

exceeds 10 mph, as measured at the Appleton International Airport.

B. Prohibited burning. Burning that will be offensive or objectionable (creating a public nuisance as defined in Chapter 287 of the Village Code) due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. A Fire Department officer, Village Code Enforcement Officer, or a Police Department officer is authorized to order the extinguishment by either the party in control of the fire or the Fire Department when burning creates or adds to a hazardous or objectionable situation. For these reasons, the only allowed burning is seasoned dry wood, use of charcoal, and the use of propane/natural gas fuel appliances or manufactured pellets.

[Amended 5-10-2021 by Ord. No. 210426-2]

(1) The burning of leaves is prohibited.

### §218-32 Portable cooking devices

A. Portable cooking devices, regardless of cooking fuel, shall not be operated within 15 feet of combustible construction.

B. Exceptions:

(1) One- and two-family dwellings.

(2) Where buildings and decks are protected by an automatic sprinkler system.

C. Prohibited locations. Portable cooking devices are prohibited on the balcony of any multifamily residential dwelling.

### §218-33 Exempt Fires

The following described fires shall be exempt from the requirements described in this article:

A. Approved training for fire protection purposes. The Fox Crossing Fire Department shall be the authority to determine approval of all such fires.

B. Approved prairie grass burns may be allowed with permission of the Fire Chief or Fire Marshal to manage prairie grass plots.

A. When the Fire Chief, or his/her designee, determines there are environmental conditions likely to produce a serious threat of fire to life and property, it shall be the duty of the Fire Chief of the Fire Department to impose a burning ban and burning restrictions and require that no person may:  
[Amended 5-10-2021 by Ord. No. 210426-2]

(1) Set, build or maintain any fire or light and use any fireworks, as defined per Wisconsin Statutes.

(2) Throw, discard or drop matches, ashes or other burning material while outdoors in the immediate vicinity of combustible natural vegetation.

B. The ban described above shall be lifted when the serious threat is no longer present

### 218-35 Penalties

See § 218-50 of this chapter.

# Village of Fox Crossing, WI / Part II: General Legislation / Fires and Fire Prevention

## Article VIII Open Burning



### §218-34 Emergency Powers of the Fire Chief

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## Village of Fox Crossing, WI / Part II: General Legislation / Fires and Fire Prevention

### Article VIII Open Burning

**§218-29 Definitions:** The following definitions shall apply to this article:

**Accelerant.** A flammable or combustible liquid that will increase the rate of burning of a material. NOTE: Under no circumstances may any flammable or combustible liquid be used to start or promote any non-cooking fire to burn.

**Attendance.** All fires shall be constantly attended until the fire is completely extinguished.

**Approved Container.** An approved container shall be one that is purchased from a retailer that has been preapproved by a manufacturer for open burning. Fire pits that are manufactured from blocks, bricks or stone are also permissible so long as they are solely used for the provisional burning allowed under § 218-30 of this chapter.  
[Amended 5-10-2021 by Ord. No. 210426-2]

**Bonfire.** A bonfire is an outdoor fire utilized for ceremonial purposes.

**Clearance.** The distance from the edge of the fire area or outside perimeter of the approved container, including a vertical overhead clearance to open sky.

**Combustibles.** Any material that is capable of igniting and burning. Combustible materials shall include but not be limited to structures, landscaping, trees, etc.

**Cooking Fire.** A fire for the purpose of cooking food either in a manufactured device such as a grill or in a fire pit.

**Fuel.** Fuel for any fires identified under this article shall only consist of dry natural wood materials, charcoal, LP or natural gas. Materials for fires shall not include rubbish, garbage, trash, grass, leaves, any material made of or coated with rubber, plastic, leather,

paint or petroleum-based materials and shall not contain any flammable or combustible liquids. Maintenance fires are allowed on residential and agricultural properties two acres or greater in size. Maintenance fires for industrial or commercial occupancy are not permitted.  
[Amended 5-10-2021 by Ord. No. 210426-2]

**Extinguishing Ability.** A minimum of one portable fire extinguisher or other approved extinguishing equipment, such as a garden hose, shall be available for immediate utilization.

