

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

Creating Section 34.307(5) of the Madison General Ordinances to permit bonfires if certain conditions are met.

PRESENTED
REFERRED

April 16, 2013
BC, FC, CC, and Licensing
Appeals Board (5/21); 6/4
Common Council Meeting

Drafted by: Marci Paulsen

Date: April 4, 2013

SPONSOR: Alder Rummel

DRAFTER'S ANALYSIS: This ordinance amends the IFC requirements of bonfires. It permits a bonfire to occur if a license is obtained and several restrictions and requirements are complied with. Under the ordinance, the applicant must also provide proof of liability coverage. The ordinance also establishes specific restrictions on the size and location of the bonfire. It also requires that the applicant cover the cost of fire department personnel that are required to be present during the bonfire if the Chief deems it is necessary for safety reasons.

The Common Council of the City of Madison do hereby ordain as follows:

Subsection (5) of Section 34.307 entitled "License Required for Open Burning" of the Madison General Ordinances is created to read as follows:

- "(5) IFC Section 307.4.1 shall be replaced with the following language and a bonfire is permitted if:
- (a) In addition to authorization from the Chief, a license must be obtained in accordance with Sec. 34.105(14)(a), MGO. As a condition of the license, the applicant shall agree to indemnify, defend and hold the City and its officers, officials, employees and agents harmless against all claims, liability, loss, damage or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the license was granted;
 - (b) The applicant shall furnish a Certificate of Insurance providing evidence of Commercial General Liability coverage with minimum limits of one million dollars (\$1,000,000) per occurrence or a higher limit if determined by the City Risk Manager to be necessary on a case-by-case basis. Such Commercial General Liability coverage shall include coverage for contractual liability and list the City of Madison, its officers, officials, employees and agents as additional insureds. The Certificate of Insurance shall provide thirty (30) days' written notice to the City upon cancellation, nonrenewal or material change in the policy. The applicant shall provide the Certificate of Insurance described above at the time of submitting the bonfire license application required in sub. (a);
 - (c) The applicant shall contact the Chief one (1) month prior to the scheduled bonfire and provide the chief with the date, time, location and duration of the bonfire. If the Chief determines for safety reason fire personnel must be present during the entire bonfire, then two (2) weeks prior to the bonfire the Chief shall provide the applicant with an expense accounting of the event. If needed for safety reasons, the Chief shall arrange for a fire crew of four (4) firefighters and one firefighter vehicle to be at the bonfire during the entire event. The applicant shall post this monetary expense with the City Treasurer one (1) week prior to the

Approved as to form:

bonfire. Failure to timely post this monetary amount will result in the revocation of said bonfire license;

- (d) The bonfire does not exceed eight (8) feet in diameter;
- (e) The height of the wood to start the bonfire does not exceed six (6) feet;
- (f) Only clean, dry wood is permitted to be burned in bonfires. No trash, yard waste, flammable or combustible liquids or other materials shall be burned;
- (g) The bonfire must be placed on a non-combustible surface, such as dirt, rocks or concrete;
- (h) The smoke from the bonfire shall not create a nuisance;
- (i) The bonfire shall not be within fifty (50) feet of a building or lot line;
- (j) The bonfire shall not be within fifty (50) feet of other combustibles, such as trees, wooded areas, natural lawns, brush. Except if the lawn is mowed and is less than six (6) inches high.
- (k) Other than when igniting or extinguishing the bonfire, individuals are not permitted to be within eight (8) feet of the bonfire;
- (l) The bonfire must be supervised at all times by a responsible adult. The bonfire must be completely extinguished, including all embers, before it is left unsupervised; and
- (m) The bonfire shall not be ignited or maintained when air quality is other than good or moderate as defined by the Wisconsin Department of Natural Resources (DNR)."