

ORDINANCE NO. 2022-03

AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 276-4 C. OF THE VILLAGE OF FOX POINT VILLAGE CODE THE BURNING OF GARBAGE, BRUSH OR RUBBISH

WHEREAS, the Village of Fox Point Village Board finds it beneficial to the public health, safety and interest to lower risk of fire damage and health hazards by eliminating the burning of garbage, brush or rubbish within the Village; and

WHEREAS, the Village of Fox Point Village Board hereby intends to allow prescribed burning that is done to control invasive weeds, grasses and brushes; and

WHEREAS, a prescribed burn is the controlled burning of invasive weeds, grasses, and brush that is planned and conducted by a professional environmental consulting or engineering firm with adequate insurance to restore native habitat and wildlife; and

WHEREAS, prescribed burning permits will be issued by the North Shore Fire Department and only those with a prescribed burning permit may conduct a prescribed burn to ensure the safety and proper purposes of the burn.

NOW, THEREFORE, the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 276 of the Village of Fox Point Village Code entitled, "Solid Waste," Section 276-4 entitled, "Burning Garbage or Rubbish," Subsection C entitled, "Grass, Brush, or Rubbish with Permit," is hereby repealed.

SECTION 2: Chapter 781 of the Village of Fox Point Village Code entitled, "Fires and Fire Prevention," Article III entitled "Fire Prevention," Section 781-16 entitled, "Burning Materials," Subsection A entitled, "Prohibition, exceptions," is hereby repealed and re-created as follows.

- A. Prohibition; exceptions. Open burning, outdoor burning and refuse burning are prohibited, subject to the exceptions in this § 781-16.

SECTION 3: Chapter 781 of the Village of Fox Point Village Code entitled, "Fire and Fire Prevention," Article III entitled "Fire Prevention," Section 781-16 entitled, "Burning Materials," Subsection E entitled, "Negligent Handling Prohibited," is hereby renumbered to be Subjection F as follows:

- F. Negligent handling prohibited. Notwithstanding the foregoing exceptions, whoever handles burning materials in a highly negligent manner is subject to the penalties hereinafter enumerated. Burning material is handled in a highly negligent manner if, under the circumstances, the person should realize that it creates an unreasonable risk and high probability of death or great bodily harm to another or serious damage to another's property.

SECTION 4: Chapter 781 of the Village of Fox Point Village Code entitled, "Fire and Fire Prevention," Article III entitled "Fire Prevention," Section 781-16 entitled, "Burning Materials," Subsection E is hereby created as follows:

E. Prescribed Burning Allowed with a Permit. A prescribed burn is the controlled burning of invasive weeds, grasses, and brush that is planned and conducted by a professional environmental consulting or engineering firm demonstrating adequate proof of insurance, for the purpose of restoring native prairie plant species and improving wildlife habitat.

Adequate proof of insurance for the professional environmental consulting or engineering firm conducting the prescribed burn shall be shown through certificate of insurance and shall be at least \$1,000,000.00 in commercial liability and general liability coverage for injury to both property and person, and any other coverage as required by the North Shore Fire Department.

Prescribed Burning permits will be reviewed and issued by the North Shore Fire Department in accordance with their standards. Contractors receiving a permit will be required to notify the Bayside Communications Center on the day of the prescribed burn event prior to commencing the burning activity.

SECTION 5: SEVERABILITY.

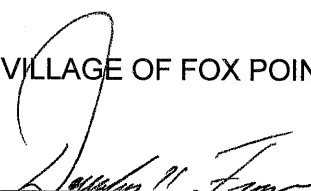
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 6: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

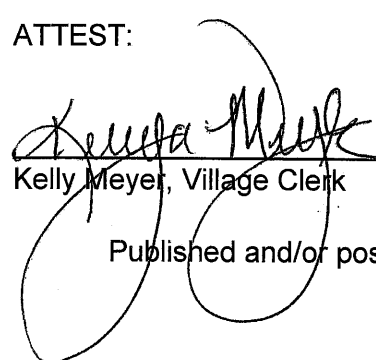
Dated this 14th day of June, 2022.

VILLAGE OF FOX POINT



Douglas H. Frazer, Village President

ATTEST:



Kelly Meyer, Village Clerk

Published and/or posted this 14th day of June, 2022.