

STATE OF WISCONSIN

TOWN OF OAKLAND:

JEFFERSON COUNTY:

**Ordinance repealing and recreating ordinance # 2023-30 of
the Municipal Code of the Town of Oakland**

Ord. No.2025-30 Open Burning and Fireworks Regulations

NOW, THEREFORE, the Board of Supervisors of the Town of Oakland, Jefferson County, Wisconsin, does hereby ordain as follows:

SECTION 1: Ordinance #2023-30 is repealed in its entirety and recreated to read as follows:

SECTION 2: PURPOSE

Ordinance 2025-30 is intended to promote public health, safety, and welfare and to safeguard the health, comfort, living conditions, safety, and welfare of the citizens of the Town of Oakland, Jefferson County, Wisconsin, due to the air pollution and fire hazards of open burning, outdoor burning, refuse burning, and fireworks.

SECTION 3: AUTHORITY

Pursuant to Wis. Stats. 26.13(1): The Chairperson of the Town Board of each town outside the limits of a forest protection area shall, by virtue of the office and the oath of the office, be the town fire warden for the town.

SECTION 4: APPLICABILITY

This Ordinance applies to all outdoor burning and refuse burning within the Town of Oakland, Jefferson County, Wisconsin.

This ordinance does not apply to grilling or cooking using charcoal, wood, propane, or natural gas in cooking, grilling, or smoking appliances.

This ordinance does not apply to a heating device such as stove, furnace, fireplace, or other within a building used for human or animal habitation, construction, or maintenance activities.

30.1 DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated below:

BONFIRE

A large outdoor fire intended for recreation that is larger than four feet across at any point but does not include a fire intended for the disposal of waste wood, yard waste, or refuse.

CAMPFIRE

A small outdoor fire that is no more than four feet across at any point. In addition, a campfire is intended for cooking or recreation, and it is contained within a fire ring, fireplace, pit or other containment device, but it is not a fire intended for the disposal of waste wood, yard waste, or refuse.

CLEAN WOOD

Natural wood which: (a) has not been painted, varnished, or coated with a similar material; (b) has not been pressure treated with preservatives; and (c) does not contain resins or glues as in plywood or other composite wood products.

FIREWORKS

Anything manufactured, processed, or packaged for exploding, emitting sparks or combustion which does not have another common use, as defined in Wis. Stats. 167.10(1)

GARBAGE

Garbage means and includes all kinds of organic kitchen waste resulting from preparation, dealing in, or storage of food, and all decaying animal or food products from any source whatsoever.

OPEN BURNING

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.

OUTDOOR BURNING

Open burning or burning in an outdoor wood-fired furnace.

OUTDOOR WOOD-FIRED FURNACE

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

REFUSE

Except clean wood, any waste material, including all waste matter such as tin cans, glass, paper, rags, food/garden refuse, and other items of a similar nature.

30.2 PROHIBITED MATERIALS

Except for small amounts of paper used as starter fuel for a fire, 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.

A. Rubbish or garbage, including but not limited to food waste, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

B. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 679 or NR 590, Wisconsin Administrative Code.

C. Asphalt and products containing asphalt.

D. 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.

E. Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

F. Rubber, including tires and synthetic rubber-like products.

30.3 TOWN OF OAKLAND BURNING BANS

The Town of Oakland is located outside of a forest protection area, and burning bans would be considered and issued by the Town Board upon researching weather conditions and the recommendation of any fire departments servicing the Town of Oakland.

Pursuant to Wis. Stats. 26.13(1), the Chairperson of the Town Board of each town outside the limits of a forest protection area shall, by virtue of the office and the oath of the office, be the town fire warden for the town.

Upon the weather conditions indicating that open burning would pose a hazard to Town residences and properties, the Town of Oakland Chairperson or the Town of Oakland Board, may prohibit open burning, other hazardous burning, and fireworks. A notice of prohibition stating the conditions of the burning ban will be posted in at least five locations within the Town of Oakland, including the Town of Oakland website. The ban will continue until such time as the Town Chairperson determines conditions and no longer warrant the continuation of the burning ban.

