



**12/17/2024 Monthly Board Meeting
Table of Contents**

Page(s)	Item
1-2	Agenda Items #8: 11/19/2024 Regular Board Meeting Minutes
3	Agenda Item #9a: Fire Department Report
4	Agenda Item #9b: Constable Report
5	Agenda Item #10: Treasurer Report
6	Agenda Item #14: Ordinance Sec. 34-82
7-39	Agenda Item #15c: Proposed ordinance changes



MEETING MINUTES
Tuesday, November 19, 2024

PUBLIC HEARING - 6 p.m.
SPECIAL MEETING OF ELECTORS - immediately following Public Hearing
REGULAR MONTHLY BOARD MEETING - immediately following Special Town Meeting

- 1) Call to order: **Chairperson Friday called the meeting to order at 6:00pm.**
- 2) Pledge of allegiance
- 3) Roll call: **All present.**

Chairperson Friday, Supervisor Coble, Supervisor Wortner, Supervisor Bergeson, Supervisor Joy

- 4) Verification of proper notice: **Chairperson Friday and Clerk Okins verified.**

PUBLIC HEARING

- 5) Proposed 2025 Budget: **Chairperson Friday called the Public Hearing to order at 6:01pm.**
(in-person attendees will be given an opportunity to address the board; for those unable to attend in person, questions/comments received via email to topclerk@townofpeshtigo.org or delivered to Town of Peshtigo Town Hall at W2435 Old Peshtigo Road, Marinette WI 54143 IF received by 4 p.m. on November 19, 2024 will be addressed)
None heard. Public Hearing concluded at 6:02pm.

SPECIAL TOWN MEETING OF ELECTORS

- 6) Approval of the 2025 Town Tax Levy to be collected in 2025
(limited to in-person Town of Peshtigo eligible voters): **Daryl Joy motion to approve the 2025 Town Tax Levy of \$262,149/Second by Jimmer Wortner. Approved by majority yes. Attendance attached.**

REGULAR BOARD MEETING

- 7) Approve agenda: **Coble motion to approve/Second by Wortner. Motion carried with 5 yes votes.**
- 8) Public comment, limited to 15 minutes
(in-person attendees only, limited to 3 minutes per person with no time donations from others, agenda items only),
please be prepared to come forward to the table, speak clearly into the microphone, start by stating name/address & agenda item(s) to be addressed: **No public comment.**
- 9) Announcements:
 - a. **Chairperson Friday announced the Tyco update is on the website under the water tab. No DNR update this month.**
 - b. **Next Thursdays with Friday is 11/21/24.**
 - c. **Clerk Okins gave a Presidential Election update. 2,646 voters participated with 175 Election Day Registrations.**
 - d. **Annual Christmas Party to follow the December 17th board meeting. All residents welcome.**
- 10) Minute approval
 - a. 10/15/2024 Regular Board Meeting: **Approved via unanimous consent.**
 - b. 10/28/2024 CDBG Public Hearing: **Wortner motion to approve/Second by Joy. Motion carried with 5 yes.**
- 11) Reports
 - a. Fire Department: **Chief Folgert gave report.**
 - b. Constable: **Chairperson Friday gave report.**
 - c. Building Inspector: **Chairperson Friday gave report of 96 building permits year to date.**
 - d. Marinette County Board: **No representative present.**



- 12) Treasurer Report/Investment Report/Budget YTD vs Actual/Budget Amendments: **Wortner motion to approve/Second by Joy. Motion carried with 5 yes votes.**
- a. Approve vouchers & payment of bills: **Ongoing discussion between Town Board and MSA regarding MSA bill of \$755. With holding the MSA bill, Coble motion to approve/Second by Bergeson. Motion carried with 5 yes.**
- 13) Amend and/or approve Proposed 2025 Budget: **Joy motion to approve proposed 2025 budget/Second by Bergeson. Motion carried with 5 yes votes.**
- 14) Approve Adopt-A-Highway application for Norbert & Oscar Brzozowski for Harbor Road in its entirety: **Coble motion to approve/Second by Wortner. Motion carried with 5 yes.**
- 15) Approve road closure request for 4th Annual Bellin 5K Heart Run 5/3/2025: **Joy motion to approve/Second by Bergeson. Motion carried with 5 yes votes.**
- 16) Approve 6th amendment to Tyco access agreement: **Joy motion to approve/Second by Wortner. Motion carried with 5 yes votes.**
- 17) Plan Commission/Comprehensive Plan update: **Chairperson Friday thanked all 422 residents who completed/gave input on the Comprehensive Plan survey. Plan Commission will continue updating the plan at the 12/03/24 meeting.**
- 18) Ad hoc committee updates:
- a. Capital Improvement Plan – Chairperson Joy, Vice Chairperson Friday: **Daniel Foth is working with Delmore to complete the road portion of Capital Improvement Plan. Next meeting is 11/25 at 8:30am.**
- b. CDBG-CV – Chairperson Friday, Treasurer Maney
- i. HVAC update: **Joy updated that Integrity's HVAC engineer is making changes to the equipment. Equipment is expected to arrive in 2 weeks, with interior construction estimated to begin in the 2nd week of December.**
- c. Ordinance/Policy Review – Chairperson Friday, Vice Chairperson Wortner
- i. Proposed ordinance changes for Chapters 4, 8, 12, 16, 20, 28, 30, 32, 38, 40, 42, 46, 52, 56: **Coble motion to approve all proposed changes/Second by Bergeson. Motion carried with 5 yes votes.**
- 19) Standing Committee Updates:
- a. Buildings & Grounds – Chairperson Coble, Vice Chairperson Bergeson: **Women's toilet replacement is expected to be installed this upcoming week. Roof repairs are expected to begin in the 3rd week of December.**
- b. Recycling Center – Chairperson Bergeson, Vice Chairperson Coble: **TV pickup and invoice expected soon.**
- c. Roads & Ditches – Chairperson Wortner, Vice Chairperson Joy: **Wortner updated that Leaf Road has been spray patched, Boneham Addition culverts and ditching project is complete, and that Aubin Street brushing will be completed soon.**
- 20) Upcoming Meetings
- a. Regular Board Meeting, Tuesday December 17, 2024 at 6 p.m. with Annual Christmas Party to follow
- 21) Motion to Adjourn: **Bergeson motion to adjourn at 6:27pm/Second by Coble. Motion carried with 5 yes votes.**

Kayla Okins, Clerk 11/26/2024

**Town of Peshtigo Fire Department Report to the Town Board
December 17, 2024**

10 Calls since the November 19th, 2024 Monthly Town Board meeting:

11/19/24	N3407 Rehms Rd., EMS Lift Assist
11/22/24	W2656 Snyder Rd., Wagner, Structure Fire MABAS Assist
12/2/24	W2151 State Hwy 64, Vehicle Rollover Crash
12/2/24	Schacht Rd Near Maple St., Vehicle Rollover Crash
12/3/24	N3407 Rehms Rd., EMS Lift Assist
12/4/24	N2184 Krause Rd., Vehicle in Ditch w/ Smell of gas
12/9/24	W677 Heath Lane, Vehicle Fire
12/13/24	Keller Rd., Off County BB, Report of Tree Burning on Powerlines (No Incident Found)
12/14/24	N3007 River Bend Dr., Carbon Monoxide Incident
12/16/24	W1470 State Hwy 64, Vehicle Fire

Apparatus and Equipment Status:

- Still waiting for delivery and installation of a new commercial garage door opener to replace an old opener that malfunctioned and cannot be repaired.
- Three new self-contained breathing apparatus (SCBA – air packs) have been received.
- All apparatus has been winterized and prepared for cold weather operations.

Training:

- The chief and one firefighter attended advanced fire inspection training conducted by DSPS at Marinette.
- 14 firefighters completed “Stop the Bleed” training Monday evening.

Fire Prevention, Education and Community Involvement:

- Fire inspections of all local businesses are being wrapped up this week.

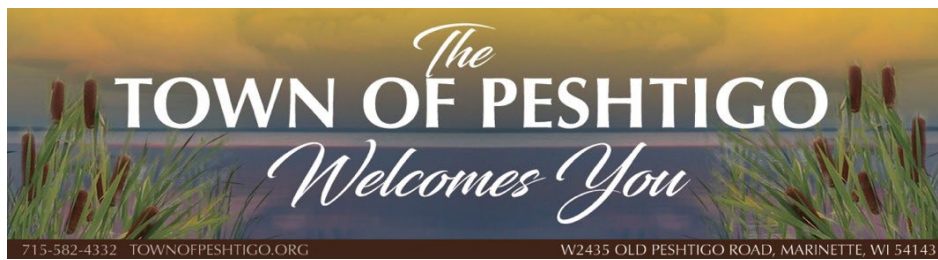
Fund Raising & Donations:

- No current ongoing fundraising events.
- Karen Sylvester donated \$100 to the fire department. Thank you, Karen.

