

ORDINANCE NO. 178

AN ORDINANCE REGULATING BURNING IN THE VILLAGE

The Village Board of the Village of Merton, Waukesha County, Wisconsin do ordain as follows:

SECTION I. That section 13.04 of the Municipal Code of the Village of Merton is repealed and recreated to read as follows:

13.04 Regulation of Burning

- A. Burning of certain materials is prohibited. It shall be unlawful for any person to burn outdoors any garbage, trash, rubber products, plastic, leather, petroleum based materials, leaves, grass clippings, garden debris and any items containing flammable or combustible liquids, asphaltic type materials or any other such related materials which create, by such burning, a smoke or odor nuisance. Garbage, as the term herein, is defined as putrescible animal and vegetable wastes, resulting from 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. Permitted Burning.
1. Outside burning of wood, paper, brush, and similar dry materials is permitted.
 2. The size of the pile of materials to be burned shall not exceed four (4) feet, by three (3) feet high.
 3. The pile of materials being burned shall be at least fifty (50) feet from any structure, wood or lumber pile, wooden fence, trees or bushes, and provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items.
 4. Fuel for open burning shall consist of dry materials only and shall not be ignited with flammable or combustible liquids.
 5. The burning of materials shall constantly be attended and supervised by a competent person at least sixteen (16) years of age until such fire is extinguished. This person shall have adequate means to extinguish the fire, such as a garden hose, at the location of the fire.
 6. No burning is permitted when the wind velocity exceeds ten (10) miles per hour or local circumstances make the fires potentially hazardous. Local circumstances including, but are not limited to, thermal inversions, ozone alerts and very dry conditions.

7. Burning barrels must be a minimum of fifteen (15) feet from any building or combustible material.
8. Campfires must be a minimum of twenty-five (25) feet from any building or combustible material.
9. Burning of yard waste on public roads and right of ways is prohibited.
10. Burning shall cease immediately upon an order by any law enforcement official of the Village of Merton, or order of the chief of the Merton Community Fire Department or his designated representatives.

SECTION II. Severability.

If any provision, of this ordinance is declared illegal or invalid for any reason, that illegality or invalidity shall not affect the remaining provisions of this ordinance which shall remain in full force and effect.

SECTION III.

All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION IV.

This ordinance shall take effect and be in full force from and after this passage and publication.

Ron Reinowski
Village President

ATTESTED:

Thomas A. Nelson
Village Administrator-Clerk

Adopted: _____

Posted: _____