

# Chapter 30

## Outdoor Fires

### 30.01 Outdoor Fires Regulated

#### Sec. 30.01/G.O. 3-2-7 Outdoor Fires Regulated.

- (1) **Purpose.** The purpose of this Section is to require notification of the Sun Prairie Fire Department prior to commencing any outdoor fire and to set restrictions on outdoor fires in the Town of Burke. The goal is to reduce the number of unnecessary fire calls due to fires ignited without prior knowledge of the Fire Department. In addition, this Section is intended to minimize damage to public and personal property, injury and loss of life that might be caused by fire in the Town of Burke.
- (2) **Authority.** The Town Board of the Town of Burke has the authority according to Sec. 60.555, Wis. Stats., to adopt regulations to prevent, detect and suppress fire and related fire hazards.
- (3) **Adoption.** The Town Board has, by adoption of this Section, confirmed the statutory authority, powers and duties noted in the above Subsection and has established by this Section regulations, controls and enforcement for outdoor fires.
- (4) **Notice.**
  - (a) Every person in the Town of Burke shall notify the Sun Prairie Fire Department, unless exempt by this Section, prior to commencing any outdoor fire in the Town of Burke.
  - (b) Information to be provided to the Sun Prairie Fire Department shall include: name, address, phone numbers, date, time and location of burn, type and amount of material to be burned and fire protection to be used at the location.
- (5) **Exemptions to Notice.** The following are exempt from the notice requirement set forth in subd. (d):
  - (a) Persons who burn combustible material in a stove, furnace, incinerator, fireplace, burn barrel or other generally accepted container used to contain material being burned. Campfires, fires in burn pits and like fires are not exempt from the notice requirements of this Section.
  - (b) Persons who burn charcoal or other combustible materials for cooking outdoors at their residence or who burn charcoal or other combustible materials for domestic cooking outdoors in public parks.

- (6) **Conditions.** All outdoor fires of all kinds must be built, started, set, used, and maintained as follows:
- (a) The Town of Burke prohibits any person from igniting any outdoor fire on any day declared an Emergency Fire Day by the State Department of Natural Resources.
  - (b) Except for fires located in a generally accepted container used to contain material being burned and fires in burn pits, all outdoor fires must be kept at least 50 feet away from all structures and must be limited to an area no larger than 6 feet by 6 feet in size.
  - (c) No fire may be built, started, set, used, or maintained in the Town of Burke on any street, road, highway, curb, gutter or sidewalk within the Town.
  - (d) Except for fires designed for recreation use including, but not limited to, campfires and fires in burn pits, the Town of Burke prohibits any person from burning after sunset unless specifically granted permission by the Sun Prairie Fire Department.
  - (e) Fires in an incinerator, burning barrel or fire pit must comply with the following:
    1. The incinerator, burning barrel or fire pit must have a fireproof wire mesh cover with ventilation holes larger than 1/4 inch in diameter. The ventilation holes may not be less than 6 inches apart and must be covered with metal screening to prevent the escape of sparks and burning material.
    2. The incinerator, burning barrel or fire pit must be located at least 50 feet from all structures and 5 feet from all property lines, and may be placed only in side yards or rear yards.
    3. The ground under and around the incinerator, burning barrel or fire pit must be cleared of all grass, leaves, and similar debris down to bare soil. The area of bare soil must be at least 10 feet in diameter.
    4. The only materials that may be burned in an incinerator, burning barrel or fire pit are: Unpainted and untreated wood, paper (except newspaper), cardboard, other non-toxic and easily combustible material generated by the property owner and non-offensive yard waste including, but not limited to, dry leaves, grass and vegetation.
    5. Flames from a fire in a fire pit may not exceed the ground level.
  - (f) The Sun Prairie Fire Chief is permitted to prohibit any or all fires when atmospheric conditions or local circumstances make such fires hazardous.
  - (g) Any person who builds, starts, sets, uses, or maintains a fire outdoors shall be responsible for liability resulting from damage caused by the fire.
  - (h) All fires must be supervised by a person who is present at all times. The person present and supervising the fire must be of adequate age and experience in light of the nature of the fire. The person present and supervising the fire must be an adult, unless the outdoor fire is in a grill used for cooking food in a conventional manner.

- (i) No person shall intentionally or negligently create a fire hazard on property owned or leased by the person or permit a fire hazard to exist on such property in the Town of Burke. A person responsible for the fire hazard or the owner of the property where the fire hazard is located shall, once in receipt of notice in writing of the fire hazard by the Sun Prairie Fire Chief or the Town Clerk, take all adequate and necessary action in a timely manner to remove the fire hazard.
- (7) **Enforcement.** Any person who violates any provision of this Section shall forfeit not less than \$50.00 or more than \$500.00 for each offense. Any person whose negligence is a substantial factor in causing the Town to incur costs for fire control or extinguishment shall be responsible for such costs, regardless of whether that person must pay a forfeiture.

Adopted by the Town Board January 15, 2003.

**SEC. 3-2-8 BANNING AND/OR REGULATING THE USE OF FIRE, BURNING MATERIALS, AND FIREWORKS DURING EXISTENCE OF EXTREME FIRE DANGER.**

- (a) **Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the Town of Burke. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Town of Burke and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the Town during said emergency.

**SEC. 3-2-9 DEPOSITING OR ACCUMULATING COMBUSTIBLE MATERIAL.**

- (a) **Hot Ashes And Other Dangerous Materials.** No person shall deposit hot ashes or cinders, or smoldering coals, or greasy or oily substances liable to spontaneous ignition, into any combustible receptacle or place the same within ten (10) feet of any combustible materials, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands, and in every case must be kept at least two (2) feet away from any combustible wall or partition.
- (b) **Accumulations Of Waste Materials.** Accumulations of wastepaper, hay, grass, straw, weeds, litter, or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any court or yard. All weeds, grass, vines, or other growth, when the same endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property it is on.
- (c) **Storage Of Readily Combustible Materials. Storage Requirements.** Storage in buildings shall be orderly, shall not be within two (2) feet of the ceiling, and not so located as to endanger exit from the building. Storage in the open shall not be more than twenty (20) feet in height, shall be so located with respect to adjacent buildings as not to constitute a hazard, and shall be compact and orderly.