

ORDINANCE NO. 30-17

SPONSOR: ALDERPERSON DANIEL PROZANSKI, JR.
CO-SPONSOR: ALDERPERSON ROCCO J. LAMACHIA, SR.
ALDERPERSON SCOTT GORDON

TO REPEAL AND RECREATE SUBPARAGRAPH 3.01 C.2. AND SUBSECTION 3.19 OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA REGARDING ENFORCEMENT AND CONTROL OF OPEN BURNING OPEN FLAMES IN BUILDINGS

The Common Council of the City of Kenosha, Wisconsin do ordain as follows:

Section One: Subparagraph 3.01 C.2. of the Code of General Ordinances for the City of Kenosha, Wisconsin is hereby repealed and recreated as follows:

2. The Police Chief and police officers shall have concurrent responsibility with the Chief of the Fire Department to enforce Section 3.18 of this ordinance entitled "Fireworks", and of this ordinance entitled "Control Of Open Burning; Open Flame In Buildings".

Section Two: Subsection 3.19 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

A. Definitions.

1. **"Cooking Fire"** shall mean a fire ignited and maintained for the express purpose of cooking food for human consumption.

2. **"Open Burning"** shall mean the oxidation from which the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

3. **"Outdoor Fireplaces or Fire Pits"** shall mean bowls or pits designed for the holding or burning of wood.

4. **"Recreational Fire"** shall mean an outdoor fire burning material other than rubbish with a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, warmth or similar purpose.

5. **"Sky Lantern"** shall mean a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended.

B. Prohibitions and Exceptions. Open burning and sky lanterns are prohibited with the following exceptions:

1. Small Open Flames for welding, acetylene torches, safety flares, heating tar or similar applications.

2. Outdoor fires for cooking, but only if said fire is contained in a device made of metal, concrete, or brick and specifically designed for the cooking of food by heat, steam, or smoke: and said device is to be located not closer than ten (10) feet to any building or structure. Once cooking is complete, the fire must be extinguished. Fires maintained contrary to this section are subject to an order to extinguish by the enforcement authorities at the sole discretion of the enforcement authorities in furtherance of this ordinance.

3. Outdoor fires for ceremonies.

4. Fires set for practice and instruction of firefighters, or testing of firefighting equipment.

5. Recreational Fires contained within outdoor fireplaces or fire pits subject to the following conditions:

- a. Permission of the property owner is required before starting a fire.
- b. Fireplaces shall include a bowl with supports to ensure clearances to combustibles.
- c. Fire pits shall have an enclosure, heavy screen or spark arrestor to control and contain embers and sparks.
- d. Fireplaces or fire pits shall not be used within fifteen (15) feet of a building or lot line.
- e. Fireplaces or fire pits shall be used on a stable level surface.
- f. Fireplaces or fire pits shall not be used on any combustible deck, porch, or patio.
- g. Only clean, dry wood is permitted to be burned in fireplaces or fire pits. No trash, yard waste, or construction materials shall be burned.
- h. If the fireplace is a propane unit only propane shall be burned.
- i. The smoke from the fireplace or fire pit shall not create a nuisance.
- j. A fire extinguisher, garden hose, or other method of fire control shall be readily available.
- k. The fireplace or fire pit must be supervised at all times by a responsible adult. The fire must be completely extinguished before the fireplace or fire pit is left unsupervised.
- l. Fireplaces or fire pits shall not be operated when air quality is other than good or moderate as defined by the Wisconsin Department of Natural Resources.
- m. Manufactured outdoor fireplaces and fire pits shall be operated in accordance with the manufacturer's assembly, safety, and operating instructions.
- n. Fireplaces and fire pits cannot be ignited before 4:00 p.m. and must be extinguished by 10:00 p.m. Fireplaces as described in paragraph B.5.h. are exempt from time restriction.
- o. Fireplaces and fire pits shall be subject to an order to extinguish by the enforcement authorities at the sole discretion of the enforcement authorities in furtherance of this ordinance.
- p. No recreational fires are allowed when wind speeds exceed 15 mph.

C. Open Burning Procedures. All allowed open burning shall be conducted in conformance with State fire protection regulations and this ordinance, and shall not endanger the public health, safety, or welfare or be an annoyance or discomfort to the neighborhood or traveling public.

D. Open Flame in Building. No open flame candle or other open flame fixture shall be used in any building or structure unless guarded and attended by an adult; however, no open flame fixture shall be used in any tent or temporary structure.


E. Penalties. Any person violating any provision of this section shall be punished, upon conviction, by a forfeiture of not less than One Hundred Dollars (\$100.00), not more than One Thousand

Dollars (\$1,000.00), together with costs of the prosecution, and in default of payment thereof shall be imprisoned until such forfeiture and costs are paid, but not to exceed sixty (60) days.

F. The Fire Chief will provide the Public Safety and Welfare Committee a review of the Fire Safety Ordinance by September 1, 2018.

Section Three: This Ordinance shall become effective upon passage and publication.

ATTEST:  City Clerk/Treasurer
DEBRA L. SALAS

APPROVED:  Acting Mayor Date: 7-18-2017
CURT WILSON

Passed: July 17, 2017

Published: July 21, 2017

Drafted By:
DANIEL PROZANSKI, JR.
Aldersperson