Personnel:

- Chad Jacobson completed his initial probation and has been promoted to active firefighter status.
- Adam Staszak achieved 10 years of service and received his service award at our annual banquet last Sunday.
- Clarence Coble has achieved 50 years of service and was joined by his family to receive a recognition award at our annual banquet last Sunday.
- Ryan Kass received the 2024 Firefighter of the Year Award at our annual banquet last Sunday.
- No roster changes since last month.
- Our roster stands at 24 volunteer firefighters. We are currently accepting applications.

Mike Folgert
Fire Chief



November 2024 Constable Report

11/08 Dogs at large

11/09 Dog at large

11/10 Dog at large

11/10 Dogs at large

11/11 Dog at large

11/11 Abandoned dog

11/12 Dead deer – referred to Keith

11/12 Shooting near residence

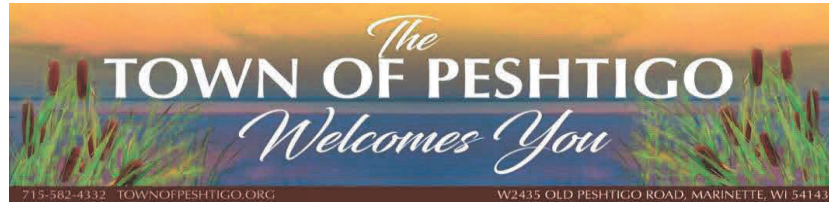
11/14 30 bags of garbage dumped on side of road off BB

11/21 Dogs at large

11/23 Junk vehicle

11/26 Horses – no food or water

11/26 Garbage dumped on Heath Lane – referred to Keith



TREASURER'S REPORT
November 2024

		Begin	Deposits/Interest	Withdrawals	Ending	Outstanding Receipts	Outstanding Deposits	Register Balance
BMO Checking Account	7013	22,752.92	112,803.86	(59,684.93)	75,871.85	(30,068.00)		45,803.85
BMO Payroll Checking	7734	4,531.46	48,459.00	(44,151.21)	8,839.25	(12,203.95)		(3,364.70)
BMO Plantinum MM	6811	263,737.11	327,173.53	(148,806.50)	442,104.14	(851.15)		441,252.99
BANK TOTALS		291,021.49	488,436.39	(252,642.64)	526,815.24	(43,123.10)	-	483,692.14
PNB Checking - CDBG		8.71	-	-	8.71	-	-	-
Change Fund		215.00	-	-	215.00	-	-	-
Fire Dept Equipment		269.91	1.04	-	270.65			
Fire Truck		166,268.80	643.45		166,912.25			
Roads		98,524.12	381.28	-	98,905.40			
Capital Outlay - Mach & Equip		11,072.62	42.85		11,115.47			
Recycling		12,397.76	47.98		12,445.74			
ARPA		84,000.03	325.08		84,325.11			
LGIP TOTAL		372,533.24	1,441.68	-	373,974.62	-	-	-
BMO CD		277,002.05	3,585.67	-	280,587.72	-	-	-
BMO CD Fire Dept.		158,326.64	1,824.08	-	160,150.72	-	-	-
TOTAL CASH & INVESTMENTS		1,099,107.13	495,287.82	(252,642.64)	1,341,752.31	(43,123.10)	-	1,298,629.21

Jodi Maney
Treasurer
toptreasurer@townofpeshtigo.org

Sec. 34-82. Discharge of firearms.

- (a) *Statutes adopted.* Statutory provisions describing and defining regulations with respect to the use of firearms, but not including any provisions therein relating to penalty to be imposed for the violation of said statutes, which said penalty provisions are expressly excluded from this section, are hereby adopted by reference as if set forth verbatim herein.
- (b) *Concealed weapons.* It shall be unlawful to carry and conceal weapons in the town in violation of the laws of this state.
- (c) *Discharge of firearms.*
 - (1) No person shall discharge any gun in the town within 300 yards of any occupied permanent dwelling in the town or on legally posted land forbidding hunting. This prohibition shall not apply to discharge of a gun by an individual on his own or in a designated hunting area so long as the discharge is not within 300 yards of any occupied permanent dwelling other than the property owner's.
 - (2) The provisions of this section shall not apply to any supervised waterfowl shoot or any supervised target practice, nor shall it apply to any navigable waters in or adjacent to the town.

(Code 2006, § 11-2-1)

State law reference(s)—Endangering safety by use of dangerous weapon, Wis. Stats. § 941.20; carrying concealed weapon, Wis. Stats. § 941.23; carrying handgun where alcohol beverages may be sold and consumed, Wis. Stats. § 941.237; local regulation of firearms, Wis. Stats. § 66.0409; use of firearms near parks, Wis. Stats. § 167.30; safe use and transportation of firearms and bows, Wis. Stats. § 167.31.

Chapter 10 BUILDINGS AND BUILDING REGULATIONS¹

ARTICLE I. IN GENERAL

Sec. 10-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Addition means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

Alteration means a substantial change or modification, other than an addition or minor repair, to a dwelling or to systems involved within a dwelling.

Department means the Department of Safety and Professional Services, Wisconsin Department of Commerce (formerly the Department of Industry, Labor and Human Relations).

Dwelling means any building, the initial construction of which is commenced on or after the effective date of the ordinance from which this chapter is derived, which contains one or two dwelling units; or an existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling.

Minor repair means repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

One- or two-family dwelling means a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household to the exclusion of all others. Included are community living arrangements.

(Code 2006, § 15-1-3(c))

*State law reference(s) — Fences generally, Wis. Stats. § 90.01 et seq.; regulation of building industry generally, Wis. Stats. § 101.01 et seq.; one- and two-family dwelling code, Wis. Stats. § 101.60 et seq.; municipal authority regarding one- and two-family dwelling code, Wis. Stats. § 101.65; multifamily dwelling code, Wis. Stats. § 101.971 et seq.; local government authority with regard to multifamily dwellings, Wis. Stats. § 66.1019; modular home code, Wis. Stats. § 101.70 et seq.; municipal authority regarding modular home code, Wis. Stats. § 101.76; electrical wiring and electricians, Wis. Stats. § 101.80 et seq.; municipal authority regarding electrical wiring and electricians, Wis. Stats. § 101.86; municipal licensing authority regarding electricians, Wis. Stats. § 101.861; manufactured and mobile homes, Wis. Stats. § 101.91 et seq.; plumbing and fire protection systems and swimming pool plan review, Wis. Stats. § 145.01 et seq.; special inspection warrants, Wis. Stats. § 66.0119.

Sec. 10-2. Purpose.

This chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.

(Code 2006, § 15-1-1(b))

Sec. 10-3. Unsafe buildings.

Whenever the building inspector or town board find any building or part thereof within the town to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in [Wis. Stats. § 66.0413](#).

(Code 2006, § 15-1-4)

Sec. 10-4. Disclaimer on inspections.

The purpose of the inspections under this chapter is to improve the quality of housing in the town. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

(Code 2006, § 15-1-5)

Sec. 10-5. Removal of construction debris from public ways; costs.

Town streets, roads and alleys are to be kept clean of dirt and debris from all construction sites. The primary contractor for any construction project shall be responsible for sweeping streets of debris within 24 hours of the incident. The town will clean the streets if the work is not done within 24 hours of the incident; and charge the current established costs to the contractor for the work. Failure to pay said costs within 30 days of receipt of the billing shall be deemed a violation of this section.

(Code 2006, § 15-1-7)

Sec. 10-6. Fees.

Fees for permits under this chapter shall be established by the town board.

(Code 2006, § 15-1-10)

Secs. 10-7—10-30. Reserved.

ARTICLE II. PERMITS

Sec. 10-31. Required.

No building of any kind shall be moved within or into the town and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the town, except as herein provided, until a permit therefore shall first have been obtained by the owner, or ~~his~~ **their** authorized agent, from the building inspector or ~~his~~ **their** designee. ~~Prior to commencing any of the following work, the owner or his agent shall obtain a valid permit for:~~

~~(1) — New buildings.~~

~~(2) — Additions that increase the physical dimensions of a building, including decks.~~

~~(3) — Any electrical wiring for new construction; a permit is required when electrical service is upgraded.~~

~~(4) — Any HVAC for new construction.~~

~~(5) — Any plumbing for new construction.~~

(Code 2006, § 15-1-2(a)(1)a—c, f—h, j; Ord. of 10-15-2013)

Sec. 10-32. Exceptions for minor repairs.

