

SEC. 5-2-8 OUTDOOR FIRES.

- (a) **Burning of Certain Material Prohibited.** It shall be unlawful for any person to burn in an outdoor incinerator any garbage, trash, plastic, rubber products, asphalt type materials or any other such related materials which create by such burning a smoke or odor nuisance. "Garbage" as the term is used herein is defined as putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food. "Trash" as used herein is defined as human or animal excrement, animal remains or offal, petroleum products, vegetable products, mineral products and metal pressurized containers.
- (b) **Use of Incinerator Required.** No outside burning shall be permitted on any premises used for commercial, industrial or residential purposes except in an incinerator which shall be a metal container or masonry product built or fabricated so as to be completely enclosed, except having a top opening for loading, and a lower opening for draft control. Such openings shall be covered with a metal screen of mesh opening not greater than one-half (1/2) inch measured across the largest diameter. Such incinerator shall be located at a distance of at least twenty (20) feet from any structure, and shall have all grass and other flammable material cleared away from its base for a distance of three (3) feet from all exterior surfaces of the incinerator. Occupants of premises using an approved incinerator are excluded from the requirement of obtaining annual burning or special permits as herein provided.
- (c) **Emergencies.** Whenever, because of extreme dryness or drought, the Town of Waukesha Fire Department shall deem it imprudent to set fires upon any land within the Town, it shall by proclamation, declare an emergency and cause to be published in a newspaper of general circulation in the Town a notice forbidding the setting of fires within the Town of Waukesha and after the publishing of such notice, no person shall set any fire upon lands in said area except in an approved type incinerator as provided in this Section until the expiration of such emergency. (See Section 5-2-7.)
- (d) **Responsibility for Fires.**
 - (1) Any person who negligently sets a fire on any land or shall fail to properly attend the same and the fire escapes to adjoining land, or shall set a fire in violation of any provision of this Section, or shall set a fire without the use of an incinerator as is provided in this Section, shall upon conviction be subject to a forfeiture and in addition thereto shall be liable for all expenses incurred in the suppression of any such fire which the Town Clerk shall certify to such person by itemized statement. If any such claim is not paid within sixty (60) days from the date of billing by the Town Clerk, the Town of Waukesha may maintain an action against such person for the collection of such claim in addition to the forfeiture provided for violation of this Code.
 - (2) The term "person" as used in this Section shall include the owner or owners, and any person in possession of any real estate upon which a fire is set.

(e) **Issuance of Permit.** Burning permits shall be issued by the Fire Chief, the Town Clerk or his/her designee. Applications for permits for open burning shall be made on forms furnished by the Fire Department and Town Clerk and permits issued shall be in force for a length of time which shall be determined by the Chief and the Town Board. No burning permit shall be required if an approved incinerator is used.

(f) **Burning Permit Regulations.**

- (1) Fire must be attended at all times
- (2) Piles can be no larger than 10 feet in diameter
- (3) No burning when wind velocity exceeds 15 MPH or dry conditions exist
- (4) Burn permits may be suspended based on weather conditions-watch local forecast
- (5) Burning must be done under safe conditions or permit may be revoked
- (6) Burning allowed only during daylight hours, completely extinguished at night
- (7) Burning is not permitted in ditches or on roadways
- (8) Burning must be a safe distance from the property line and all structures
- (9) Be considerate of your neighbors when burning so as not to create a public nuisance
- (10) Fire chief must approve any exceptions

(g) **Outdoor Fires on Multi-Family Premises.**

It shall be unlawful for any person to utilize an outdoor fire at a multi-family dwelling or premises, for any purpose, including charcoal or propane cooking grills, outdoor fireplaces, or any similar structure except in the following circumstances:

- (1) For any balcony, patio or similar structure above one story in height, the use of an electric grill which does not utilize an open flame is permitted.
- (2) Outdoor fires are permitted on the ground floor level provided that the outdoor fire is at a minimum 20-feet from the dwelling unit or any combustible material.