**Portable Cooking Device.** Described as any cooking device that may be carried or wheeled by a single person and that does not have a permanently affixed fuel source.

**Prohibited Areas.** Any fire may not be maintained in any right-of-way, ditch or swale, roadway or along any shoreline. No fires of any kind except cooking fires in a commercially manufactured cooking device are allowed on commercial properties.

**Recreational Fire.** An outside fire used for the purpose of enjoyment by a family, friends, or organization.  
[Amended 5-10-2021 by Ord. No. 210426-2]

**Responsible Person.** At least one responsible person of age 16 years or older must be in attendance of all fires.

### §218-30 Provisions for burning.

#### A. Bonfires.

(1) Bonfire size is to be determined by the Fire Chief/Fire Marshal and must be inspected prior to the event.

(2) Bonfires shall not be closer than 25 feet to combustible materials or lot lines.

(3) Bonfires must be completely extinguished at the end of the event. The "end of the event" is determined as the time when there is no responsible person supervising the fire.  
[Amended 5-10-2021 by Ord. No. 210426-2]

(4) Bonfires may not be started with any type of accelerant.

(5) There must be an ability to control or extinguish the bonfire at all times.

(6) A responsible person must be present during the construction and burning of a bonfire.

(7) Bonfires may not be conducted in any prohibited areas.

#### B. Recreational Fires/Cooking Fires

(1) Cooking fires shall be in portable cooking devices, legitimate fire pits or commercially manufactured devices.

(2) Recreational/cooking fires shall not be larger than three feet in diameter and the fuel may not be stacked higher than two feet tall. The fire pit shall be surrounded on the outside, aboveground, by a noncombustible material such as concrete block or rock.  
[Amended 5-10-2021 by Ord. No. 210426-2]

(3) Recreational/cooking fires, including commercially manufactured devices, shall not be conducted within 15 feet of a structure, combustible materials, or property lines.

(4) Recreational/cooking fires must be completely extinguished at the end of the event. The "end of the event" is determined as the time when there is no responsible person supervising the fire.  
[Amended 5-10-2021 by Ord. No. 210426-2]

(5) Recreational/cooking fires may not be started with any type of accelerant.

(6) There must be an ability to control or extinguish all fires at all times.

(7) All fires must be completely extinguished at the end of the event.

(8) A responsible person must be present during the recreational/cooking fire.

(9) Recreational fires may not be conducted in any prohibited areas.

#### C. Maintenance Fires.

(1) Maintenance fires may be conducted on any property owner's site which is two acres or greater in area. All maintenance fires must be approved by the Fire Chief or Fire Marshal before taking place.

(2) The location of maintenance fires shall not be less than 30 feet from any structure, combustibles or property lines, and provisions shall be made to prevent the fire from spreading to within 30 feet of any structure.

(3) Maintenance fires are limited to one pile per parcel. A "parcel" is described as any contiguous property owned by a single individual.

(4) Maintenance fires may not be conducted after dusk.

(5) Maintenance fires may not be started with any type of accelerant.

(6) There must be an ability to control or extinguish the maintenance fire at all times.

(7) Maintenance fires must be completely extinguished before dusk.

(8) A responsible person must be present during the maintenance fire.

(9) Maintenance fires may not be conducted in any prohibited areas.[1]

[1] Editor's Note: Former Subsection D, Burning of leaves, which immediately followed, was repealed 5-10-2021 by Ord. No. 210426-2.

### §218-31 Safety Considerations

The following shall be adhered to for burning:

A. Atmospheric conditions. Fires will be limited to the following atmospheric conditions. No fire shall be started unless there are favorable conditions for burning with regard to wind direction and speed. No fire shall be started at a time when the wind speed