- (a) The building inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein with a fair market value of less than \$10,000.00, as determined by the building inspector, including market value of labor, which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (b) No permits shall be required for window replacement, re-roofing and finishing of interior surfaces, and installation of cabinetry as deemed by the building inspector; provided, however, that unless structural calculations are provided, no more than two layers of roofing shall be installed on a roof.
- (c) No permit shall be required for replacement of in-kind major building HVAC equipment including furnaces, central air conditioners, water heaters, other major pieces of equipment, and plumbing, venting, electrical or gas supply systems when altered.

(Code 2006, § 15-1-2(a)(1)d, e, i, (f))

Sec. 10-33. Application.

Application for a building permit shall be made in writing upon a form furnished by the building inspector or ~~his~~ **their** designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the building inspector may require.

(Code 2006, § 15-1-2(a)(2)b, (b))

Sec. 10-34. Prerequisites to issuance of permits.

- (a) *Survey.* No building permit shall be issued until a survey of the property has been submitted. The inspector may waive this requirement upon satisfactory proof of the establishment of property lot lines.
- (b) *Proof of access.* If the property is not located on an existing town highway, proof of a recorded ingress/egress easement shall also be provided.
- (c) *Utility connections Sanitary Permit for residential buildings.* No building permit shall be issued for the construction of any residential building until a sanitary permit has been issued to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the building inspector.
- (d) *Local permits for nonresidential and commercial buildings.* Nonresidential buildings over 120 square feet require all necessary town permits. Commercial buildings require all local permits.

(Code 2006, § 15-1-2(c), (d)(1)–(3))

Sec. 10-35. Plans.

With each application for a building permit, there shall be submitted two complete sets of plans and specifications, one submitted to the building inspector and one posted on-site including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, watercourses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. The building inspector may require written proof of proper monumentation. One set of plans will be returned upon a satisfactory final inspection.

(Code 2006, § 15-1-2(e))

Sec. 10-36. Issuance of permit.

- (a) *Plan approval; compliance with applicable law.* If the building inspector approves the plans and determines that the building will comply in every respect with the provisions of this Code, including this chapter, any other applicable town ordinances, and applicable state law, **he they** shall issue a building permit that shall state the use to which said building is to be put.
- (b) *Alteration of plan restricted.* After being approved, the plans and specifications shall not be altered in any respect except with the written consent of the building inspector.
- (c) *Partial approval of plan.* In case adequate plans are presented for part of the building only, the building inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(Code 2006, § 15-1-2(g))

Sec. 10-37. Display of permit required.

Building permits shall be displayed in a conspicuous place on the premises which can be viewed from the road where the authorized building or work is in progress at all times during construction or work thereon.

(Code 2006, § 15-1-2(k))

Sec. 10-38. Final inspection; occupancy permit.

A final inspection is required. Upon approval by the building inspector, an occupancy permit will be issued.

(Code 2006, § 15-1-2(d)(4))

Sec. 10-39. Permit lapses.

A building permit shall lapse and be void unless building operations are commenced within six months or if construction has not been completed within 24 months from the date of issuance thereof.

(Code 2006, § 15-1-2(h))

Sec. 10-40. Revocation of permits.

- (a) *Grounds for revocation.* The building inspector or the town board may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
- (1) Whenever the building inspector shall find at any time that applicable provisions of this Code, ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning of construction has been issued to **him them**.
 - (2) Whenever the continuance of any construction becomes dangerous to life or property.
 - (3) Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - (4) Whenever, in the opinion of the building inspector, there is inadequate supervision provided on the job site.
 - (5) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - (6) Whenever there is a violation of any of the conditions of an approval or occupancy given by the building inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (b) *Service of written notice.* The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises **and his or their** agent, if any, and on the person having charge of construction.
- (c) *Posting of revocation placard.* A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the building inspector.
- (d) *Work prohibited after service of notice and posting of placard; exception.* After service of notice and posting of the revocation placard, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this article, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in

compliance with the regulation of this chapter. However, such work as the building inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as **he they** may require for the preservation of life and safety.

(Code 2006, § 15-1-2(i))

Sec. 10-41. Report of violations.

Town officers shall report at once to the building inspector any building which is being carried on without a permit as required by this chapter.

(Code 2006, § 15-1-2(j))

Secs. 10-42—10-70. Reserved.

ARTICLE III. TECHNICAL CODES

DIVISION 1. GENERALLY

Sec. 10-71. Definition and scope.

- (a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Agricultural building means a building on a parcel on which 50 percent of personal income is derived from farming operations.

- (b) New buildings hereafter erected in, or any building hereafter moved within or into the town, shall conform to all the requirements of this chapter except as they are herein specifically exempted from part or all of its provisions. Any major alteration, enlargement or demolition of an existing building is a new building to the extent of such change. The provisions of this chapter supplement the laws of the state pertaining to construction and use and the zoning chapter, and amendments thereto to the date the ordinance from which this chapter is derived was adopted and in no way supersede or nullify such laws and the zoning chapter.
- (c) This Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, and residential accessory buildings. Not included are children's play structures and agricultural buildings; however, zoning setback requirements must be complied with.

(Code 2006, § 15-1-1(c))

Secs. 10-72—10-100. Reserved.

DIVISION 2. STATE AND INTERNATIONAL CODES ADOPTED

Sec. 10-101. State administrative codes.

The following Wisconsin Administrative Codes and subsequent revisions are hereby adopted and made a part of this chapter with respect to those classes of buildings to which this building code specifically applies. A copy of the Wisconsin Administrative Code provisions and amendments thereto shall be kept on file in the office of the building inspector.

Wis. Admin. Code	
Ch. Comm 16 Ch. SPS 316	Electrical code
Chs. Comm 20—25 Chs. SPS 320 - 325	Uniform dwelling code and appendix thereto
Ch. Comm 5, subch. VI Ch. SPS 305, subch. VI	Inspection Licenses, certifications and registrations
Chs. Comm 60—66 Chs. SPS 361-366	Building code and appendix thereto
Ch. Comm 67	Rental unit energy efficiency
Ch. Comm 72 Ch. SPS 372	Cleaning methods for historic buildings
Chs. Comm 66, 75—79 Chs. SPS 366, 375-379	Existing buildings
Chs. Comm 81—86 Chs. SPS 381-387	Uniform plumbing code

(Code 2006, § 15-1-3(a)(1), (2))

Sec. 10-102. Applicability of codes; future amendments.

Any act required to be performed or prohibited by an administrative code provision incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the administrative code provisions incorporated herein are intended to be made part of this chapter to secure uniform statewide regulation of one- and two-family dwellings in this town. A copy of these administrative code provisions and any future amendments shall be kept on file in the town building inspector's office.

(Code 2006, § 15-1-3(a)(4))

Sec. 10-103. Applicability of code to existing buildings.

The state uniform dwelling code, Wis. Admin. Code chs. SPS 320-325 Comm 20—25, shall apply to: an existing building to be occupied as a one- or two-family dwelling, which building was not previously so occupied, and additions and alterations, regardless of cost, made to an existing building constructed post-1980 as deemed necessary by state law.

(Code 2006, § 15-1-3(b)(1), (3), (4))

Sec. 10-104. Applicability to alterations and repairs of deteriorated buildings.

- (a) *Conformity required.* When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems,

arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this chapter applicable to such occupancy and use and given type of construction.

- (b) *Demolition required.* When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this chapter, has deteriorated from any cause whatsoever to an extent greater than 50 percent of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises. Such determination will be made by the building inspector, who may seek the assistance of the assessor.
- (c) *Structural deterioration.* When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; if such restoration work is not done, the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this chapter are complied with. This section shall not apply if demolition is required pursuant to the provisions of this section.
- (d) *Determination of extent of deterioration.* The amount and extent of deterioration of any existing building or structure shall be determined by the building inspector, who shall make a recommendation to the town board, who shall make a recommendation to the town board.

(Code 2006, § 15-1-2(a)(2)a, c—e)

Sec. 10-105. Enforcement.

- (a) *Certified inspector to enforce.* The building inspector and his their delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of this chapter, including the codes adopted herein. The building inspector, or state-provided inspector or contract-certified inspector, shall be certified for inspection purposes by the department in each of the categories specified under [Wis. Admin. Code § SPS 305.63 Comm 26.06](#).
- (b) *Subordinates.* The building inspector may appoint, as necessary, subordinates as authorized by the town board.
- (c) *Duties.* The building inspector shall administer and enforce all provisions of this chapter, including the codes adopted herein, and shall perform all other related duties as assigned by the town board.
- (d) *Inspection powers.* The building inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the building inspector or his their agent while in performance of his their duties. If inspection access is denied, the building inspector may seek an inspection warrant from a circuit court.
- (e) *Records.* The building inspector shall perform all administrative tasks required by the department under the uniform dwelling code. In addition, the building inspector shall keep a record of all applications for building permits in a file for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one- and two-family dwellings shall be kept. The building inspector shall provide the town board and plan commission with a monthly report of permits issued.

