

ORDINANCE NO. 2023-2

AN ORDINANCE TO AMEND SUBSECTIONS 7-14(D) OF THE CODE OF ORDINANCES FOR THE TOWN OF PARIS, RELATING TO BURNING

The Town Board of the Town of Paris, Kenosha County, Wisconsin, do ordain as follows:

1. That Subsection 7-14(d) of the Municipal Code of the Town of Paris, relating to outdoor burning, be, and hereby is, amended to read as follows:

“Sec. 7-14 Fire Inspection, prevention, and detection

.....

(d) **OUTDOOR BURNING.**

- (1) Prohibition. No person may kindle or maintain any bonfire or brush fire, or burn off grass, hay, open fields, or crop residue (such as straw, corn stalks, bean stalks), or conduct any other outdoor burning without first obtaining a written burn permit issued by the Town Fire Department. This prohibition shall not apply to any outdoor burning that: (1) is intended exclusively for recreational or cooking purposes; and, (2) does not exceed 2’x2’x2’; and, (3) is contained within a device specifically constructed for such purpose, such as a grill, barbeque, burn pit, burn ring, or rock pit.
- (2) Issuance Process. Applications for a burn permit must be completed with the Town Fire Department. There shall be no fee for application or issuance of a burn permit, but no burn permit shall be issued until the proposed burn location has been inspected and approved by a duly-appointed member of the Town Fire Department. All burn permits shall expire on December 31st of each year, but, upon a new application by the permittee, burn permits shall automatically renew for an additional one-year term unless the permitted burn location is changed, or the permittee no longer owns or controls the burn permit location, or the prior burn permit was revoked or is non-renewed.
- (3) Burn Location. Outdoor burning may only occur at the location described on the approved burn permit. Burn locations must be located at least 25 feet from any structure and any other combustible material and also 25 feet from all property lines. Only one burn permit is allowed per property. Until a burn is completely extinguished, any fencing or gates blocking entrance to the burn location must be left unlocked and the site must be accessible by Fire Department equipment. If an approved burn location is required or desired to be changed, for example due to new construction, a new burn permit must be obtained.
- (4) Burning conditions.

- a. Only natural growth, such as branches, leaves, grasses, crop residue, brush, and similar organic materials may be burned. In no event may anyone burn any plastic, rubber, or metal materials, any construction materials, including but not limited to any painted wood, manufactured wood products, or varnished or treated wood products, construction materials, including 2x wood studs, any household rubbish or debris, or any material that produces black smoke.
 - b. Outdoor burning is allowable only when environmental conditions allow such burning to occur safely. Prior to starting any burn, permittees must call the Town Fire Department's recorded burn line to confirm that burning is not prohibited that day. Outdoor burning must also be discontinued and the burn completely extinguished if wind speeds increase to more than 10 mph.
 - c. Permittees must make all reasonable provisions to prevent any fire spread, and outdoor burns shall be attended at all times by a competent, sober adult, who shall at all times have a means to control the fire reasonably at hand. In no event may outdoor burns be allowed to exceed 4'x4'x4'. No accelerants of any kind may be used on an outdoor burn, other than organic fire starters. Other than any larger fires permitted under sub (f), outdoor burns conducted under a burn permit shall be completely extinguished and may not be allowed to smolder overnight.
 - d. Permittee shall be responsible for ensuring compliance with all ordinance requirements and conditions. All costs for any Town Fire Department response necessitated by any violation shall be the permittee's or the unpermitted violator's responsibility, and any unpaid costs may be collected by the Town as a special charge against the property. By acceptance of a burn permit, permittee agrees to periodic inspections, by the Town Fire Department, during reasonable times, of permittee's outdoor burns and burn location.
 - e. All burning violations shall be documented by the Town Fire Department, with copies issued to the permittee/violator and to the Town Clerk, regardless of whether any citation is issued.
 - f. Permission for any proposed outdoor burn in excess of 4'x4'x4', such as any fence line brush burns, must be obtained in advance from the Town Fire Department on a case-by-case basis, and may be permitted subject to such conditions as the Fire Department reasonably imposes.
- (5) Revocation and Non-issuance. Burn permits shall be revoked, or non-renewed at the end of the then-current term, if a permittee has had two documented burning violations that occurred within one year of each other, or three documented burning violations that occurred within five years of each other. A permittee shall be mailed written notice of a revocation or non-renewal, and the permittee may request an appeal to the Town Board by submitting a written request to the Town Clerk within 10 days from the date of such notice. If a burn permit is revoked or non-renewed, no new burn permit may be issued to the permittee or for the same property for one year, or for such longer time as shall be determined to be appropriate by the Town Fire

Chief based on the nature of the violations, whose determination may be appealed to the Town Board within 10 days.

(6) General Prohibitions. No person shall set any fire on any Town street, road, County Trunk Highway, State roadway, any alleyway or any other public lands, unless approval is obtained from the Fire Chief and the Chairperson of the Town Board. It shall be unlawful for any person to transport any waste, refuse or other combustible materials from lands owned in or operated in the Town of Paris, or any other lands outside to any lands within the Town of Paris for the purpose of burning, except licensed and registered landfills which meet DNR and EPA requirements, and who has entered into a specific agreement with the Town of Paris and the County of Kenosha.

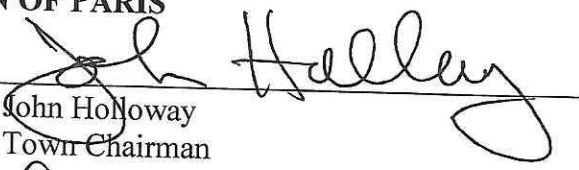
(7) Limited Seasonal Burns. Other than the burn location requirements of sub (3), this section shall not apply to leaves, plant clippings, or lawn residue grown or produced on the owners' land commencing on the 15th day of April and continuing through the 15th day of May, and from the 15th day of October through the 30th day of November. This exception shall apply only to leaves, plant clippings, or lawn residue grown or produced on the particular land where burning is permitted by this Section and shall not apply to leaves, plant clippings, or lawn residue which shall originate from any other land or source regardless of ownership."

2. That this ordinance shall take effect upon adoption and publication as provided by law, and following notification by the Fire Chief to the Town Board that the Fire Department is prepared to implement the new procedure.


22nd Adopted by the Town Board of the Town of Paris, Kenosha County, Wisconsin, this ____ day of August, 2023.

TOWN OF PARIS

By: _____


John Holloway
Town Chairman

Attest: _____


Diana Coughlin
Town Clerk/Treasurer