

CITY OF ELKHORN

ORDINANCE NO. 21-18

ORDINANCE AMENDING SECTION 5.17 OF THE ELKHORN MUNICIPAL CODE

IT IS HEREBY ORDAINED by the Common Council of the City of Elkhorn that the text of this above referenced Section of the Elkhorn Municipal Code be amended at the listed subsection as follows:

Subsection (1) No change

Subsection (2) No change

Subsection (3) is amended to create sub (a) 1 and renumber the subsections as follows

1. No outdoor burning is allowed when wind speeds exceed 10 miles per hour.
2. No outdoor fireplace or fire pit shall be used within 15 feet of any structure or 10 feet of any lot line unless closer placements are approved by the fire chief.
3. No fire permitted under this section shall be of such a size or contain materials causing the smoke from the fire to become a vision hazard for nearby roadways or obstruction of vehicle travel. No fireplace or fire pit shall be used on a wood deck, wood porch, or wood patio.
4. An ABC type fire extinguisher, charged garden hose, or other method of fire control must be readily available.
5. The fireplace or fire pit must be supervised or attended at all times while in use by a responsible adult. The fire must be completely extinguished before the fireplace or fire pit is left unsupervised.
6. No fireplace or fire pit shall be used if because of neglect or damage to the fireplace or fire pit it can no longer safely contain the fire. Use of any fireplace or fire pit or campfire shall be discontinued if the City has issued a temporary outdoor burning ban, based upon conditions determined by the Fire Department to be unsafe. Such notices shall be made to the public on the City's public website. Fireplace, fire pit or campfire operators are responsible to check the City's website for notices to determine if such a temporary ban has been put in place.
7. The Fire Department may extinguish any fire ignited or maintained contrary to this section.
8. Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by such fires.

Subsection (4) is amended to modify the subsection title to Burn/Campfire Permit, create sub (a) Exemptions, renumber sub (b) Permit Required, create and/or modify subsections 1-8 as follows:

1. Campfires shall use untreated wood as a combustible source, no leaves or yard waste.
2. Campfires shall be located a minimum of 15' from any occupied dwelling, wood structure or any building and 10' from any street, alley or property line.

3. Campfires shall have a pit no larger than 48" in diameter with noncombustible ring of at least 12" high from ground level.
4. The fire level shall not be stacked higher than 2'.
5. Campfires shall be allowed to burn:
 - Monday through Thursday - 4:00 p.m. to 10:00 p.m.
 - Friday and Saturday - 12:00 p.m. (noon) to 12:00 a.m. (midnight)
 - Sunday - 12:00 p.m. (noon) to 10:00 p.m.
6. Burning is not allowed whenever the wind speeds exceed 10 miles per hour.
7. Campfires shall be extinguished by dousing with water.
8. Application must be submitted 5 business days in advance of the first fire.

Subsection (5) No change

Subsection (6) Permit Application is amended as follows:

Applications for permits shall be made 5 days in advance of the first fire for which they are requested. Permits can be requested for a single use or for an annual use. All annual permits will be valid from January 1 to December 31 of the year issued. The City shall maintain records to keep track of permits issued.

Subsection (7) No change

Subsection (8) No change

Subsection (9) No change

Subsection (10) No change

THIS ORDINANCE shall be effective after compliance with Wisconsin Statutory requirements for adoption and publication.

APPROVED AND ADOPTED this 15th day of November 2021.


Bruce Lechner, Mayor

ATTEST:


Lacey Reynolds, City Clerk

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| 1 st Reading | <u>waived</u> |
| 2 nd Reading | <u>11/15/2021</u> |
| Adopted | <u>11/15/2021</u> |
| Published | <u>11/25/2021</u> |