

ORDINANCE NO. 552

**AN ORDINANCE TO REPEAL AND RECREATE SECTIONS
2.09 AND 2.095 OF CHAPTER 2 OF THE GENERAL
ORDINANCES OF THE VILLAGE OF RIVER HILLS
RELATED TO BURNING**

The Village Board of the Village of River Hills, Milwaukee County, do ordain as follows:

Section I. Section 2.09 of Chapter 2 of the General Ordinances of the Village of River Hills is hereby repealed and recreated to read as follows:

“Section 2.09. REGULATIONS FOR SETTING FIRES TO GRASS, ETC.

(1) Public Policy. The Village Board of the Village of River Hills does hereby declare that it is necessary in the interests of public safety, public welfare, the protection of property and the reduction of unnecessary expense in fighting grass fires, to regulate the matter of setting or starting fires for the burning of grass, hay, weeds, brush or other similar materials within the Village of River Hills.

(2) Responsibility. The word "person" as used herein shall include all persons, both real and corporate, and shall be deemed to hold responsible, under the terms of this section, all corporations, co-partnerships, associations, societies or other organizations of similar character. Such organizations shall be deemed responsible for the conduct of any or all of their officers, agents, servants or employees with respect to the matters referred to in this section.

(3) Permits Required; Application for Permit. No person shall undertake to burn or set fire to grass, hay, weeds, brush or other similar materials upon any premises within the Village of River Hills, without first making application for and obtaining a permit to burn or set fire to such materials.

[a] Permits for burning a pile of brush, grass, hay, weeds or other similar materials that are no larger than four feet (4') in height and six feet (6') in diameter shall be issued by the Chief of River Hills Police Department or his designee on forms provided by the Village.

[b] Permits for burning brush, grass, hay, weeds or other similar materials in a pile that is larger than subsection [a] above, shall be issued by the Chief of the North Shore Fire Department on forms provided by the Department.

(4) Conditions for Issuance of Permit.

[a] Permits shall be issued only to the owner or occupant of the premises, or to a duly authorized agent thereof. The permit shall state the name of the applicant and the location of the premises upon which such fire is to be set, together with such directions and regulations as may be specified by the Chief of the Department issuing the permit. There shall be attached to such permit, or printed thereon, as may be determined to be most feasible, a copy of the general regulations for control and management of such fires.

[b] No permit shall be issued for the starting, burning or setting of any such fire at any location in the Village of River Hills which may be within a distance of 100 feet of any building or structure, or in any location or at any time where it is reasonable to anticipate that there is danger of the fire spreading in such manner as to endanger any land or buildings within the Village, whether such building or land be owned by the person starting the fire or otherwise.

[c] Any fire which may be started, pursuant to authority granted by such permit, shall be regulated and controlled in such manner as may be directed by the said Chief of the Department issuing the permit. Any failure to follow such regulations or directions shall be construed to be a violation of this section.

[d] Only one such permit for burning covered under the provisions of Section 2.09(3)[a] shall be issued for one day per premises per calendar week.

[e] Notwithstanding the provisions of 2.09(4)[d] above, a permit may be issued on a daily basis for burning of leaves only during the months of October and November.

[f] Notwithstanding the provisions of 2.09(4)(d) above, a permit may be issued on a daily basis to the holder of a special use permit issued under the Village of River Hills Zoning Ordinance for burning on a parcel that consists of at least thirty (30) contiguous acres in area during the months of November, February and March of any year. (Ord. 481, 4/15/03)

(5) Costs and Damages Incurred; Penalty.

[a] In addition to the penalty provided herein, any person convicted of violating the provisions of this section shall be required to pay all costs incurred by or on behalf of the Village and North Shore Fire Department in extinguishing or attempting to extinguish such fire with its fire equipment or otherwise; and also, to reimburse any other owner of property for any loss or damage which may be sustained by such owner because of such misconduct.

[b] In addition to the requirements above set forth, any person found guilty of a violation of this ordinance, shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or the House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs, have been paid, but in any event not to exceed thirty (30) days.”

Section II. Section 2.095 of Chapter 2 of the General Ordinances of the Village of River Hills is hereby repealed and recreated to read as follows:

“Section 2.095. LIMITATIONS ON OPEN BURNING.

