continue until application is made to the Building Inspector, Fire Chief, or Code Enforcement Officer.
- 14) No recreational outdoor fire shall be started or allowed to continue until application is made to the Building Inspector, Fire Chief, or Code Enforcement Officer.

**Section 2:** Repeal of inconsistent ordinances. All existing town ordinances, parts of ordinances, and amendments thereto in conflict with any of the provisions of this ordinance are hereby repealed.

**Section 3:** Severability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provision shall not be affected hereby.

**Section 4:** Effective date. This ordinance shall take effect upon passage, postage, and publication.

Approved: \_\_\_\_\_, 2019

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Philip J. Danen, Chairman

ATTEST:

I, Charlotte K. Nagel, Clerk of the Town of Ledgeview, do hereby certify that the attached ordinance is a true and correct copy of the original ordinance required by law to be in my custody and which was adopted by the Town of Ledgeview at a meeting held \_\_\_\_\_, 2019.

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Charlotte K. Nagel, Town Clerk

Posted: \_\_\_\_\_

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