

CHAPTER 3

FIRE PREVENTION AND PROTECTION

Whereas, the Town of Wilson is concerned about residents burning refuse within Town limits, based on concerns about safety and the environment;

3.01 Burning Refuse Prohibited.

It shall be unlawful for any person to burn out of doors refuse within residential zoned districts in the Town of Wilson.

3.02 Open Burning Prohibited.

It shall be unlawful for any person to kindle, start, or maintain a fire in the open air within the Town of Wilson, except as provided in Section 3.03. All other forms of open burning, other than those listed in Section 3.03, shall be prohibited without authorization from the Fire Chief of the Town.

3.03 Exceptions to Open Burning Prohibition.

Open burning is permissible under the following conditions:

- a. Practice fires set by any organized fire department for practice or instruction of firefighters, or testing firefighting equipment;
- b. Fires set by fire or law enforcement personnel for the purpose of burning explosives or dangerous material for which there is no other safe means of disposal;
- c. Fires set for outdoor cooking as long as the wood or other non-explosive fuel is being burned for the purpose of cooking is kept under constant supervision is contained in a substantial burner and is not closer than ten (10) feet to any building;
- d. Recreational bonfires or campfires as long as the fuel for bonfires consists of wood only is not ignited with flammable or combustible liquids, is not closer than twenty (20) feet to any building or structure or pile of lumber/wood and is not more than twenty-four (24) inches above grade or the landscape; firepit diameter may not be larger than 42". Legal Non-Conforming Fire Pits. Any residential fire pit located in the Town of Wilson as of the date of adoption of the amendments to this Ordinance, which does not conform to the provisions of this Ordinance, is eligible for characterization as a legal non-conforming fire pit and is permitted.
- e. Flame may not be higher than 24".
- f. Firepit is in an area clear of vegetation within a four- foot perimeter, has a mineral soil break and is not located underneath trees and/or other vegetation. Burning of brush or weeds on agricultural lands is allowed with a permit from the Town Fire Chief or his designee.
- g. No person shall burn any painted, stained or treated wood, wood products containing glues or resins, wet combustibles, rubbish, garbage, plastics, shingles, foam, furniture, wire, metal, electronics, vinyl products, rubber products or oil-based products, any material capable of generating black or noxious smoke or any building materials associated with construction, remodeling or demolition.
- h. No burning nor the by products of combustion resulting from burning shall be allowed to form a hazard or nuisance to neighboring citizens. At no time shall smoke or heat aided by such combustion be an annoyance or discomfort to the neighborhood or traveling public.
- i. No burning when fire danger is higher than MODERATE per Wisconsin Department of Natural Resources. <https://dnr.wi.gov/topic/forestfire/restrictions.html>
- j. Open fire and cooking fire shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.
- k. The responsible party shall ensure that the fire has been completely extinguished at the conclusion of the burning activity.
- l. Permit Required: Any person, firm or corporation may contact the Fire Chief, or an appointee of the Fire Chief, regarding approval for open burning other than under circumstances specified in this Ordinance and that said Fire Chief or appointee of the Fire Chief approval shall specify the conditions and restrictions under which burning shall be conducted. Contact Town of Wilson office for Permit Application or Town of Wilson website.

3.04 Enforcement.

The Fire Chief of the Town of Wilson Fire Department, and/or his designees, and/or the Town Board and/or the Sheboygan County Sheriff Office shall enforce the regulations of this chapter and all other laws relating to the prevention of fires, and the storage, sale, use and handling of combustibles and explosives.

3.05 Special Charges.

Whenever it is necessary for the Fire Department to contain, remove, or extinguish any fire on private property within the Town of Wilson, or to contain, remove, or dispose of any hazardous substance from private property within the Town, the Fire Department shall render to any party possessing, controlling, or causing the fire or discharge of hazardous substance a bill for the immediate payment of costs of the containment, removal, extinguishment, or disposal. For purposes of this subsection, the term "hazardous substance" means any substance which may pose a substantial present or potential hazard to human health, safety or the environment because of quantity; concentration; or physical, chemical or infectious characteristics.

3.06 Violations and Penalties.

Any person who violates, disobeys, neglects, omits, or refuses to comply with shall forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the Sheboygan County Jail until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation.

Effective date: This ordinance shall be in effect on the day after posting or publication as required by law.

Enacted this 9th day of August 2018
Posted and Published August 8th, 2018
Town of Wilson by John Ehmann, Town Chairman
Georgene Lubach, Clerk