(Code 2006, § 15-1-3(d))

Secs. 10-106—10-123. Reserved.

DIVISION 3. BASEMENTS AND EXCAVATIONS

Sec. 10-124. Time limitation for completion of basement subflooring.

First floor subflooring shall be completed within 60 days after the basement is excavated.

(Code 2006, § 15-1-6(a))

Sec. 10-125. ~~Fencing of excavations.~~ Requirements of safety.

The contractor/owner/responsible person shall make all necessary efforts to safeguard any excavation deemed necessary by the amount of risk to the public.

The owner of any premises on which there exists an opening or excavation which is located in close proximity to a street right-of-way as to constitute a hazard to pedestrian or vehicular traffic or 15 feet from a property line of another home as to constitute a hazard to neighboring residents shall erect a fence, wall or railing at least four feet high between such opening or excavation and the public right-of-way or property line before workers leave the job site.

(Code 2006, § 15-1-6(b))

Sec. 10-126. Abatement of abandoned excavations deemed nuisances.

- (a) *Nuisance; order of building inspector to abate.* Any excavation for building purposes or any uncovered foundation which shall remain open for more than ~~three months~~ 60 days shall be deemed abandoned and a nuisance and the building inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. The time for abatement of the abandoned excavation shall be not less than 14 nor more than 20 days after service of the order as provided in this section.
- (b) *Service of order.* The order of the building inspector shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in a newspaper for two consecutive publications at least ten days before the time for compliance stated in the order commences to run.
- (c) *Abatement by town; costs.* If the owner of the land fails to comply with the order within the time required, the building inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the town board from the date of the report by the building inspector on the cost thereof, pursuant to the provisions of [Wis. Stats. § 66.0703](#).

(Code 2006, § 15-1-6(c))

State law reference(s)—Nuisances generally, Wis. Stats. § 823.01 et seq.; municipal authority regarding nuisances, Wis. Stats. § 823.01; dangerous buildings, Wis. Stats. § 66.0413.

Secs. 10-127—10-150. Reserved.

ARTICLE IV. BUILDING DEMOLITION

DIVISION 1. GENERALLY

Sec. 10-151. Demolition regulations generally.

- (a) *Protection of public and environment.* The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (b) *Barricades.* A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
- (c) *Debris removal; burning prohibited.* All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.
- (d) *Dust control.* If any razing or removal operation under this article results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
- (e) *Pest control.* The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

(Code 2006, § 15-1-8(c), (f)(1), (3)—(5))

Sec. 10-152. Site restoration; inspection of excavation.

- (a) *Filling and finishing.* The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the building inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than 30 consecutive days after demolition is completed.
- (b) *Prohibited fill material.* Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration.
- (c) *Inspection by building inspector required before filling excavation.* The building inspector, upon notification by the permit holder, the owner or his their agent, in writing and upon forms provided by the building inspector for that purpose, shall within 72 hours inspect each excavation, or part thereof, before filling any excavation. It shall be unlawful to fill any such excavation without inspection and approval of the building inspector.
- (d) *Alternative inspection by inspection service.* In the event of the unavailability of the building inspector to conduct an inspection within the 72 hours after written notice; the permit holder, owner or his their agent

may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the town provided that a written copy of the opinion is delivered to the town clerk at least 48 hours before filling of the excavation commences.

(e) *Voids in filling prohibited.* Voids in filled excavations shall not be permitted.

(Code 2006, § 15-1-8(d))

Sec. 10-153. Removal and disposal of hazardous and toxic substances; notice.

Removal, transportation and disposal of all hazardous and toxic substances, including asbestos, shall be conducted in compliance with this chapter and all applicable state, federal and local statutes, ordinances and other regulations. The permit holder shall give the building inspector 72 hours' written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

(Code 2006, § 15-1-8(e))

Secs. 10-154—10-174. Reserved.

DIVISION 2. PERMITS

Sec. 10-175. Demolition permit required.

All persons who demolish or cause to be demolished any structure or part of a nonagricultural structure larger than 400 square feet within the town shall apply for and obtain a demolition permit from the building inspector prior to undertaking any steps to demolish the structure. The assessor shall be notified by the town of the issuance of a razing permit.

(Code 2006, § 15-1-8(a))

Sec. 10-176. Lapse of permit.

Razing permits shall lapse and be void unless the work authorized thereby is commenced within six months from the date thereof or completed within 30 days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required 30 days must have special approval from the building inspector.

(Code 2006, § 15-1-8(f)(2))

Sec. 10-177. Application.

An application for a permit to demolish all or part of a building shall include the following information:

- (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
- (2) The name, address and telephone number of the contractor performing the demolition work;
- (3) The date upon which demolition is to commence;
- (4) The date by which demolition shall be complete;

-
- (5) A list of all hazardous waste and hazardous and toxic substances, as defined by [Wis. Admin. Code §§ NR 660-679](#) ~~181.12 and 158.03(4)~~, contained in the building, a statement as to whether the building contains asbestos, as defined by [Wis. Stats. § 254.11\(1\)](#), and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
 - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of, including the description of the route to be used by trucks in hauling the waste;
 - (7) A description of the method of demolition to be used; and
 - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site.

(Code 2006, § 15-1-8(b)(1)–(8))

Sec. 10-178. Release from utility service providers required.

Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

(Code 2006, § 15-1-8(b)(9))

Secs. 10-179—10-209. Reserved.

ARTICLE V. PROPERTY NUMBERING

Sec. 10-210. Uniform fire numbering system; applicability.

A uniform system of numbering properties and principal buildings shall be known as the fire numbering system and shall be used to assign the address of town properties and principal buildings. All improved properties or parcels of land within the boundaries of the town are subject to this article. All improved properties shall have a fire number assigned and all properties may have a number assigned. To the extent possible, the town will conform its numbering system to the Marinette County numbering guide.

(Code 2006, § 15-1-9(a), (b)(1))

Sec. 10-211. Method of numbering.

All properties on the east side of north-south roads and all properties on the north side of all east-west roads shall be assigned even numbers. All properties on the west side of north-south roads and all properties on the south side of all east-west roads shall be assigned odd numbers. The appropriate prefix of "N" or "W" shall precede the fire number. Where a principal building is occupied by more than one business or family dwelling unit, each separate business or family unit of such principal building shall bear a separate number. Addresses assigned to a horseshoe style road should proceed in a sequential order. "N" or "W" designation should be assigned for the entire extent of the road based on the predominant direction of the road.

(Code 2006, § 15-1-9(b)(2), (3))

Sec. 10-212. Display of numbers.

Each fire number assigned shall be displayed near the driveway and be fully visible from the road **at all times**. Each parcel of land that is issued a fire number shall display that number to the right side of the driveway near the intersection of the driveway and the road. **In the case of shared driveways, fire numbers must also be displayed near the individual parcel, thus requiring 2 fire numbers per parcel.**

(Code 2006, § 15-1-9(b)(3), (4))

Sec. 10-213. Assignment of numbers; records.

The building inspector, or an outside firm contracted by the town, shall be responsible for administering the numbering system, except that the town clerk maintains and makes appropriate changes/additions to the fire number map. The building inspector shall keep a record of all numbers assigned.

(Code 2006, § 15-1-9(c)(1), (2))

Sec. 10-214. Fee for assignment of number; cost of replacement number plates.

The building inspector shall collect the fee for the fire number when issuing the building permit if a number is needed. The building inspector or town clerk may issue additional numbers in accordance with the official numbering system and collect the fee for numbers that are issued to properties or where vandalism has taken place. The fee for new numbers shall be set by the town clerk to ensure that there shall be no cost to the town. The cost for replacement number plates shall be paid by the property owner; if known, such replacement cost may be billed to the party that destroyed or seriously damaged the fire number sign.

(Code 2006, § 15-1-9(c)(3), (4))

Sec. 10-215. Penalties for failing to obtain or maintain number sign.

- (a) **Official town issued fire number signs are required.** Any party who fails to obtain or maintain a required fire number sign shall be subject to a forfeiture and such other penalties as prescribed in section 1-17.
- (b) In the alternative, or in addition to such penalties, the town may obtain and place the required fire number and place the cost thereof on the tax roll as a special charge against the property, along with a town administrative charge.

(Code 2006, § 15-1-9(d))

Sec. 10-216. Penalties and violations.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this chapter shall be deemed an unlawful building, structure or use. The building inspector shall promptly report all such violations to the town board and town attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in section 1-17, the general penalty provisions. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the building inspector or other town officials constitute a

defense. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner of any real estate within the jurisdiction of this chapter.

(b) Written notice of noncompliance.

