

Excerpted from: Sheboygan Code of Ordinances Chapter 24 Fire Prevention, Protection and Control
Division 24-II-5 Open Burning

Open burning is prohibited with the following Exceptions (Sec 24-154):

(e) **Fires set for outdoor cooking with the following exceptions:**

- (1) Wood or other nonexplosive fuel may be burned for the purpose of cooking or preparing foods, subject to the following conditions:
 - a. fires must be under constant supervision;
 - b. fires are prohibited on any balcony or deck or under any overhanging portion of any structure;
 - c. fires are prohibited at any location closer than ten feet from any structure;
 - d. fires shall be contained within a substantial burner built of metal, concrete, or brick as approved by the fire chief or designee.
 - e. burners shall be used in accordance with the manufacturer's specifications and the requirements of this section.
- (2) Propane-fueled appliances and burners may be used subject to the following exceptions:
 - a. such appliances and burners shall not be used above the first-floor level of any building or structure, including any porch or deck;
 - b. use of such appliances and burners is permitted on porches and decks provided that the deck is at the first-floor level, is no closer than five feet to the main structure or any combustible materials, and the burner is not located under any overhanging portion of the structure, including balconies or decks;
 - c. such appliances and burners shall be pre-manufactured and not homemade, and shall be installed and used in accordance with the manufacturer's specifications and the requirements of this section.
- (3) Natural gas outdoor cooking appliances may be used subject to the following exceptions:
 - a. such cooking appliances shall not be used above the first-floor level of any building or structure, including any porch or deck;
 - b. use of such cooking appliances is permitted on porches and decks provided that the deck is at the first-floor level, is no closer than five feet to the main structure or any combustible materials, and the burner is not located under any overhanging portion of the structure, including balconies or decks;
 - c. such cooking appliances shall be pre-manufactured and not homemade, and shall be installed and used in accordance with the manufacturer's specifications and the requirements of this section.
- (4) Other cooking devices, including hibachis, grills, electric grills, and similar devices used for cooking may be used subject to the following exceptions:
 - a. such cooking devices shall not be used above the first-floor level of any building or structure, including any porch or deck unless:
 1. the porch or deck is protected by an approved sprinkler system, or
 2. all exposed exterior construction materials and surfaces of the building or structure are constructed with non-combustible materials.
 - b. use of such cooking devices is permitted on porches and decks provided that the deck is at the first-floor level, is no closer than five feet to the main structure or any combustible materials, and the burner is not located under any overhanging portion of the structure, including balconies or decks, so long as
 1. the porch or deck is protected by an approved sprinkler system, or
 2. all exposed exterior construction materials and surfaces of the building or structure are constructed with non-combustible materials.
 - c. such cooking appliances shall be pre-manufactured and not homemade, and shall be installed and used in accordance with the manufacturer's specifications and the requirements of this section.
- (5) The fire chief or designee is authorized to issue exceptions to the provisions of this subsection on a case-by-case basis. Any such exception shall be at the discretion of the chief or designee, and issued in writing. No right to any such exception is created by the provisions of this subsection.

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- (f) **Recreational bonfires on private property may be set with the following conditions:**
- (1) Recreational bonfires shall be used solely for recreation and roasting.
 - (2) Recreational bonfires shall be contained in a fire ring constructed of brick, stone, or metal which is no larger than 36 inches outside diameter and which extends upward a minimum of six inches above the landscaped ground level.
 - (3) Recreational bonfires shall be no closer than ten feet to any building, structure, lumber, wooden fence, woodpile, trees, or vegetation which may pose a fire risk.
 - (4) Recreational bonfires may only be maintained between 12:00 noon and 10:00 p.m., except that on Fridays and Saturdays, and on Sundays preceding a Monday on which falls a federal or state holiday, the time limit shall be between 12:00 noon and 12:00 midnight.
 - (5) Recreational bonfires shall be under constant supervision.
 - (6) Fuel for recreational bonfires shall consist only of clean, dry wood.
 - (7) Recreational bonfires shall not be ignited with or contain any flammable or combustible liquids.
 - (8) Material for bonfires may not include rubbish, garbage, trash, pallets, furniture, or material made or coated with rubber, plastic, leather or petroleum-based materials.
 - (9) The maximum height of the materials being burned shall not exceed 18 inches.
 - (10) A means to extinguish the recreational bonfire must be readily available and be capable of extinguishing and controlling the fire.
 - (11) Any pre-manufactured portable device or burner used to contain a recreational bonfire shall be operated in accordance with the manufacturer's specifications and the regulations in this subsection (f).
 - (12) Any pre-manufactured portable device used to simulate a bonfire or provide heat without an open flame (including but not limited to propane or natural gas fueled fire tables, patio heaters, or similar devices) may be used on decks or porches provided they are no closer than five feet from the structure and substantial combustibles. All such portable devices shall be pre-manufactured and shall be installed in accordance with the manufacturer's specifications and the requirements of this section.
- (i) At no time shall the smoke or heat created by burning under subsections (b), (d), (e), (f), and (g) of this section be an annoyance or discomfort to the neighborhood or the traveling public. Any such fire may be ordered extinguished by any firefighter or police officer. Failure to immediately extinguish a fire under this subsection is a violation of this section.

