

44.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
O-2000-0002	Ordinance	Held in Committee
Ordinance relative to repealing and recreating subsection 5.10(9) of the Revised Municipal Code relating to open burning. (Sponsored by Ald. Vitale)		
Introduced: 5/16/2000		Controlling Body: Safety & Development Committee

COMMITTEE RECOMMENDATION

PASS AS AMENDED

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>6/1/10</i>			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
		✓	Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
	✓		Vitale	✓			
			Weigel				
			TOTAL	<i>5</i>	<i>0</i>		

SIGNATURE OF COMMITTEE MEMBER

[Signature]

 Chair Vice-Chair Member

COMMON COUNCIL ACTION

Passed as Amended

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>JUN 01 2010</i>			Barczak	✓			
			Czaplewski	✓			
	✓		Kopplin	✓			
			Lajsic	✓			
		✓	Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<i>10</i>	<i>-</i>		



City of West Allis
Ordinance

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number: O-2000-0002

Final Action: 6/1/2010

Sponsor(s): Vincent Vitale

Ordinance relative to repealing and recreating subsection 5.10(9) of the Revised Municipal Code relating to open burning.

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsection 5.10(9) of the Revised Municipal Code is repealed and recreated to read:

5.10 FIRE PREVENTION CODE.

* * *

(9) Open Burning.

(a) Open burning is prohibited in the City of West Allis and no person, firm, corporation or other entity shall burn, cause to be burned, or suffer or allow to burn in the open air leaves, garden refuse, wood, refuse, or other combustible material.

(b) This subsection shall not apply to:

1. A charcoal or gas grill used in the cooking of food.
2. The smoking of tobacco products.
3. A device for the burning of wood that is equipped with a metal hood and screen that completely encloses the area where wood is burned so as to prevent embers or sparks from exiting the device.

(c) The exception allowed in subsection 5.10(9)(b)3 shall not apply during such times as the West Allis Fire Chief declares a ban on burning due to dry conditions. Notice of such ban shall be published in the official City newspaper. After publication or after direct notice, no person shall use such a device until the West Allis Fire Chief declares that the ban is terminated.

(d) The burning permitted in subsection 5.10(9)(b)3 shall be subject to the following conditions:

1. Such devices shall not be used on porches or decks or within ten (10) feet of a dwelling, garage, or other accessory structure.

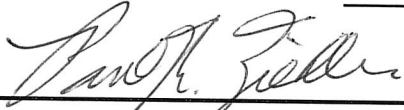
2. Such devices shall not be used between the hours of 11:00 p.m. and 8:00 a.m.
3. Such devices shall be tended by a competent person at all times combustion is occurring. To constitute being "tended," the device must be within the direct observation of the competent person taking care of the fire.

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

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-RepealRecreateSubsec5.10(9)-Vitale-2

PASSED AS AMENDED 06/01/2010



Paul M. Ziebler, City Admin. Officer, Clerk/Treas.

APPROVED AS AMENDED 6/4/10



Dan Devine, Mayor



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Ordinance

File Number: O-2000-0002

Final Action:

Sponsor(s): Vincent Vitale

Ordinance relative to repealing and recreating subsection 5.10(9) of the Revised Municipal Code relating to open burning.

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsection 5.10(9) of the Revised Municipal Code is repealed and recreated to read:

5.10 FIRE PREVENTION CODE.

* * *

(9) Open Burning.

(a) Open burning is prohibited in the City of West Allis and no person, firm, corporation or other entity shall burn, cause to be burned, or suffer or allow to burn in the open air leaves, garden refuse, wood, refuse, or other combustible material.

(b) This subsection shall not apply to:

1. A charcoal or gas grill used in the cooking of food.
2. The smoking of tobacco products.
3. A device for the burning of wood that is equipped with a metal hood and screen that completely encloses the area where wood is burned so as to prevent embers or sparks from exiting the device.

(c) The exception allowed in subsection 5.10(9)^b(c)3 shall not apply during such times as the West Allis Fire Chief declares a ban on burning due to dry conditions. Notice of such ban shall be published in the official City newspaper. After publication or after direct notice, no person shall use such a device until the West Allis Fire Chief declares that the ban is terminated.

(d) The burning permitted in subsection 5.10(9)^b(c)3 shall be subject to the following conditions:

1. Such devices shall not be used on porches or decks or within ten (10) feet of a dwelling, garage, or other accessory structure.

2. Such devices shall not be used between the hours of 11:00 p.m. and 8:00 a.m.
3. Such devices shall be tended by a competent person at all times combustion is occurring. To constitute being "tended," the device must be within the direct observation of the competent person taking care of the fire.

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

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-RepealRecreateSubsec5.10(9)-Vitale-2

PASSED

(As Amended)

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED

(As Amended)

Dan Devine, Mayor

[Handwritten signature]

Passed

report back with _____ and recommended the Ordinance be _____ this _____ day of _____, 2000.