- (1) If an inspection reveals a noncompliance with this chapter, the building inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted by the building inspector.
 - (2) If, after written notification, the violation is not corrected within 30 days, a stop-work order may be served on the owner or his representative and a copy thereof shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the building inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
 - (3) Each day each violation continues after the 30-day, written-notice period has run shall constitute a separate offense. Nothing in this chapter shall preclude the town from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter.
 - (4) If any construction or work governed by the provisions of this chapter is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the building inspector may appeal from such order or determination to the board of appeals. Those procedures customarily used to effectuate an appeal to the board of appeals shall apply.
- (d) Except as may otherwise be provided by the statute or ordinance, no officer, agent or employee of the town charged with the enforcement of this chapter shall render ~~himself~~ **themselves** personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of ~~his~~ **their** duties under this chapter. Any suit brought against any officer, agent or employee of the town as a result of any act required or permitted in the discharge of ~~his~~ **their** duties under this chapter shall be defended by the legal representative of the town until the final determination of the proceedings therein.

(Code 2006, § 15-1-11)

Chapter 24 FIRE PREVENTION AND PROTECTION[‡]

ARTICLE I. IN GENERAL

Sec. 24-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Campfire means a small outdoor fire intended for recreation or cooking, not including a fire intended for disposal of waste wood or refuse.

Clean wood means natural wood which has ~~to~~ not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

Confidential papers means printed materials containing personal identification or financial information that the owner wishes to destroy.

Fire chief means the chief of the town fire department or other person authorized by the fire chief.

Fireworks. Pursuant to Wis. Stats. § 167.10(1).

(1) ~~The term "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use.~~

(2) ~~But the term does not include any of the following:~~

a. ~~Fuel or a lubricant.~~

b. ~~A firearm cartridge or shotgun shell.~~

c. ~~A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.~~

d. ~~A match, cigarette lighter, stove, furnace, candle, lantern or space heater.~~

[‡]State law reference(s) — Police and firefighting services generally, Wis. Stats. § 213.01 et seq.; regulation of fireworks, Wis. Stats. § 167.10; regulation of hazardous substances, Wis. Stats. § 167.11; negligent handling of burning material, Wis. Stats. § 941.10; unsafe burning of buildings, Wis. Stats. § 941.11; interfering with firefighting, Wis. Stats. § 941.12; false fire alarms, Wis. Stats. § 941.13; town fire wardens, Wis. Stats. § 26.13; authority of local fire chief and inspector regarding multifamily dwellings, Wis. Stats. § 101.976; mutual aid agreements, Wis. Stats. § 175.46; town fire companies, Wis. Stats. § 213.05 et seq.; firefighter pay, Wis. Stats. § 213.12; police power of fire chief, Wis. Stats. § 213.095; emergency medical services personnel, Wis. Stats. § 256.15; town fire protection, Wis. Stats. § 60.55; town fire safety regulations, Wis. Stats. § 60.555; reimbursement for fire calls on town highways, Wis. Stats. § 60.557; town ambulance service, Wis. Stats. § 60.565; town police and fire commission, Wis. Stats. § 60.57; village police and fire departments, Wis. Stats. § 61.65; village ambulance service, Wis. Stats. § 61.64; definitions of fire chief, fire department, and firefighter, Wis. Stats. § 880.01; special inspection warrants, Wis. Stats. § 66.0119.

-
- e. A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - f. A toy snake which contains no mercury.
 - g. A model rocket engine.
 - h. Tobacco and a tobacco product.
 - i. A sparkler on a wire or wood stick not exceeding 36 inches in length which does not contain magnesium, chlorate or perchlorate.
 - j. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
 - k. A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
 - l. A device that is designed primarily to burn pyrotechnic smoke producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
 - m. A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
 - n. A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

Open burning means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed burning compartment.

Outdoor burning means open burning or burning in an outdoor wood-fired furnace.

Outdoor wood-fired furnace means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

Refuse means any waste material except clean wood.

Solid fuel-fired heating device or *wood burning unit* means a device designed for outside solid fuel combustion so that usable heat is derived for the interior of the building, and includes solid fuel-fired cooking stoves and combination fuel furnaces or boilers which burn solid fuel, including outdoor wood or corn burning units.

Stacks or *chimneys* means any vertical structure enclosing a flue that carries off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structure extending above a roof.

(Code 2006, §§ 5-2-8(c), 5-2-9(a), 7-5-1(a))

Secs. 24-2—24-20. Reserved.

ARTICLE II. FIRE DEPARTMENT²

DIVISION 1. GENERALLY

Sec. 24-21. General authority.

Pursuant to Wis. Stats. § 60.55(1) ~~It~~ the town board shall provide for fire protection for the town including, but not limited to, equipping, staffing, housing, and maintenance of fire protection service. Fire protection for the town, or any portion of the town, may be provided in any manner, including establishing a town fire department, joining with another town, village, or city to establish a joint fire department, contracting with any person, or utilizing a fire company organized under Wis. Stats. ch. 213.

(Code 2006, § 5-1-1(a))

Sec. 24-22. Joint fire departments.

If the town board establishes a joint fire department with a village, city or town under Wis. Stats. § 60.55 the town board shall create a joint board of fire commissioners with the village, city or town under Wis. Stats. § 61.65(2)(b)2.

(Code 2006, § 5-1-1(a)(1)b)

Secs. 24-23—24-47. Reserved.

DIVISION 2. FUNDING

Sec. 24-48. Appropriations, taxes, and other funding sources.

Fire department may be funded pursuant to Wis. Stats. § 60.55(2). Fire department may also raise monies independently.

(a) ~~Appropriations.~~ The town board shall appropriate funds for fire department operations and for such apparatus and equipment for the use of the fire department or departments as the board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

(b) ~~Fees; taxes.~~ The town board may charge property owners a fee for the cost of fire calls made to their property, levy taxes on the entire town to pay for fire protection, or levy taxes on property served by a

²State law reference(s) — Town fire wardens, Wis. Stats. § 26.13; authority of local fire chief and inspector regarding multifamily dwellings, Wis. Stats. § 101.976; mutual aid agreements, Wis. Stats. § 175.46; town fire companies, Wis. Stats. § 213.05 et seq.; firefighter pay, Wis. Stats. § 213.12; police power of fire chief, Wis. Stats. § 213.095.

particular source of fire protection, to support the source of protection, and negotiate contracts with other local governments and nations, to be adjusted annually.

(c) ~~Funds raised by department.~~ The fire department may also raise monies independently.

(Code 2006, § 5-1-1(b), (c))

~~State law reference(s) — Town authority to provide fire protection, Wis. Stats. § 60.55.~~

Sec. 24-49. Fire protection charges.

- (a) *State authority.* Pursuant to [Wis. Stats. §§ 60.55, 60.555, and 60.557](#), the town hereby establishes a policy and procedure for payment of fire costs incurred by the town as set forth in this section.
- (b) *Liability for fire protection costs.* Each owner of real estate located within the town is provided with fire protection by the town through its ~~contracted~~ fire department. However, in the event that extra equipment, such as a ~~back hoe~~ backhoe, ambulance standby service or any other cost to be incurred beyond normal or customary fire department procedure must be called in at the discretion of the fire department chief or other person in charge, the owner of the real estate is responsible for the actual costs of the extra equipment or supplementary essentials which are necessary.
- (c) *Liability for fire calls with fire departments other than authorized fire departments.* Any owner of real estate located within the town who shall request fire protection for such property directly from any fire department other than the town's designated fire department, or from any other contractor, shall be responsible for the full costs billed to the town for the fire call from such fire department. This section shall not apply to the costs of any other fire department responding to the request of a fire department under a mutual aid agreement.
- (d) *Invoice and payment procedure; special charge and lien.* Costs of fire calls chargeable under this section shall first be submitted to the property owner's insurance carrier for possible payment. In the event the insurance carrier denies payment, the costs of fire calls chargeable under this section shall be invoiced by the town clerk to the property owner and shall be paid to the town treasurer within 90 days of the date of the bill. Invoices which are unpaid 90 days after their dates which are outstanding for more than 90 days and are unpaid as of November 1, of any year, shall become a lien against the real estate for which fire protection was provided and this amount, including interest, shall be placed on the tax roll as a delinquent special charge against such real estate pursuant to [Wis. Stats. § 66.0627](#).
- (e) *Liability limit for driveway damage.* As required by state law and in order to provide proper fire safety services, the town maintains a fire department. However, many properties in the town are accessed by driveways inadequate to accommodate modern firefighting equipment. Under such situations, neither the town ~~or nor~~ its fire department assumes any liability for driveway damage.

(Code 2006, § 5-1-9)

Sec. 24-50. Vehicle accident response fees; exceptions.

- (a) In the event the ~~town~~ fire department is dispatched in response to a vehicular incident on a federal, state, or county highway the vehicle owner shall be responsible to pay a rolling fee in the amount provided in the town fee schedule, available in the office of the town clerk.
- (b) The rolling fee shall be billed by the designated town official as soon as possible and, in any event, not less than ten days following the dispatch.

