

## Chapter 100

### FIRE PREVENTION

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manner; notice of burning.**

**[HISTORY: Adopted by the Town Board of the Town of Pleasant Springs 11-7-1989 by Ord. No. 89-1 as § 4.03 of the 1989 Code. Amendments noted where applicable.]**

#### General References

Building construction – See Ch. 70.

Nuisances – See Ch. 152.

#### **§100-1. Purpose**

This ordinance is intended to safeguard the public health, safety and welfare of the citizens of the Town of Pleasant Springs against potential fire hazards, property damage and air pollution due to open burning, outdoor burning and refuse burning. **[Added 1-30-2014]**

#### **§100-2. Severability**

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected. **[Added 1-30-2014]**

#### **§100-3. Prohibited acts.**

It shall be unlawful for any person in the Town of Pleasant Springs to:

- A. Burn anything except, burning of yard waste and small quantities of dry combustible rubbish, including paper, cardboard and clean untreated wood, from a single family or household, on the property where it is generated; **[Amended 1-30-2014]**
- B. Burn any materials listed in §100-4 under materials that may not be burned **[Added 1-30-2014]**.
- C. Set fire to any material in a trash barrel, or otherwise, from which said fire shall spread or become uncontrollable, whether fire is attended to or not, so as to necessitate the calling of municipal fire control personnel or equipment in order to extinguish said fire. **[Added 1-30-2014]**
- D. Handle burning materials in a negligent manner;
- E. Leave a fire unattended at any time; **[Added 11-4-2003]**

- F. Store gunpowder, gasoline, kerosene, paint, alcohol, or any other combustible material in a negligent manner;
- G. Construct or keep an unsafe storage place for ashes or any other combustible material in an unsafe or negligent manner; **[Added 1-30-2014]**
- H. Construct any stovepipe, chimney, flue and/or other device used for the transmission of smoke, hot gases or other combustion products in a manner not consistent with any municipal code or in a manner that, under the circumstances, unreasonably results in a substantial risk of fire; **[Added 1-30-2014]**
- I. Maintain any stove pipe, chimney, flue or other device used for the transmission of smoke, hot gases or other combustion products in a manner not consistent with any municipal code or in a manner that, under the circumstances, unreasonably results in a substantial risk of fire; **[Amended 11-4-2003]**
- J. Set off fireworks without obtaining proper permits from the Town; or **[Added 1-30-2014]**
- K. Set fire to any material in a trash barrel or similar container which is located in an unsafe or hazardous area or which has not been properly screened and covered so as to avoid blowing of ash and cinders.
- L. Use Sky lantern devices, or any other airborne device containing a flame. A Sky Lantern, also known as a Kongming Lantern or Chinese lantern, is defined as a small air balloon made of paper, with an opening at the bottom where a small fire is suspended. It can be viewed as an airborne version of a paper lantern. **[Added 7-22-2013]**

**§100-4. Materials that may not be burned. [Added 1-30-2014]**

Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device:

- A. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- B. Waste oil or other oily wastes except used oil burned in a heating device for energy recover subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
- C. Asphalt and products containing asphalt.
- D. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- E. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic rubber-like products.
- F. Rubber including tires and synthetic rubber-like products

G. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section 100-3A.

**§100-5. Burning leaves, brush, clean wood, and other vegetative debris. [Added 1-30-2014]**

All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

**§100-6. Determination of Negligence. [Added 1-30-2014]**

For purposes of this chapter, a person handles burning material in a negligent manner, or stores combustible materials in a negligent manner, if, under the circumstances, the person(s) intentionally or unintentionally create unreasonable risk and strong probability of bodily harm to any person or property damage.

**§100-7. Inspections; right of entry. [Amended 1-2-1991 by Ord. No. 90-6; 11-4-2003]**

The Fire Chief of the Fire Department(s) contracted to serve the Town or Fire Chief's designee or any official authorized by the Town Board has authority at all reasonable times, with permission of the owner or lawful occupants, to enter and examine all dwelling houses, lots, yards, enclosures, and buildings of every description in order to discover whether any of them may be in dangerous condition and to cause such as may be dangerous to be put in a safe condition.

**§100-8. Violation and penalties. [Amended 11-4-2003]**

Any person who violates §100-1 herein, when a fire results from such violation, shall be deemed guilty of a violation and, upon conviction thereof, shall forfeit the amount of money expended by the town of Pleasant Springs for the costs of the fire call to extinguish the same as charged by the municipality providing the fire service, and an amount not to exceed \$500. The penalty for violating §100-1 when a fire does not result shall be as set forth in Chapter 1, General Provision, §1-1.

**§100-9. Failure to remedy dangerous conditions [Amended 11-4-2003]**

Whosoever shall be ordered by the Fire Chief of the Fire Department(s) contracted to serve the Town or the Fire Chief's designee or any other official to remedy any dangerous condition, as described in §100-3, and shall fail to do so within the time prescribed by such Fire Chief or other official shall be deemed guilty of a violation, and, upon conviction thereof, shall forfeit an amount not to exceed \$500.

**§100-10. Additional burning regulations**

The Town Board shall establish additional rules, regulations and conditions for burning in the Town as circumstances dictate. Such rules and regulations may be established by resolution of the Town Board or by order of the Town Chairperson in an emergency situation.

**§100-11. Burning to be conducted in safe manner; notice of burning. [Amended 11-4-2003]**

In all cases, persons who intend to burn or do in fact burn materials are responsible to ensure that the burning is conducted in a safe, responsible manner so as to keep the fire under proper control at all times. Any person intending to burn any sizable amount of materials, or to burn under circumstances which may create a substantial amount of smoke, or under circumstances likely to attract public attention, is required to first notify the area Fire Department serving the area of the intention to burn. Every person is required to see to it that all burning is conducted in a safe, appropriate fashion and that all fires are kept under proper control and all damage to surrounding property is avoided.