30.4 OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD, AND OTHER VEGETATIVE DEBRIS

Unless prohibited by a burning ban issued by the Town of Oakland under Section 30.3 of this Ordinance or upon recommendation by the Wisconsin Department of Natural Resources or local fire department servicing the Town of Oakland, open burning of dry leaves, weeds, brush, stumps, clean wood, or other vegetative debris is allowed. Such allowable burning shall be conducted in a safe and nuisance-free manner while wind and weather conditions are optimal for minimizing adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads, or airfields. Fires shall not create excessive smoke which affects other nearby properties.

Open burning shall be conducted only on the property on which the materials were generated; or at a facility approved by the Town of Oakland Chairperson.

Large open burning, such as burning of trees, limbs, stumps, brush, prescribed wildland burns, or vegetation for clearing may be allowed by the Town of Oakland Board Chairperson. A Large Open Burn Permit from the Town of Oakland Board Chairperson or Town Clerk must be obtained at least 48 hours prior to the burn date in accordance with Section 30.9 of this Ordinance.

30.5 PROHIBITED BURN AREAS

Burning is prohibited in the following areas:

- A. Within 25 feet of the ordinary high-water mark (OHWM) of Lake Ripley or within 25 feet of the bank of any drainage channel that continuously conveys surface water to Lake Ripley. Drainage channels include the inlet channel and connecting lateral drainage ditches within the Oakland Sanitary District's boundaries.
- B. In streets, curbsides, or ditches in road rights-of-way.
- C. For a campfire, within 25 feet of any structure or any other combustible material.
- D. For a large burn or a bonfire, within 50 feet of any structure or any other combustible material.
- E. Where the location of the burn pile and the wind velocity may cause smoke to create a nuisance for adjacent property owners. This prohibition shall apply regardless of the wind velocity.

30.6 BURNING TO BE CONSTANTLY OBSERVED AND APPROPRIATELY EXTINGUISHED

The owner of the premises, or an owner's representative in the case of a firm or corporation, must be physically present on the premises when burning. No fire shall be left unattended. Fires may not be attended by a minor. Adequate fire-suppression equipment, such as fire extinguisher, water hose, or water container, shall be present at all times. A fire must be extinguished when the owner, or the owner's representative, is not on the premises.

30.7 HOURS OF BURNING

Large Open Burning may only occur between sunrise and sunset. Campfires and Bonfires may be burned after sunset.

30.8 FIREWORKS

Wis. Stat. § 167.10(3)(b)4 prohibits the use of fireworks unless a permit is issued by the local jurisdiction. The Town of Oakland will only issue permits to authorized groups for specific events with fireworks display. The Town Chair is authorized to issue a fireworks permit upon receipt of an application and compliance with this Ordinance. An applicant shall comply with all

requirements contained in Wis Stat. § 167.10, Section 30.9 of this Ordinance, and the requirements set forth on the Fireworks Display Application/Permit Form. All of the following shall apply to a fireworks display in the Town:

- A. Fireworks shall not be discharged within 10 feet of the OHWM of Lake Ripley.
- B. Fireworks must be discharged a distance of at least 25 feet from a dwelling.
- C. The State of Wisconsin does not require a person discharging the fireworks to have a pyrotechnic license, only that they be at least 21 years of age. The Town of Oakland strongly recommends that there be additional supervision and experienced personnel assisting in the discharging of the fireworks. Consideration should be given to obtaining certification through the Pyrotechnics Guild International.
- D. The applicant shall obtain a certificate of liability insurance naming the Town of Oakland as an additional insured with the coverage amount noted on the Fireworks Display Application/Permit Form.
- E. Adequate fire-suppression equipment, such as fire extinguisher, water hose, or water container, shall be present at all times.
- F. Used fireworks shall be disposed of properly by soaking in water and then placed in garbage containers within 24 hours of the fireworks display event.
- G. A copy of the fireworks display permit shall be provided to the local fire department at least three days prior to the event.
- H. The permit may not be issued to anyone under the age of 21.

