

ORDINANCE # 35

AN ORDINANCE REGULATING OPEN FIRES IN THE CITY OF FOUNTAIN CITY, IN BUFFALO COUNTY, WISCONSIN

The Common Council of the City of Fountain City, in Buffalo County, Wisconsin do ordain as follows:-

SECTION 1. Regulations for open fires:-

Open burning in the City of Fountain City is prohibited except as follows:-

- (a) A property owner or renter who is desirous of burning small amounts of brush or branches and dry plant clippings or of burning off long dry grass from a yard areas shall in order to be eligible to do so first make application for and obtain from the designated burning official a Burning Permit for a specific date and time for the proposed burning to be done and shall accompany such application with a Permit Fee of Three (3) Dollars in payment thereof. That such Burning Permit shall entitle the applicant to the one burning of the nature described in the application, and only on the day and time specified therein.
- (b) A new and separate application must be made and the required fee of Three (3) Dollars must be paid for every new burning requested.
- (c) All burning shall be done only when wind direction is such as will not carry smoke or soot into any adjoining neighboring building used as a residence or for commercial purposes, onto laundry hanging outside of premises, or when it would be a source of annoyance by reason of smoke, fumes, or odors to persons or property on or near the premises.
- (d) The burning of brush or branches and dry plant clippings or of burning off long dry grass from a yard area authorized by a Burning Permit therefore is allowed subject to the following regulations:-
 - (1) The perimeter of an area of grass or brush fire must be at least Thirty (30) feet from any building, utility pole, overhead wires or any other combustible material.
 - (2) Wind direction at the time of such fire shall be away from buildings and other combustible materials or structures and the wind velocity shall be not more that Fifteen (15) miles per hour as recorded by the nearest airport for the day of the proposed burning.
 - (3) Sufficient fire fighting implements and personnel shall be available at the scene while burning is in progress to control the fire.
- (e) Outdoor fire in an outdoor fireplace for cooking, recreation or ceremonies is allowed and accepted.
- (f) Small open flames for welding, acetylene torches, safety flares, heating tar, or similar applications are allowed and accepted.

(g) Fires for the purpose of removing frost from the ground by public utility corporations or by building contractors are allowed and shall be permitted but require and necessitate a Burning Permit or the type hereinbefore explained.

(h) No burning shall take place on the banks or shores of any river, bay, backwater, creek, stream or impoundment, or in any roadside ditches, dry wash, or other watercourses in the City.

(i) The burning of garbage, tires, or putrescible material is prohibited.

(j) The burning of standing or razed buildings is prohibited.

(k) No building or structure, or materials from a razed building shall be burned unless it shall be a fire set for the practice and instruction of firemen or the testing of fire fighting equipment and shall be under the supervision of the Fire Department.

(l) No burning shall take place on any street or on the approaches thereto such as the curb, gutter or ditch.

SECTION 2. Emergencies.

Whenever, because of extreme dryness or drought, the Mayor or Fire Chief shall deem it necessary to prohibit the setting of fires upon any land within the City of Fountain City, the Mayor shall by proclamation, declare an emergency and cause to be published in the official newspaper a notice forbidding the setting of fires within the City or any part thereof and/or have broadcast on radio or T.V. such notice, and after publishing or broadcasting of such notice, no person shall set any fire upon lands in such area except for warming the persons or cooking food until the expiration of such emergency.

SECTION 3. Any person, firm or corporation who or which shall violate any provision of this ordinance shall be subject to prosecution therefore and upon conviction thereof shall be punished by payment of a forfeiture of not less than Twenty-Five (25) Dollars and not to exceed One-Hundred (100) Dollars for each offense, together with the costs of prosecution, and in the event of default of the payment of such forfeiture and costs such amount shall be entered as a lien in favor of the City against the owner of the property on which the violation or violations occurred.

SECTION 4. Any person, firm or corporation who has a fire get out of control and needs the assistance of the fire department shall be responsible for any charges or fees that are incurred and due the fire department.

SECTION 5. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

James R. Scholmeier
MAYOR

Carol Lee Skroch
CITY COUNCIL CLERK