-
- (c) All funds received by the town in payment of billed rolling fees shall be deposited by the designated town official to the account of the town fire department.
 - (d) The provisions of this section shall not apply to any vehicle that is the subject of an automobile rollover or automotive fire dispatch and that is owned or driven by an active member of the town fire department or rescue squad or the spouse of such active member or a town resident.
 - (e) The town board may waive the fees imposed under this section for good cause shown, including, but not limited to, undue hardship.

Sec. 24-51. False alarms; fees to be charged for multiple false alarms in a calendar year.

Transmission of false alarms to the Town of Peshtigo Fire Department fire department may result in a fee being charged, according to the town fee schedule. Fees charged are dependent on the total number of such alarms received in a calendar year, and based on each individual occupancy.

The designated town official shall bill false alarm fees within 30 days of alarm response. All fees collected shall be deposited into the account of the fire department for the purposes of replacing operating costs associated with responding to false alarms.

The town board may waive fees imposed under this section on a case-by-case basis when it can be demonstrated that a good faith effort has been made to have a faulty alarm system repaired or replaced.

(Ord. of 12-21-2010)

Sec. 24-52. Repeated service calls; fees to be charged for multiple service calls to the same address for the same service.

Any person who calls or causes the Town of Peshtigo Fire Department fire department to be dispatched to the same address for repeated fire or other service calls of the same nature may be charged a fee for such services.

Fees charged for repeated calls for service are dependent on the total number of such calls received in a given calendar year, for the same type of service, and are based on each individual occupancy.

The designated town official shall bill fees within 30 days of response. All fees collected shall be deposited into the account of the fire department for the purposes of replacing operating costs associated with responding to repeat calls.

The town board may waive fees imposed under this section on a case-by-case basis due to hardship or when it can be demonstrated that a good faith effort has been made to resolve the issue causing repeated fire department response.

(Ord. of 8-4-2022)

Secs. 24-53—24-71. Reserved.

DIVISION 3. AUTHORITY OF DEPARTMENT

Sec. 24-72. Police authority of chief and firefighters at fires.

- (a) *Full police authority; authority to arrest.* The chief and assistants or officers in command of a fire department at any emergency call scene are hereby vested with full and complete police authority pursuant to [Wis. Stats.](#)

§ 213.095. Any officer of a fire department may cause the arrest of any person failing to give the right-of-way to a fire department in responding to an emergency scene.

- (b) *Establishing restricted entry zone.* The fire chief may prescribe certain limits in the vicinity of any emergency scene within which no persons, excepting firefighters and law enforcement officers and those admitted by order of any officer of the department, shall be permitted to come.
- (c) *Removal of property.* The fire chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire **he they** shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the department during the progress of responding to an emergency scene.
- (d) *Directing traffic.* Members of a fire department, when at the scene of a fire or other emergency, or when fire department vehicles are upon the street pursuant to an emergency call, shall have the authority and duty of traffic officers to direct traffic, as conditions require, notwithstanding any other provision of this chapter.

(Code 2006, § 5-1-4)

Sec. 24-73. Firefighters may enter adjacent property.

- (a) *Entering adjacent property.* It shall be lawful for any firefighter while acting under the direction of a fire chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire or responding to an emergency scene and in case any person shall hinder, resist or obstruct any firefighter in the discharge of **his their** duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.
- (b) *Destruction of property to prevent the spread of fire.* During the progress of any fire, a fire chief or **his their** assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

(Code 2006, § 5-1-7)

Sec. 24-74. Investigation of fires.

- (a) *When required.* The fire department serving the town shall investigate the cause, origin, and circumstances of every fire occurring in the town which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged.
- (b) *Time of investigation; evidence.* Such investigations shall begin immediately upon the occurrence of such a fire by the fire officer in whose district the fire occurs, and if it appears that such fire is of suspicious origin, the chief of the fire department shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.
- (c) *Assistance of law enforcement agencies.* Appropriate law enforcement agencies, upon request of the chief of the fire department, may assist in the investigation of any fire which, in the opinion of the chief of the fire department, is of suspicious origin.

(Code 2006, § 5-2-6)

Secs. 24-75—24-91. Reserved.

ARTICLE III. INSPECTIONS AND ELIMINATION OF HAZARDS²

Sec. 24-92. Fire inspections.

- (a) *Designation of town fire inspectors.* The fire chief of the fire department serving the town shall be the fire inspector of the town and shall have the power to appoint one or more deputy fire inspectors and shall perform all duties required of the fire inspectors by the laws of the state and rules of the ~~department of commerce~~ Department of Safety and Professional Services (DSPS), particularly Wis. Stats. § 101.14.
- (b) *Right of entry.* While acting as fire inspectors pursuant to Wis. Stats. § 101.14(2), the fire chief, or any officer of the fire department designated by the fire chief, shall have the right and authority to enter any building or upon any premises in the town at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code, ~~he they~~ may deem necessary.
- (c) *Abatement of fire hazards; issuance of citations.* Should the fire inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be ~~his their~~ duty to give such directions for the abatement of such conditions as ~~he they~~ shall deem necessary and, if such directions are not complied with, to report such noncompliance to the town board for further action. Citations for violations shall be issued only with the consent of the fire chief.
- (d) *Fire safety inspections.* The chief of the fire department is required, by ~~himself themselves~~ or by officers or members of the fire department designated by ~~him them~~ as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six months in all of the territory served by the fire department and ~~often~~ more often as the chief of the fire department orders. Each six-month period shall begin on January 1 and July 1 of each year.
- (e) *Inspection reports.* Written reports of inspections shall be made and kept on file in the office of the chief of the fire department in the manner and form required by the state ~~department of commerce~~ DSPS.

(Code 2006, § 5-1-5)

~~State law reference(s)—Fire detection and suppression, Wis. Stats. § 101.14(2).~~

Sec. 24-93. Orders to eliminate fire hazards.

Whenever any of the officers, members, or inspectors of the fire department shall find any building or upon any premises dangerous or hazardous conditions as follows, ~~he or~~ they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified in said order:

- (1) Dangerous or unlawful amounts of combustible or explosive matter.
- (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter.

²~~State law reference(s)—Town fire safety regulations, Wis. Stats. § 60.555.~~

-
- (3) Dangerous accumulations of rubbish, wastepaper, boxes, shavings, or other highly flammable materials.
 - (4) Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts.
 - (5) Obstructions to or on fire escapes, stairs, passageways, door, or windows liable to interfere with the operation of the fire department or egress of occupants in case of fire.
 - (6) Any building or other structure which, for want of repairs, lacks sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a fire hazard or a threat to life and safety.

(Code 2006, § 5-2-4)

Sec. 24-94. Service of orders.

- (a) *Personal service; posting.* The service of orders to eliminate fire hazards may be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of the same personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises.
- (b) *Delivery; substitute delivery; delivery by mail.* Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with the person a copy of the order or, if the owner is absent from the jurisdiction of the officer making the order, by mailing a copy to the owner's last-known post office address.
- (c) *Liability of occupant.* If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of this article shall apply to the occupant thereof, except where the rules or orders require the making of such additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

(Code 2006, § 5-2-5)

Secs. 24-95—24-116. Reserved.

ARTICLE IV. PROHIBITED ACTS⁴

Sec. 24-117. Impeding fire equipment prohibited.

Pursuant to Wis. Stats. § 941.12 No person shall impede the progress of a fire engine, fire truck or other fire apparatus of a fire department along the streets, roads or alleys of the town at the time of an emergency call or when a fire department is using such streets or alleys in response to a fire alarm or for practice.

⁴State law reference(s) — Negligent handling of burning material, Wis. Stats. § 941.10; unsafe burning of buildings, Wis. Stats. § 941.11; interfering with firefighting, Wis. Stats. § 941.12; false fire alarms, Wis. Stats. § 941.13.

(Code 2006, § 5-1-3)

Sec. 24-118. Damaging fire hose prohibited; parking by hydrants; blocking fire lanes.

- (a) *Driving over fire hose.* No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to a fire department, and no vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the fire department official in command.
- (b) *Parking vehicles near hydrants.* It shall be unlawful for any person to park any vehicle or leave any object within 20 feet of any fire hydrant or water fill site at any time or in violation of any signage restricting parking.

(Code 2006, § 5-1-6)

Sec. 24-119. Vehicles to yield right-of-way.

Whenever there shall be a fire or emergency response or the fire department shall be out for practice a fire truck has activated emergency lights and siren, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

(Code 2006, § 5-1-8)

Secs. 24-120—24-136. Reserved.

ARTICLE V. FIRE CODES

Sec. 24-137. Intent of code.

It is the intent of this article to prescribe regulations consistent with recognized standard practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

(Code 2006, § 5-2-1)

Sec. 24-138. Adoption of state codes.