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Open burning is prohibited with the following Exceptions (Sec 24-154):

DC NOSTER AND/OR THE DEPARTMENT SHOULD BE AWARE OF THESE AHEAD OF TIME

(g) Recreational bonfires in city parks and on city-owned property may be set with the following conditions:

- (1) The bonfires shall be used solely for recreation and roasting.
- (2) With the exception of the city-installed fire rings located in Deland Park and on North Beach, no person shall set, maintain, or be present with a recreational bonfire in a city park or on city-owned property unless a permit has been issued for the fire by the fire department in conjunction with an event permit or a park rental permit issued by the department of public works.
- (3) With the exception of the city-installed fire rings located in Deland Park and on North Beach, recreational bonfires in city parks and on city-owned property shall be contained in a portable pre-manufactured device that is operated as designed by the manufacturer, which is no larger than 36 inches in diameter and extends upward a minimum of six inches above the landscaped ground level.
- (4) Recreational bonfires in city parks and on city-owned property shall be no closer than ten feet to any structure, trees, or vegetation which may pose a fire risk.
- (5) Recreational bonfires in city parks and on city-owned property may only be maintained during hours when the park is open, and in no case shall a fire be allowed after 10:00 p.m.
- (6) Recreational bonfires in city parks and on city-owned property shall be properly extinguished at the end of the activities.
- (7) No person shall start, maintain, or be present with a recreational bonfire in a city park or on city-owned property unless the bonfire is under constant supervision by an adult.
- (8) Fuel for recreational bonfires in city parks and on city-owned property shall consist only of clean, dry wood; may not include rubbish, garbage, trash, pallets, furniture, or any material made or coated with rubber, plastic, leather or petroleum-based materials; and may not contain any flammable or combustible liquids.
- (9) The maximum height of the materials being burned for bonfires shall not exceed 18 inches above grade or the landscape.
- (10) A means to extinguish the recreational bonfire must be readily available and be capable of extinguishing and controlling the fire.
- (11) Upon extinguishing a recreational bonfire in a city park or on city-owned property, the permittee (or the person responsible for the fire if there is no permit required) shall properly dispose of the ashes in a park ash barrel or remove the ashes using the portable pre-manufactured device. Said permittee or responsible person shall ensure that the site of the bonfire is restored to its pre-bonfire condition before leaving the site. Any extra clean-up or expense incurred by the city as a result of such a recreational bonfire shall be the responsibility of the permittee or responsible person. Failure to pay such costs upon receiving an invoice is a violation of this section.

Notwithstanding this section, fires may be permitted pursuant to section 40-60 of this Code.

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- (j) A bonfire may be allowed at officially sponsored activities of civic, educational, and religious organizations located within the city, subject to the following conditions:
- (1) Any bonfire occurring on property other than private property shall require a special events permit issued by the City of Sheboygan.
 - (2) Regardless of location, a bonfire under this subsection shall require a bonfire permit issued by the Sheboygan Fire Department.
 - (3) Four responsible adult employees, officers, or officials of the sponsoring organizations must be present at all times to supervise the bonfire.
 - (4) The location of the bonfire shall be no closer than 50 feet to any structure, tree or shrub.
 - (5) A bonfire under this subsection shall not be more than ten feet in diameter.
 - (6) The fuel load for the bonfire may not consist of any material other than clean, nontreated lumber or firewood. Flammable or combustible liquids shall not be used on the fire.
 - (7) The height of the fuel load for a bonfire under this subsection shall not exceed ten feet.
 - (8) A means to extinguish the bonfire must be readily available and be capable of extinguishing and controlling the fire.
 - (9) A bonfire under this subsection shall be properly extinguished at the end of the activities, but in any event, no later than 10:00 p.m. and in compliance with any more restrictive ordinance, regulation, or statute.
 - (10) After a bonfire under this subsection is extinguished, but before the supervisors provided for in subsection (j)(3) above leave the bonfire, the area shall be made safe as to not present a hazard to the community.
 - (11) The site of any bonfire on public land shall be restored to its pre-bonfire condition within 24 hours of extinguishing the fire.

No bonfire under this section shall be permitted unless the sponsor obtains a bonfire permit from the fire department no later than three business days prior to starting the bonfire.

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(d) Fires set for the purpose of land restoration (including but not limited to the removal of invasive species), preparation for redevelopment, and burning of leaves in cemeteries, subject to the following conditions:

- (1) The individual or entity responsible for setting and controlling the fire must obtain a Prescribed Burn Permit from the fire department. When the permit is requested by an entity other than an individual, the permit application shall include the name of a responsible party legally authorized by the entity to communicate with representatives of the fire department and make decisions related to the permit. The permit application shall include the name, address, telephone number, and email address of the individual applying for the permit or of the responsible party. The fee for such a permit shall be \$75.00 and shall be paid prior to issuance of the permit. The fire chief may, at his discretion, waive the permit fee for governmental entities and subdivisions.
- (2) The fire chief or designee may withdraw a Prescribed Burn Permit or modify the terms of the permit (including limiting the time or conditions for burning) at any time after initial approval or issuance. Said withdrawal or modification will be effective immediately upon notification in writing to the individual or responsible party named in the permit. An email communication to the email address listed on the permit application is sufficient notice under this subsection. Any withdrawal or modification pursuant to this subsection shall be at the complete discretion of the fire chief or designee.
- (3) Notwithstanding the issuance of a permit pursuant to this subsection, no fires shall be permitted on any day when the DNR fire danger for Sheboygan County is at High or above.
- (4) The fire chief or designee may order any fire started under this subsection to be extinguished immediately at any time that the chief or designee deems the community to be at risk from the fire.