

ORDINANCE NO. 1788-2024

AN ORDINANCE TO AMEND DIVISION 2 OF CHAPTER 7 OF TITLE 7 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO OPEN BURNING AND RECREATIONAL FIRE REGULATIONS

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Division 2 of Chapter 7 of Title 7 License and Regulation related to Open Burning and Recreational Fire Regulations, is hereby deleted in its entirety and replaced as follows:

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## Division 2 Recreational Fire Regulations

### 7.07.21 Definitions

- A. The following definitions shall be applicable in this Section:
1. **Fire Pit.** Includes both a below-ground pit and a portable device intended to contain and control outdoor wood fires.
  2. **Recreational Fire.** A small, outdoor fire intended for recreation or cooking in an approved, self-enclosing portable device or non-combustible structure.
  3. **Open Burning.** Outdoor burning in an unconfined area, container or pile.
  4. **Portable Fire Device.** Devices commercially designed and intended to contain and control outdoor wood fires.
  5. **Prescribed Burning.** Burning activities conducted to maintain the integrity of fire-dependent environments by reducing invasive plant species, stimulating wildflowers and grasses, controlling brush and improving habitat for local wildlife.

### 7.07.22 Intent

- A. It is the intent of this Chapter to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Onalaska due to the air pollution and fire hazards of open burning and recreational fires; provided said burning is in strict compliance with restrictions relating to recreational fires. It is further the intent of the City that the Fire Department shall strictly enforce these restrictions are to ensure that such fires do not compromise safety nor annoy neighbors. Such enforcement shall require an investigation into any complaint and an independent determination by the Fire Department as to whether a particular recreational fire is in compliance with these regulations.
- B. **Exceptions.**
1. Recreational Fire Permits are not required for the following activities, including but not limited to: outdoor cooking over a fire contained in a device or structure designed for such use and propane-fueled/charcoal/natural gas devices (fire tables, grills, heat lamps, or similar heating devices).
  2. Religious institutions holding bonfire/campfire burning events as approved by the Fire Chief.

### 7.07.23 Open Burning Prohibited

- A. **Prohibition.** No person shall conduct open burning or cause a controlled burn in the City of Onalaska.
- B. **Fire Department Practice Burns.** The Onalaska Fire Department may conduct open burning if necessary for fire-fighting practice and no permits are required for such activities.

### 7.07.24 Recreational Fire Permit Procedure

- A. **Permit Required.** No person shall start a recreational fire in the City of Onalaska without first having obtained a Recreational Fire Permit.
- B. **Permit Application.** Applicants for a Recreational Fire Permit must complete and return an application form furnished by the office of the City Clerk. At the time the application is submitted, a fee shall be paid as set forth on the City of Onalaska Fee Schedule, which shall be reviewed annually. The Recreational Fire Permit is valid for two (2) calendar years. In the event the applicant is a renter or lessee of the subject property, the applicant shall provide written documentation from the property owner giving permission for recreational fires at that property.
- C. **Issuance.** The City Clerk shall issue the permit upon approval of the application by the Fire Chief and upon the payment of the fee.
- D. **Suspension and/or Revocation of Permit.** The Fire Chief or authorized representative upon conducting an investigation may suspend or revoke the Recreational Burn Permit if a violation of this Section occurs

by the permit holder, or other personal burning a recreational fire on a property which is the subject of a permit.

#### 7.07.25 Additional Regulations for Recreational Fire Permits

- A. Recreational fires shall be located a minimum of fifteen (15) feet from all buildings, structures, fences, combustible materials, and parcel lines.
- B. All recreational fires shall have a lid and/or ember screen while fire is active.
- C. No recreational fire may be started or allowed to continue burning unless such recreational fire is contained in a portable fire device or fire pit.
- D. All recreational fire pits shall have a diameter of no more than three (3) feet.
- E. Portable fire pits may be used in accordance with the manufacturer's specifications and must be placed upon a noncombustible surface which extend beyond the boundary of the portable fire pit.
- F. No person may use a portable fire device above the ground floor of a multi-family dwelling, bed and breakfast establishment, hotel or similar use, or a commercial/industrial facility.
- G. Only clean, dry wood or untreated and unpainted lumber shall be burned. Materials for fire shall not include rubbish, garbage, recyclable items, material made of or coated with rubber, plastic, leather or petroleum-based materials, or contain any flammable or combustible liquids. In the event non-approved materials are being burned, the Fire Department may respond and extinguish the fire.
- H. Adequate fire suppression equipment shall be immediately available to control or extinguish a recreational fire.
- I. All recreational fires shall be attended at all times by at least one (1) responsible person eighteen (18) years of age or older from the ignition of the fire until the fire is completely extinguished.
- J. Smoke from any recreational fire shall not create a nuisance for neighboring property owners. Smoke complaints as a result of a recreational fire may be grounds for extinguishment. Extinguishment shall be determined at the discretion of the ranking member of the Onalaska Fire Department on scene.
- K. The Fire Chief or authorized representative may temporarily declare a city-wide ban on all recreational fires when the Wisconsin Department of Natural Resources has designated or declared a fire danger of "high", "very high", or "extreme" for the area which includes City limits.
- L. No recreational fire shall be started or allowed to continue burning when the wind direction or speed will cause smoke, embers, or other burning materials to be carried by wind toward other combustible materials. No recreational fires are allowed when wind speed is greater than ten (10) miles per hour.
- M. The property owner and/or person who started a recreational fire shall hold the City of Onalaska harmless from any and all damages caused by a recreational fire. A person maintaining a recreational fire shall be responsible for all suppression costs and any liability resulting from damage caused by said fire.

#### 7.07.26 Penalty

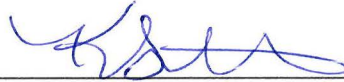
- A. **Penalty.** Any person violating any provision of this division or any rule or regulation made hereunder may be subject to penalties as provided in Section 1.01.17 of the Code of Ordinances.

**SECTION II.** This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this 14<sup>th</sup> day of May, 2024.



CITY OF ONALASKA

By:   
Kim Smith, Mayor

By:   
JoAnn Marcon, Clerk

PASSED: 05/14/2024

APPROVED: 05/14/2024

PUBLISHED: 05/21/2024