(1) Other than as authorized by section 2.09 of this Chapter, no person shall cause or permit the burning of any substance or material outdoors, within the Village of River Hills, with the following exceptions:

Ordinance 552 – Sections 2.09 and 2.095(2) Burning

[a] Fires used for cooking on grills, fireplaces, or otherwise contained and controlled for cooking purposes.

[b] Fires set for practice and instruction of firemen or testing of fire fighting equipment.

[c] Small open flames or fires for welding, acetylene torches, safety flares, heating tar, or similar applications.

[d] Small open flames or fires used in making street repairs, installation or repair of sewers, water, electric, telephone mains and services, and similar activities.

[e] Small bonfires and gas fire features for cooking, or recreation are allowed provided that the fire is confined by a control device, structure or other device specifically designed for that use such as a fire pit, masonry barbeque pit, chimenea, outdoor fireplace or similar device or as approved by the village and the fire department. The maximum open burn area is 33 inches in diameter or six square feet. All of the above must be configured to prevent sparks from becoming readily airborne and to ensure all hot embers are confined to prevent the spread of fire. Only untreated or uncontaminated wood shall be burned. Open burning structures that are elevated off the ground more than 18 inches require approval from the Building Board.

Small bonfires for cooking, or recreation under this section shall only be conducted at a location not closer than 25 feet from the nearest building, accessory structure, fence, deck or any other combustible surface. Any open burning of this type shall be constantly attended and supervised by competent persons of at least 18 years of age; this includes the time from ignition until the fire is extinguished. These persons shall have readily available for use such fire extinguishing equipment as may be necessary for the total control and extinguishment of the fire (i.e., garden hoses that are connected and charged, five-gallon buckets of water or other suitable extinguishing method).

[f] Permanent outdoor gas fire features may be utilized for open burning upon compliance with all applicable codes and standards, including securing all permits and permissions from the village and fire department. Fuel for this type of fire shall only be those designated for the appliance. The appliance shall have an enclosure that is permanently anchored to the exterior of the fire feature. Fire features shall not be located closer than 25 feet from the nearest building, accessory structure, fence, deck or any other combustible surface and shall be used on a non-combustible, safe and level surface. No combustible materials shall be allowed within five feet of the appliance. Features must be located a minimum of ten feet from building air intakes or other openings. Any open burning of this type shall be constantly attended and supervised by competent persons of at least 18 years of age; this includes the time from ignition until the fire is extinguished. These persons shall have readily available for use such fire extinguishing equipment as may be necessary for the total control and extinguishment of the fire (i.e., a garden hose(s) that are connected and charged, five-gallon buckets of water or other suitable extinguishing method). A timer shall be installed allowing a maximum of sixty

(60) minutes burn time, and control systems shall have safeguards to automatically shut off gas once the set time expires. The igniter shall be secured to prevent unauthorized persons from igniting the burner. A visible emergency shut-off shall be provided within reach.

[g] No hibachi, gas fired grill, charcoal grill, electric grill or other similar device used for cooking shall be used or kindled above grade level, on any balcony or under any overhanging portion or within ten feet of any structure, from any combustible material, combustible wall or partition, exterior window opening, exit access or exit. All other types of open burning at one- and two-family dwellings shall comply with the provisions of this section.

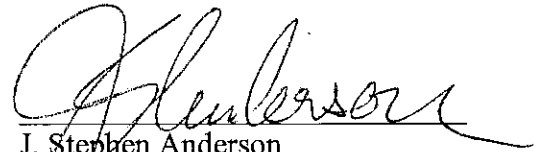
(2) All open burning shall be conducted in a safe, pollution free manner and in conformance with the general regulations of the River Hills Police Department and North Shore Fire Department.”

Section III. If any subsection, section or portions of this article or the sections of this ordinance as enacted hereunder is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.


Section IV. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are to such extent repealed.

Section V. This ordinance shall be in full force and effect after its passage and publication as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of River Hills this 9th day of March, 2022.


J. Stephen Anderson
Village President

Countersigned:


Tammy LaBorde
Village Clerk