May 16, 2000, referred the Ordinance relative to repeal and recreate subsection 5.10(9) of the Revised Municipal Code relating to open burning.

The Committee on Safety and Development to whom was on

By Alderperson Vincent Vita

Ordinance No. _____

COMMON COUNCIL ORDINANCE

CITY OF WEST ALFIS

File No. *746*

Date May 16, 2000

Safety and Development
Committee

Referred to the

Note No. *81*

Ordinance No. _____
File No. _____

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE SUBSECTION 5.10(9) OF THE REVISED MUNICIPAL CODE RELATING TO OPEN BURNING

BY Alderperson Vincent Vitale

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsection 5.10(9) of the Revised Municipal Code is repealed and recreated to read:

5.10 FIRE PREVENTION CODE.

* * *

(9) Open Burning.

(a) For purposes of this subsection, "open burning" means oxidation from which the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

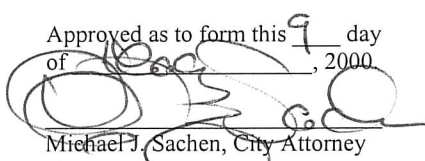
(b) Except as provided herein, open burning is prohibited in the City of West Allis and no person, firm, corporation or other entity shall burn, cause to be burned, or suffer or allow to burn in the open air leaves, garden refuse, wood, refuse, or other combustible material.

(c) This subsection shall not apply to:

1. A charcoal or gas grill used in the cooking of food.
2. The smoking of tobacco products.
3. A device for the burning of wood similar in construction to charcoal and gas grills that is equipped with a metal hood and screen that completely encloses the area where wood is burned so as to prevent embers or sparks from exiting the device. Such device shall have a base no larger than eight (8) square feet and a volume no larger than (24) twenty-four cubic feet.

(d) The exception allowed in subsection 5.10(9)(c)3 shall not apply during such times as the West Allis Fire Chief declares a ban on burning due to dry conditions. Notice of such ban shall be published in the official City newspaper. After publication or after direct notice, no person shall use such a device until the West Allis Fire Chief declares that the ban is terminated.

Approved as to form this 9 day
of April, 2000.


Michael J. Sachen, City Attorney

(e) The burning permitted in subsection 5.10(9)(c)3 shall be subject to the following conditions:

1. Such devices shall not be used on porches or decks or within ten (10) feet of a dwelling, garage, or other accessory structure.
2. Such devices shall not be used between the hours of 11:00 p.m. and 8:00 a.m.
3. Such devices shall be tended by an adult at all times combustion is occurring. To constitute being "tended," the device must be within the direct observation of the adult taking care of the fire.
4. A charged water hose connected to a water source must be kept within ten (10) feet of the device at all times combustion is occurring.

PART II.
are hereby repealed.

All ordinances or parts of ordinances contravening the provisions of this ordinance

PART III.
publication.

This ordinance shall take effect and be in force from and after its passage and

PASSED: _____, 2000

City Clerk/Treasurer

APPROVED: _____, 2000

Mayor

6-1

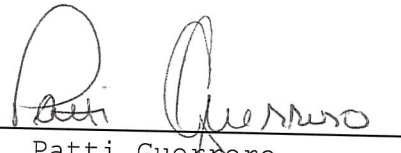
COMMUNITY **CNI** NEWSPAPERS

AFFIDAVIT OF PUBLICATION

0003541105

WEST ALLIS CITY OF-LEGALS
CLERK/TREASURER'S OFFICE
7525 W GREENFIELD AVE
JANEL LEMANSKE
West Allis, WI 53214

Patti Guerrero hereby states that she is authorized by Journal Sentinel Inc. to certify on behalf of Journal Sentinel Inc., publisher of Community Newspapers, public newspapers of general circulation, printed and published in city and county of Milwaukee; was published in the My Community Now- Midwest on 6/17/2010; that said printed copy was taken from said printed newspaper(s).



Patti Guerrero

State of Wisconsin)
) SS:
County of Milwaukee)

Subscribed and sworn before me this _____ day of _____, 2010.

Notary Public State of Wisconsin
My Commission Expires _____

**NOTICE OF NEWLY
ENACTED ORDINANCE**

Please take notice that the City of West Allis enacted Ordinance No. O-2000-0002, Ordinance to Repeal and Recreate Subsection 5.10(9) of the West Allis Revised Municipal Code Relating to Open Burning, on June 4, 2010. The ordinance addresses allowing a device for burning of wood that is equipped with a metal hood and screen that completely encloses the area where the wood is burned and certain conditions which permit the burning in such a device. The full text of Ordinance No. O-2000-0002 may be obtained at the City Clerk/Treasurer's Office, 7525 W. Greenfield Ave., West Allis, WI 53214 and through the Legislative Information Center on the City's Website at <http://www.ci.west-allis.wi.us>. Clerk/Treasurer's telephone: (414) 302-8200.

Paul M. Ziehler,
City Administrative Officer,
Clerk/Treasurer