

City of Fond du Lac, WI  
Tuesday, April 29, 2014

## Chapter 343. FIRES AND FIRE PREVENTION

### § 343-10. Open flame fixtures; candles; open burning.

**[Amended 6-28-1995 by Ord. No. 2794; 4-25-2007 by Ord. No. 3322]**

- A. No open flame, candle or other open flame fixture shall be used in any public building or structure, except within a constituted church or lodge buildings or structures. Unattended open flame candles or other open flame fixtures shall not be used in seated areas of any public assembly rooms or buildings, except those used for dining (protected flame type only).
- B. No open flame candles or open flame fixtures, guarded or not, shall be used for lighting or decorative purposes in any buildings or structures used for public amusement or recreation.
- C. Open burning is prohibited. Outdoor fires within the corporate limits of the City of Fond du Lac are prohibited except as set forth in Subsection **C(1)** and **(2)** of this section.
- (1) Except for one- and two-family dwellings, as defined in Chapter **720**, Zoning, no grills or devices used for outdoor fires for cooking are authorized to be used above the first story of any building on a balcony, raised porch or platform, etc. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- (2) Recreational fires.
- (a) No recreational fires may be started or allowed to continue burning unless such recreational fire is fully contained within an approved fire pit or outdoor fireplace.
- [1] An approved fire pit is any below ground dug pit not greater than 36 inches inside diameter (inside edge of the pit to inside edge); lined with noncombustible material, soil, metal or stone; a minimum of six inches deep; and ringed on the outer diameter with stone, brick or concrete.
- [2] An outdoor fireplace is any commercially available appliance designed to contain a wood fire when operated according to manufacturer's instructions with all lids, screens and spark arresting devices in place; or permanent fireplace structure built entirely of noncombustible materials designed with spark arrestors and screens to contain a wood fire.
- (b) No recreational fire pit shall be closer than 25 feet to any dwelling, building structure, shed or garage or closer than 10 feet to any wooden fence, deck or combustible material. Commercially available outdoor fireplace appliance shall not be within 10 feet of any structure or combustibles; all recreational fires are to be set back a minimum of six feet from adjoining property lines.
- (c) No recreational fire shall be started or allowed to continue burning when the wind direction or wind speed will cause embers or other burning material to be carried onto any building or combustible material; nor any time that wind direction will

carry smoke into the open windows of any building. Smoke from any recreational fire shall not create a nuisance for neighboring properties and fires shall be completely extinguished when Police or Fire Department investigation determines a nuisance is present.

- (d) Fuel for outdoor recreational fires shall consist of natural wood or manufactured fire log material only and may not include leaves, rubbish, garbage, trash, construction materials, or any materials made of or coated with rubber or plastic, leather or petroleum-based materials. Flammable or combustible liquids may not be used to aid in starting any outdoor fire. Flammable or common/standard dry kindling materials may be used to aid in starting any outdoor fire.

Common/standard dry kindling material may be used to aid in starting fires. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (e) Recreational fires shall be constantly attended and supervised by a competent person at least 18 years of age until the fire has been completely extinguished. The means for extinguishing any fire (as deemed necessary by the Fire Chief) must be kept immediately available at all times when a recreational fire is burning. Proper fire extinguishing equipment includes: a garden hose, shovels, water buckets or an ABC rated fire extinguisher at least ten-pound capacity.
- (f) Any party who starts or maintains a recreational fire that is allowed to burn out of control shall be held responsible for paying any costs associated with fire control efforts to extinguish the fire.
- (g) Recreational fires shall be permitted as follows:
- [Amended 9-11-2013 by Ord. No. 3530]**
- [1] Sunday through Thursday from 11:00 a.m. to 11:00 p.m.
- [2] Friday through Saturday from 11:00 a.m. to 12:00 midnight.
- [3] Any day/evening preceding a federal holiday from 11:00 a.m. to 12:00 midnight.
- (3) Ceremonial bonfires may be permitted by the Fire Chief upon written receipt of a written request for the fire. Requests for permission shall contain date, time and site of proposed fire as well as the name of the requesting group or organization and shall be submitted to the Fire Chief three days prior to the date desired for the holding of the fire. The allowable quantity of material to be burned shall be determined by the Fire Chief and shall be based upon the firesafety considerations of the situation and the desired duration of the burn. Material for bonfires may not include rubbish, garbage, trash, any materials made of or coated with rubber, plastic, leather or petroleum based materials and may not contain any flammable or combustible liquids.
- (4) The burning of brush and other natural vegetation, when its removal is required for the development of that property, may be permitted with the consent of the Chief. Each request will be reviewed by the Chief or his designee. If the site and condition are acceptable, a permit will be issued. A burning permit form available at the Fire Department will be completed and submitted prior to burning. *Editor's Note: Original §§ 5.30 and 5.31, which immediately followed this section, were repealed 6-28-1995 by Ord. No. 2794.*