

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

ORDINANCE NO. 18-2020

AN ORDINANCE AMENDING SECTION 5.15 OF THE  
MUNICIPAL CODE PROHIBITING THE BURNING OF  
MATERIALS NOT ORIGINATING ON THE SAME PROPERTY

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WHEREAS, the Village Board previously adopted Section 5.15 of the Municipal Code which regulates burning within the Village; and

WHEREAS, upon the recommendation of the Fire Chief, the Village Board desires to prohibit the burning of materials which do not originate on the property upon which the burning occurs; and

WHEREAS, the fire prevention standards are in the interest of the community's health, safety and welfare;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 5.15 of the Municipal Code of Germantown is hereby amended as follows (NOTE: added text is underlined; deleted text is ~~struck-through~~):

**5.15 - BURNING REGULATED.**

**(1) PERMIT REQUIRED.**

(a) Except as provided for in subsection (b), no person shall kindle or allowed to be kindled any open fire in the Village without first obtaining a burning permit from the Village Fire Department. Permits can be obtained from the Fire Department in any manner established by Department Policy. The Fire Chief or its designee reserves the right, after inspection, to deny any requested permit if in the judgment of the Chief or designee, hazardous conditions exist. Such permits shall be posted on the premises of the burning site at all times when such burning is taking place. Any permit issued hereunder shall be for a period not to exceed one-month in duration.

(b) No burning permit shall be required for the following:

1. Cooking and recreational fires in barbecue pits, grills and outdoor fireplaces, except that such fires must otherwise with the locational and safety requirements of the NFPA 1.
2. Indoor domestic and commercial incinerators.
3. Fires authorized by the Fire Chief which are set for the practice and instruction of firefighters.

(c) Recreational Fire Defined. When used in this section, "recreational fire" shall mean an outdoor fire used for pleasure, religious, ceremonial, cooking, warmth or similar purposes that is contained in an outdoor fireplace or pit which has a maximum width of 3 feet in diameter and a maximum height of 2 feet and which burns materials other than yard waste, rubbish or debris.

(2) All outdoor burning shall comply with NFPA 1.

(3) RESTRICTIONS AND LIMITATIONS.

(a) Notwithstanding anything herein to the contrary, no burning shall be allowed:

1. When the wind velocity exceeds 12 miles per hour as indicated by the National Weather Service.
2. During periods when the Village President, Village Fire Chief or their Designee, or the Department of Natural Resources has issued a burning ban.
3. Before 8:00 a.m. and after 8:00 p.m., except for cooking and recreational fires. All open burning shall be extinguished by 8:00 p.m.

(b) All open fires shall be constantly attended by a competent person equipped with either a garden hose or a fire extinguisher available and ready for use.

(c) Approved burning shall take place 30 feet or more from any structure, flammable liquid or other materials that constitute a potential fire hazard or any location approved in writing by the Fire Chief.

(d) There shall be no open burning of yard wastes in accumulations greater than 5 feet in diameter nor 2½ feet in height.

(4) PROHIBITED BURNING. No person should burn, or attempt to burn, the following:

- (a) Garbage.
- (b) Materials emitting toxic fumes or substances, noxious odors or creating health hazards.
- (c) Flammable liquids or other materials which may create a fire hazard.
- (d) Building materials, waste materials and rubbish resulting from building construction, demolition, or site clearings.
- (e) Any materials that are brought on-site from another property.

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

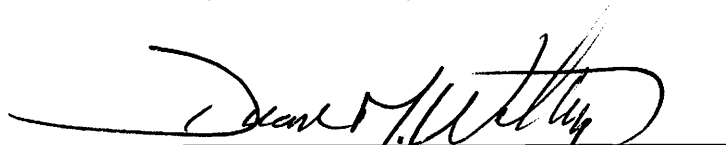
All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION IV

This ordinance shall take effect and be in full force upon its passage and the day after publication.

Introduced by Trustee Baum on November 16, 2020.

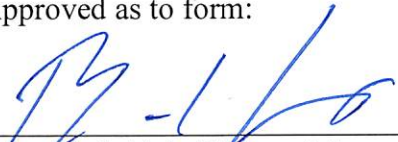
Adopted: November 16, 2020 Vote: Ayes: 9 Nays: 0 Absent: 0

  
Dean Wolter, Village President

ATTEST:

  
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Deanna Braunschweig, Village Clerk

Approved as to form:

  
\_\_\_\_\_  
Brian C. Sajdak, Village Attorney

Published: \_\_\_\_\_