In addition to the administrative code provisions adopted in chapter 10, the following orders, rules, and regulations of the state department of commerce DSPS as set forth in Wis. Adm. Code SPS 314 (formerly the Department of Industry, Labor and Human Relations), all of which are set forth in the Wisconsin Administrative Code as from time to time amended, are incorporated herein by reference and adopted as part of this Fire Prevention and Protection chapter:

Wis. Admin. Code	
ch. Comm 4	Signs for smoking areas
ch. Comm 7	Explosive materials
ch. Comm 9	Manufacture of fireworks

Created: 2023-03-28 13:06:01 [EST]

(Supp. No. 1)

ch. Comm 10	Flammable and combustible liquids
ch. Comm 14	Fire protection
ch. Comm 15	Cleaning and dyeing
ch. Comm 28	Smoke detectors
ch. Comm 30	Fire department safety and health
ch. Comm 43	Anhydrous ammonia code
chs. Comm 50—64	Building and heating, ventilating and air conditioning
ch. Comm 70	Historic Building

(Code 2006, § 5-2-2)

Sec. 24-139. Application to new and existing conditions.

The provisions of this article shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this article shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

(Code 2006, § 5-2-3)

Secs. 24-140—24-161. Reserved.

~~ARTICLE VI. FIRE REGULATIONS DURING STATE OF EMERGENCY~~

~~Sec. 24-162. Declarations of emergency.~~

~~When there occurs a lack of precipitation, there may exist an extreme danger of fire within the town. This extreme danger of fire affects the health, safety, and general welfare of the residents of the town and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the town during said emergency.~~

~~(Code 2006, § 5-2-7(a))~~

~~Sec. 24-163. Regulation of fires, burning materials, and fireworks.~~

~~When a burning state of emergency is declared, it may be ordered that a person may not:~~

- ~~(1) Set, build, or maintain any open fire, except charcoal grills using charcoal briquets, gas grills, or camp stoves on private property, or charcoal grills using charcoal briquets, gas grills, or camp stoves in town parks placed at least 20 feet away from any combustible vegetation.~~
- ~~(2) Throw, discard, or drop matches, cigarettes, cigars, ashes, charcoal briquets or other burning materials while outdoors except into a noncombustible container that does not contain combustible materials.~~
- ~~(3) Light or ignite a flare, except upon a roadway in an emergency.~~
- ~~(4) Light, ignite, or use anything manufactured, processed, or packaged solely for the purpose of exploding, emitting sparks or combustion for amusement purposes, including fireworks, firecrackers, bottle rockets, caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit~~

sparks and smoke, except in displays authorized by the town where adequate fire prevention measures have been taken.

(Code 2006, § 5-2-7(b))

Sec. 24-164. Period of emergency.

Burning emergencies shall become effective upon the time and date of the town chairperson or county board declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification, or repeal of the burning state of emergency by the town board, or when applicable, the county board.

(Code 2006, § 5-2-7(c))

Secs. 24-165—24-181. Reserved.

ARTICLE VII. OUTDOOR BURNING

DIVISION 1. GENERALLY

Sec. 24-182. Purpose and intent.

This section is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the town due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

(Code 2006, § 5-2-8(a))

Sec. 24-183. Applicability; exceptions.

This section applies to all outdoor burning and refuse burning within the town except:

- (1) *Grills.* This section does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- (2) *Interior furnaces.* This section does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in section 24-211.
- (3) *Construction/maintenance activities.* This section does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(Code 2006, § 5-2-8(b))

Sec. 24-184. Enforcement and penalties.

Generally, the Department of Natural Resources (DNR) enforces this section, except the fire department will respond to, extinguish illegal fires and may charge the owner/occupant a forfeiture. The penalty for violation

of any portion of this article shall be as prescribed in section 1-17, plus the cost of prosecution. Penalties shall be doubled for second and subsequent offenses. In addition to any forfeiture stemming from the issuance of a citation, violators shall pay applicable fire suppression costs as determined by the fire chief.

(Code 2006, § 5-2-8(n))

Sec. 24-185. Right of entry and inspection.

The fire chief or any authorized officer, agent, employee or representative of the **town** fire department or the town who presents proper credentials may enter any property for the purpose of ascertaining compliance with the provisions of this article. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with [Wis. Stats. § 66.0119](#).

(Code 2006, § 5-2-8(l))

Secs. 24-186—24-208. Reserved.

DIVISION 2. REGULATIONS

Sec. 24-209. General restrictions on outdoor burning.

- (a) Open burning, outdoor burning and refuse burning are prohibited in the town unless the burning is specifically permitted by this section.
- (b) Burning is permitted only when such open burning will not interfere with, or cause discomfort to, another individual.
- (c) Fires will be attended at all times, by an adult or a family member of the property owner who is **16 18** years of age or older, until extinguished.
- (d) All state **department of natural resources (DNR)** burning restrictions shall be applicable. Copies of DNR burning restrictions are available at the state DNR office in the City of Peshtigo.
- (e) Restrictions on open burning do not apply to warming and cooking fires; such warming and cooking fires shall be no larger than six feet in diameter and shall be attended by an adult at all times until extinguished.

(Code 2006, § 5-2-8(d), (m), updated 8/15/2023)

Sec. 24-210. Liability for suppression costs and damages.

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused to structures by the fire. Costs shall be determined on a case-by-case basis.

(Code 2006, § 5-2-8(k))

Sec. 24-211. Burning of certain materials prohibited.

Unless a specific written approval has been obtained from the **state department of natural resources DNR**, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. **The town will not issue a permit for burning any of the following**

materials without air pollution control devices and a written copy of an approval by the state department of natural resources. The following items will require air pollution control devices and a written copy of an approval by the DNR:

- (1) *Rubbish/garbage.* Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- (2) *Waste oil.* Waste oil or other oily wastes, except used oil burned in a heating device for energy recovery subject to the restrictions in [Wis. Admin. Code ch. NR 679 590](#).
- (3) *Asphalt.* Asphalt and products containing asphalt.
- (4) *Treated/painted wood.* Treated or painted wood including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- (5) *Plastics.* Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.
- (6) *Rubber.* Rubber including tires and synthetic rubber-like products.
- (7) *Paper.* Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinances of the town, except as provided in section 24-215; such material may be used in small quantities as a starting agent.

(Code 2006, § 5-2-8(e))

Sec. 24-212. Yard debris and other vegetative waste.

Open burning of leaves, weeds, brush, stumps, clean wood, and other vegetative debris is allowed only in accordance with the following provisions:

- (1) *Permit situations.* Open burning under this section shall be conducted only following issuance of and in accordance with a permit issued under this article.
- (2) *Nuisance-free conduct.* All allowed open burning shall be conducted in a safe nuisance-free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- (3) *Burning ban periods.* Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the fire chief or the [state department of natural resources DNR](#) has issued a burning ban applicable to the area.
- (4) *Property restriction.* Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the [state department of natural resources DNR](#) and the fire chief.
- (5) *Commercial properties.* Unless explicitly allowed elsewhere in this section, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the [state department of natural resources DNR](#).
- (6) *Burning of weeds and brush on agricultural lands.* Open burning of weeds and brush on agricultural lands is allowed with the approval of the [state department of natural resources DNR](#).
- (7) *Forest/wildlife management fires.* Fires set for forest or wildlife habitat management are allowed with the approval of the [state department of natural resources DNR](#).

-
- (8) *Campfires.* Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed, provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the fire chief.
 - (9) *Burning of trees/stumps.* Burning of trees, limbs, stumps, brush or weeds for cleaning or maintenance of rights-of-way is allowed if approved by DNR, except in snow-covered months, and in accordance with other provisions of this section.
 - (10) *Natural disaster emergencies.* Burning in emergency situations such as natural disasters is allowed if approved by the ~~state department of natural resources~~ DNR.
 - (11) *Location.* Except for campfires, open burning under this section shall only be conducted at a location at least 250 feet from the nearest building that is not on the same property.
 - (12) *Adult attendant.* Open burning shall be constantly attended and supervised by a competent person of at least 18 years of age until the fire is extinguished and is cold. ~~(An individual who is 16 years of age may supervise an open fire if the individual is a family member of the property owner.)~~ The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
 - (13) *Prohibited burning areas.* No materials may be burned upon any street, road, highway, curb, gutter or sidewalk or on the ice of a lake.
 - (14) *Burning setback.* Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the fire chief.

(Code 2006, § 5-2-8(f), updated 8/15/2023)

Sec. 24-213. Burn barrels.

