

ORDINANCE

An Ordinance to amend Section 6.120 of the Manitowoc Municipal Code regulating Lighting Fires.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. 6.120 Lighting Fires.

“...

(2) **Bonfires.** It shall be unlawful for any patron or person to light and burn trash, **treated** lumber, leaves, straw, or any other combustible refuse outdoors at any time within the City limits. Before any acreage grass is to be burned permission must first be received from the Fire **Rescue** Department and the fire must be attended at all times and must not be closer than 30 feet to any buildings.

(3) ~~Exceptions~~ **Permissible Fires.**

(a) This section shall not restrict the use of electric, charcoal, wood or gas portable or permanent cooking grills sized for normal residential use, or ~~campfire pits~~ **built in-ground** or portable fire pits ~~appliances~~, with the following conditions:

1. **Built in-ground** fire pits ~~or portable fire pit appliances~~ shall be located at least ~~30~~ **25** feet from ~~a structure, 10 feet from a fence or overhang, 6 feet from a lot line, have a metal ring not to exceed 3 feet in diameter, and must be surrounded on the outer diameter by non-combustible material, such as stone or concrete,~~ **any living quarters and 20 feet from any combustible building.**

2. Portable fire pits shall be located at least 10 feet from a structure, 10 feet from a fence or overhang, 6 feet from a lot line, and shall follow the manufacturer's recommendations, which may include, but is not limited to, a spark arrester screen cover.

3. Fires in fire pits or appliances **built in-ground or portable fire pits must be no larger than three feet in diameter and extend no more than two feet above the pit ~~or appliance~~.**

4. Smoke from cooking grills, appliances, or fire pits **built in-ground, or portable fire pits shall not create a nuisance for neighboring property owners. Law enforcement officers and fire department officials have the authority to order fires extinguished if a nuisance is being created.**

5. Open fires shall be constantly attended by a competent person until such fire is extinguished. In the case of **built in-ground or portable fire pits ~~fire pits or open portable fire pit appliances~~, the person shall have a garden hose connected to a water supply or other fire extinguishing equipment readily available for use.**

6. In the case of multiple-family dwelling premises (three or more), premises used for commercial or industrial purposes, or premises used for commercial or industrial purposes with apartments in the structure:

A. No charcoal burners shall be kindled or maintained on balconies or within 10 feet of any structure, exterior window, or exit.

B. Electric grills are permitted for use on balconies above the first floor. Charcoal and propane grills are prohibited on balconies.

7. The Fire Chief may prohibit any or all open fires when atmospheric conditions or local circumstances make such fires hazardous. The Fire Chief may also permit cooking grills, ~~or fire pits or appliances~~ **built in-ground fire pits, or portable fire pits ~~which that~~ do not comply with the specific requirements set forth upon individual application; ~~provided,~~ that adequate safeguards are maintained. The Chief can revoke said permission at any time. A variance granted by the Fire Chief will be for a term not to exceed one year. All variances must be renewed every year.**

(b) At any civic event held under the supervision of the Fire **Rescue** Department, all burning shall be under the supervision of an adult in attendance. The Fire **Rescue** Department official at the event will determine if conditions are safe for the fire. If conditions are deemed to be unsafe, an alternate date may be chosen by the organizers of the event.

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Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____

Justin M. Nickels, Mayor

Fiscal Impact: Anticipated no more than \$100 for ordinance publication and code update costs of which are appropriated in the 2023 adopted budget. No additional tax levy or 2023 budget amendments.

Funding Source: 1100-15100-532100

Finance Director Approval: /SMA

Approved as to form: /EGN

This Ordinance was drafted by Eric G. Nycz, Interim City Attorney