

ORDINANCE 01-03

**ORDINANCE TO AMEND PORTIONS OF VILLAGE ORDINANCE 33-9:
OPEN BURNING**

THE VILLAGE BOARD of the Village of Albany do ordain as follows:

SECTION I: Section 33-9 of the Code of Ordinances, Village of Albany, Wisconsin is amended to read as follows (in it's entirety):

33-9. Open burning.

- A. Open burning prohibited. No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Albany excepting as set forth in Subsection B. This prohibition on burning includes burning of construction waste and debris at construction sites.
- B. Exceptions.
 - (1) Burning of small amounts of dry combustible rubbish (not to include wet combustible rubbish, garbage, oily substances, asphalt, plastic or rubber products) in single-family residences during the hours of 6:00 a.m. to 6:00 p.m. on Monday through Friday; 6:00 a.m. to 1:00 p.m. on Saturdays and Sundays. No flame or smoke is allowed after the ending time of each day. Burning of nonoffensive materials in a wire refuse burner, basket or metal enclosure with a cover attached to prevent the escape of sparks and burning materials, located a minimum of 25 feet from a building; only one burner is permitted per lot.
 - (2) Controlled burning of small amounts of dry leaves and dry plant clippings; burning of dry trees, wood, brush or demolition materials (excluding asphaltic or rubber materials) by such methods as approved by the Department of Natural Resources is allowed only during daylight hours.
 - (3) Fires set for practice and instruction of firemen or testing of fire-fighting equipment.
 - (4) Backfires to control forest fires or fires set for forest or wildlife habitat management with approval of the Department of Natural Resources where no reasonable alternative is available.
 - (5) Outdoor fires for cooking, ceremonies or recreation.
 - (6) Small open flames for welding, acetylene torches, safety flares, heating tar or similar applications.
- C. Open burning procedures. All allowed open burning shall be conducted in a safe pollution-free manner, when wind and weather conditions are such as to minimize adverse effects and in conformance with local and state fire protection regulations.
- D. Chief may prohibit. The Fire Chief is permitted to prohibit any or all bonfires and outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
- E. Burning on streets. No materials may be burned upon any street, curb, gutter or sidewalk.

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- F. Liability Any person utilizing and maintaining an outdoor fire shall be responsible for any liability resulting from damage caused by his fire.
- G. Penalties. Any person who is in violation of this second will be subject to the General Penalty found in Chapter 1, General Provisions, Section 1-19.

SECTION II: This ordinance shall be in full force the day following it's passage and official posting.

Dated this 12th day of May, 2003.
Passed this 12th day of May, 2003.
Posted this 13th day of May, 2003.

Ayes: _____

Noes: _____

BY:

CHRIS ROBERTS, Village President

DATE

ATTEST:

LAURIE K. KEEPERS, Village Clerk

DATE

I, Laurie K. Keepers, clerk in and for the Village of Albany do hereby attest that the above and foregoing is a true and correct copy of the Ordinance adopted by the Village Board of the Village of Albany on May 12th, 2003.

LAURIE K. KEEPERS, Village Clerk

DATE