

CHAPTER 30

OUTDOOR FIRES

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Sec. 30.01 Outdoor Fires Regulated.

- (1) **Outdoor Fires Allowed With a Permit.** No person may build, start, set, use, or maintain, and no property owner may allow on the other's property, any of the following types of outdoor fires unless a permit for such outdoor fire has been issued pursuant to this Chapter:
- (a) Controlled burning of grass or vegetation for environmental management purposes with permission of the landowner.
 - (b) A campfire or bonfire. Any such fire 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) Controlled burning of dry leaves or other non-offensive yard waste, except that no such burning may occur on days when prevailing winds may endanger others or cause the fire to spread. Any such fire must be kept at least 50 feet away from all structures.
 - (d) Fire in an incinerator or refuse burning barrel, if such device is approved by the fire chief or the fire chief's designee.
 - (i) The device must have a fireproof wire mesh cover.
 - (ii) The device may not have 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.
 - (iii) The device 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.
 - (iv) The ground under and around the device 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.
 - (v) The only materials that may be burned in an incinerator or burning barrel are: Unpainted and untreated wood, paper (except newspaper), cardboard, and other non-toxic and easily combustible material generated by the property owner.

- (e) Other burning as authorized on a one-time basis by the fire chief or the fire chief's designee, but not as an alternative to recycling or proper household waste disposal.

(2) Issuance of a Permit.

- (a) Any person who resides in the Town may apply to the fire chief or the fire chief's designee for a permit to be issued pursuant to this Chapter.
- (b) The cost of the permit issued pursuant to this Chapter is \$5.00 per year. The permit is effective from January 1 through December 31.
- (c) All proceeds from permits issued pursuant to this Chapter shall be deposited in the Town's general fund.
- (d) Any permit issued pursuant to this Chapter by the fire chief or the fire chief's designee may contain any appropriate conditions for the protection of the public.

(3) Places Where Certain Fires are Prohibited. No person may obtain a permit pursuant to the terms of the Chapter for any of the following areas:

- (a) Gallagher Plat.
- (b) Gallagher Gardens.
- (c) April Hill.
- (d) Rambling Acres.
- (e) Freeway Manor.
- (f) Karmichael Court.

(4) Other Types of Outdoor Fires.

- (a) Except as provided in subsection (b) below, no person may build, start, set, use, or maintain any type of outdoor fire except a type of fire for which a permit may be issued pursuant to this Chapter.
- (b) It is not a violation of this Chapter to build, start, set, use, or maintain an outdoor fire in a grill (such as a charcoal grill or a gas grill) used, or to be used, for cooking food in a conventional manner.

Sec. 30.02 Restrictions on Outdoor Fires.

All outdoor fires of all kinds must be built, started, set, used, and maintained as follows:

- (1) **In Conformance With this Chapter.** All outdoor fires of all kinds must be built, started, set, used, and maintained in conformance with the provisions of this Chapter.
- (2) **Prohibited Places.** No fire may be built, started, set, used, or maintained on any street, highway, curb, or sidewalk.
- (3) **Supervision.** 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.
- (4) **Equipment.** There must be adequate fire suppression equipment and personnel available at all times.

- (5) **Materials Not to be Burned.** Notwithstanding any other provisions of this Chapter and notwithstanding any permit, no person may burn wet rubbish, oils, petrochemicals, asphalt, plastic, rubber products, household waste, or aerosol cans.

Sec. 30.03 Fire Chief's Authority to Ban Outdoor Fires.

The fire chief or the fire chief's designee may ban some types or all types of outdoor fires as conditions may require, such as during periods of dry or windy weather, if the fire chief or the fire chief's designee determines that it is necessary to do so for the protection of the public.

Sec. 30.04 Responsibility for Damage.

Any person who builds, starts, sets, uses, or maintains a fire outdoors is strictly responsible for any damage caused by that fire. Any person who the fire chief determines to have caused fire damage to the property or person of another may be barred by the fire chief from obtaining any permit under this Chapter. Such person may obtain a permit under this Chapter if the fire chief or the Town Board determines that the person has provided reasonable assurances that the person will exercise such burning privileges with appropriate care.

Sec. 30.05 Enforcement.

Any person who violates any provision of this Chapter 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.