A burn barrel may be used in the town only in accordance with the following provisions, except that burn barrels shall not be permitted under any circumstances on any parcel zoned R-1 or R-2 residential:

- (1) *Allowable burning materials.* A burn barrel shall not be used to burn any of the prohibited materials listed in this article.
- (2) *Location.* The burn barrel shall be located at least 250 feet from the nearest building that is not on the same property as the burn barrel.
- (3) *Barrel design.* The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.
- (4) *Use limited to residences.* A burn barrel shall not serve a business.
- (5) *Use conditioned on permit issuance.* The owner of a burn barrel shall obtain an annual permit from DNR in accordance with this article.

(Code 2006, § 5-2-8(g), updated 8/15/2023)

Sec. 24-214. Fire department practice burns.

Notwithstanding any provision of this article to the contrary, the ~~town~~ fire department may burn a standing building if necessary for firefighting practice and if the practice burn complies with the requirements of the ~~state department of natural resources~~ DNR and National Fire Protection Association (NFPA) live burn standards.

(Code 2006, § 5-2-8(h))

Sec. 24-215. Exemption for burning certain papers; commercial enterprise papers.

- (a) *Use as fire starter.* Notwithstanding any provision of this article to the contrary, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this article.
- (b) *Confidential papers exception.* Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information. A fire set for burning a small quantity of confidential papers shall be subject to and comply with all remaining provisions of this article.
- (c) *Business confidential papers disposal.* Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

(Code 2006, § 5-2-8(i))

Secs. 24-216—24-238. Reserved.

DIVISION 3. PERMITS

Sec. 24-239. Required; campfires exempt.

No person shall start or maintain any open burning without a burning permit issued by DNR; provided, however that an outdoor campfire does not require a permit, provided that the fire complies with all applicable provisions of this article and in accordance with [DNR requirements](#). A burning permit issued under this section shall require compliance with all applicable provisions of this article and any additional special restrictions deemed necessary to protect public health and safety.

(Code 2006, § 5-2-8(j)(1), (2), (6), updated 8/15/2023)

Sec. 24-240. Annual burning permits/burn barrels.

The owner or occupant of the property shall obtain an annual burning permit from the [department of natural resources DNR](#) for each burn barrel before using the burn barrel. ~~There shall be no fee for an annual burning permit. Annual permits expire at the end of each calendar year.~~ Burn barrels shall not be permitted on a parcel zoned R-1 or R-2 residential.

(Code 2006, § 5-2-8(j)(4))

Sec. 24-241. Burning moratoriums.

When weather conditions warrant, the fire chief or the [state department of natural resources DNR](#) may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.

(Code 2006, § 5-2-8(j)(5))

Secs. 24-242—24-260. Reserved.

ARTICLE VIII. SOLID FUEL-FIRED HEATING DEVICES

Sec. 24-261. Permit required.

- (a) The town shall require that a permit be obtained from the ~~town clerk's office~~ **town building inspector** and any applicable fees be paid for any outdoor solid fuel-fired heating device installed or replaced after the effective date of the ordinance from which this section is derived.
- (b) Permits shall be issued for outdoor solid fuel-fired heating devices intended to be installed at a distance of 200 feet or more from the nearest residence or business establishment which is not on the same property as the outdoor solid fuel-fired heating device.
- (c) A conditional use permit shall be applied for if an outdoor solid fuel-fired heating device is located less than 200 feet from the nearest residence or business establishment which is not on the same property as the outdoor solid fuel-fired heating device.

(Code 2006, § 5-2-9(b))

Sec. 24-262. Regulations.

- (a) Every attempt shall be made to locate the outdoor solid fuel-fired heating device in the rear yard of the property. If the unit cannot be located in the rear yard, side yard placement may be acceptable provided all other requirements are met. In no case shall an outdoor solid fuel-fired heating device be located in the front yard.
- (b) All outdoor solid fuel-fired heating devices shall meet highway setbacks, and have a ~~ten~~ **15** foot minimum setback from the side and rear property lines.
- (c) Units ~~installed after the effective date of the ordinance from which this section is derived~~ shall be installed with a chimney/stack so that the combined height of the unit is per the manufacturers' minimum requirements.
- (d) All stacks or chimneys must be so constructed to withstand high winds or other related elements.
- (e) Permittees shall at all times operate their outdoor solid fuel-fired heating devices in full compliance with manufacturers' specifications. It is the responsibility of the permittee to possess and comply with such manufacturers' specifications.
- (f) The outdoor solid fuel-fired heating device shall not be used to burn leaves, grass clippings, rubbish/garbage, waste oil, asphalt, roofing material, treated/painted wood, plastics or rubber.

(Code 2006, § 5-2-9(c))

Secs. 24-263—24-287. Reserved.

ARTICLE IX. FIREWORKS⁵

Sec. 24-288. Sale and use restricted.

- (a) No person may sell fireworks or possess fireworks with intent to sell, except sales or possession with intent to sell: to a person holding a permit under this article, to a municipality or for a purpose specifically permitted under this article.
- (1) ~~_____ To a person holding a permit under this article;~~
- (2) ~~_____ To a municipality; or~~
- (3) ~~_____ For a purpose specifically permitted under this article.~~
- (b) No person may use fireworks except in strict compliance with the provisions of Wis. Stats. § 167.10 and this article.

(Code 2006, § 7-5-1(b))

Sec. 24-289. Permit required.

No person may possess or use fireworks other than on the Fourth of July for specific events without first receiving board approval prior to the display. No person may use fireworks or a device listed in this article while attending a fireworks display for which a permit has been issued under this article if the display is open to the general public.

(Code 2006, § 7-5-1(c)(1))

Sec. 24-290. Permit exceptions.

The permit requirements of this article shall not apply to:

- (1) The town, except that town fire and law enforcement officials shall be notified of the proposed use of fireworks at least two days in advance.
- (2) The possession or use of explosives in accordance with rules or general orders of the state department of commerce.
- (3) The disposal of hazardous substances in accordance with rules adopted by the ~~state department of natural resources~~ DNR.
- (4) The possession or use of explosive or combustible materials in any manufacturing process.
- (5) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.

⁵State law reference(s) — Regulation of fireworks, Wis. Stats. § 167.10; authority of towns to regulate fireworks, Wis. Stats. § 60.24.

-
- (6) A possessor or manufacturer of explosives in possession of a license or permit under [18 USC 841 to 848](#) if the possession of the fireworks is authorized under the license or permit.

(Code 2006, § 7-5-1(c)(2))

Sec. 24-291. Qualifications for permit.

A permit under this article may be issued only to those pursuant to [Wis. Stats. § 167.10\(3\)\(c\)](#) a public authority, a fair association, an amusement park, a park board, a civil organization, an agricultural producer for the protection of crops from predatory birds or animals, or a group of resident or nonresidential individuals. A permit under this article may not be issued to a minor.

(Code 2006, § 7-5-1(c)(3), (8))

Sec. 24-292. Crop protection signs.

A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

(Code 2006, § 7-5-1(c)(4))

Sec. 24-293. Bond.

The chairperson, when issuing a permit under this article, shall require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy shall be taken in the name of the town, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy of the permit, shall be filed in the office of the town clerk. When issuing a permit under this article, an indemnity bond may be required pursuant to [Wis. Stats. § 167.10\(3\)\(e\)](#).

(Code 2006, § 7-5-1(c)(5))

Sec. 24-294. Required information for permit.

A permit under this article shall specify all of the following: information pursuant to [Wis. Stats. § 167.10\(3\)\(f\)](#).

- ~~(1) The name and address of the permit holder.~~
- ~~(2) The date on and after which fireworks may be purchased.~~
- ~~(3) The kind and quantity of fireworks which may be purchased.~~
- ~~(4) The date and location of permitted use.~~
- ~~(5) The fireworks storage area, if any.~~
- ~~(6) Other special conditions prescribed by ordinance.~~

(Code 2006, § 7-5-1(c)(6))

Sec. 24-295. Copy of permit.

A copy of a permit under this article shall be given to the town constable and fire chief at least two days before the date of authorized use.

(Code 2006, § 7-5-1(c)(7))

Sec. 24-296. Storage and handling.

Storage and handling shall be compliant with [Wis. Stats. § 167.10\(6\)](#).

(a) ~~Fire extinguishers required.~~ No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers.

(b) ~~Smoking prohibited.~~ No person may smoke where fireworks are stored or handled.

(c) ~~Fire chief to be notified.~~ A person who stores or handles fireworks shall notify the fire chief of the location of the fireworks.

(d) ~~Storage distance.~~ No wholesaler, dealer or jobber may store fireworks within 500 feet of a dwelling.

(e) ~~Restrictions on storage.~~ No person may store fireworks within 500 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

(Code 2006, § 7-5-1(d))

Sec. 24-297. Parental liability.

A parent, ~~or~~ foster parent, legal guardian or other out-of-home care provider, as defined in [Wis. Stats. § 48.02\(12r\)](#), of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

(Code 2006, § 7-5-1(e))