30.9 PERMITS

- A. Applications and permits can be obtained from the Town of Oakland Clerk, at the Town Hall, N4450 County Highway A, Cambridge, Wisconsin. Applications and fee schedules may be obtained on the Town of Oakland website or in person at the Town Hall.
- B. Large Open Burn Permit. A large open burn permit issued under this Ordinance requires compliance with all applicable provisions of this Ordinance and any additional restrictions the Town deems necessary to protect public health and safety. A permit for a large open burn must be submitted at least 48 hours prior to the burn taking place. Further, descriptions of allowable burning and requirements are detailed in the application and are by reference incorporated into this Ordinance.
- C. Fireworks Display Permit. A fireworks display permit under this Ordinance and Wis. Stat. § 167.10(3)(c) may be issued only to a public authority, a fair association, an amusement park, a park board, a civic organization, any individual or group of individuals. (Note: a permit issued to a group of individuals confers the privileges under the permit to each member of the group.), and an agricultural producer for the protection of crops from predatory birds or animals.

The fireworks display may be open to the public or to applicants' patrons.

In the Oakland Urban Service Area, the total number of permits issued in one calendar year will be limited to three (3) permits. This limitation is to protect the environmental health of Lake Ripley and the watershed area. An applicant is limited to only one permit per year. The permits will be issued on a first-come, first-served basis. The number of permits issued will not be restricted outside of the Oakland Urban Service Area.

The application shall be filed with the Town at least seven (7) days prior to the scheduled fireworks display.

D. Agricultural permit. Agricultural permits will be available as they are needed to address the protection of crops. Agricultural producers will not be required to have a licensed pyrotechnical person or provide a certificate of insurance for fireworks if the fireworks display occurs on land owned or leased by the applicant. The applicant does so at their own risk and will hold the Town of Oakland harmless for all damage and injuries.

E. If a burn ban is issued for the Town of Oakland, any previously issued large open burn, agricultural, or fireworks permits shall be temporarily suspended until which time the burning ban is discontinued. Any violation of the conditions of any burning permit shall be deemed a violation of this Ordinance. Any violation of this Ordinance or burning permit shall void the permit, and the Town may also issue citations for such violations.

30.10 OUTDOOR WOOD-FIRED FURNACES

An outdoor wood-fired furnace may be used in the Town of Oakland only in accordance with the following provisions:

A. The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in this Ordinance.

B. The outdoor wood-fired furnace shall be located at least 500 feet from any building that is not on the same property as the outdoor wood furnace.

C. The outdoor wood-fired furnace shall have a chimney that extends at least 15 feet above the ground surface.

30.11 FIRE DEPARTMENT PRACTICE BURNS

Apart from as provided in this section for Fire Department practice burns, an existing unwanted building in the Town of Oakland may not be burned. A building, which is no longer standing, may not be used for a practice burn.

A. An existing building may be burned only by the Fire Department and only if the Fire Chief determines that the burning is necessary for practice and instruction of firefighters or firefighting equipment.

B. Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice.

C. All appropriate demolition notifications shall be submitted to the Department of Natural Resources and all asbestos removed prior to the practice burn.

D. All ash shall be disposed of in an approved landfill or at an alternative location approved by the Department of Natural Resources.

E. The Fire Chief or designee shall notify residents within 1,000 feet of the site of the proposed burn at least 48 hours before a planned practice burn.

30.12 LIABILITY

Any person utilizing or maintaining an outdoor fire or fireworks shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire or fireworks. By issuing a permit, the Town of Oakland does not warrant that the applicant has or will take all necessary safety precautions or that the pyrotechnic employee is suitably qualified to discharge fireworks. The applicant and all attendees or participants of the fireworks display or large open burning permit fires proceed at their own risk and will hold the Town of Oakland harmless for any and all damage or injuries.

Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his or her fire. The cost of extinguishing the fire may be recovered from the property owner. In the event that these costs are not paid, the charges shall become a lien against the property pursuant to Wis. Stat. § 66.0703.

30.13 RIGHT OF ENTRY AND INSPECTION

The Town Chair, Fire Chief, or any authorized officer, agent, employee, or representative of any fire department servicing the Town of Oakland may inspect any property for the purpose of ascertaining compliance with this Ordinance. 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. Stat. § 66.122 and §66.123.

30.14 ENFORCEMENT AND PENALTIES

The Town of Oakland Police Department is authorized to enforce the provisions of this ordinance.

Any person, firm, or corporation violating any portion of this Ordinance shall be subject to a forfeiture not to exceed \$500. Penalties are doubled for subsequent offenses.

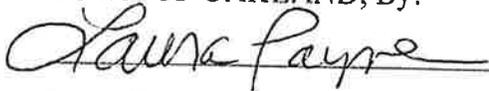
SECTION 5: SEVERABILITY

Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

SECTION 6: ADOPTION

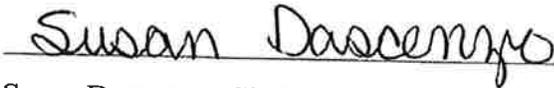
This Ordinance shall take effect upon adoption, and publication or posting as provided by law.

TOWN OF OAKLAND, By:

_____

Laura Payne, Town Chairperson

Attest:

_____

Susan Dascenzo, Clerk/Treasurer

Vote Aye: 5

No: 0

Published: June 30, 2025

LARGE OPEN BURN PERMIT – TOWN OF OAKLAND RESIDENT

Burning must comply with all requirements listed in Town of Oakland Ordinance 2025-30.

Form must be submitted at least 48 hours prior to burning taking place.

Burning is not allowed until the application is reviewed and signed below by the Town of Oakland Chairperson.

Applicant Information

First Name _____

Last Name _____

Home Address _____

Phone Number _____

Email Address _____

Requested Dates

I request a permit to burn on the following dates: _____

Note: If burning is cancelled due to weather or any other reason, contact the Town to reschedule your burn date.

Fee: \$25

Only the following may be burned with this permit

Large open burning, such as burning of trees, limbs, stumps, brush, or vegetation for clearing, prescribed wildland burns or for other large burns, may be allowed with this permit. Burning leaves, brush, stumps, clean wood, or other vegetative debris is allowed. Clean wood means natural wood, which has 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.

Restrictions and Conditions

Do not burn garbage or anything that is recyclable. Other items that may not be burned are, but not limited to plastic; shingles; wire; metal electronics; asphalt; painted or treated wood; rubber or oily substances. Nor waste generated by a business or commercial entity.

Burning shall not cause smoke to become a nuisance, and when wind and weather conditions are such to minimize adverse effects and not create a health hazard or a

visibility hazard on roadways, railroads, or airfields. Fires shall not create excessive smoke which affects other nearby properties.

Large open burns may only take place between sunrise and sunset.

A responsible adult must attend the fire at all times.

The adult must have a hose or other means of water supply available at the fire site.

A fire must be extinguished when the owner, is not on the premises.

The permit holder is responsible for any damage, injury, or other loss if the fire becomes out of control.

The permit holder is responsible to check conditions online on the day of burning on the Town of Oakland website for any prohibited burning. After 9 a.m. on the day of the burn, check the Department of Natural Resources (DNR) Burning Restrictions page <https://apps.dnr.wi.gov/wisburn/#/BurnRestrictions> or call the Department of Natural Resources Burn Hotline at 888-947-2876 to find out if there are any burn restrictions including burn bans, burning hours and any size limitations. Burning is not allowed when the risk is high, very high, or extreme. The DNR website is updated daily at 9 am.

Prior to starting the fire, the permit holder is responsible for notifying the Jefferson County 9-1-1 dispatch center at 920-674-7310.

At least 2 days before burning, the applicant must notify the local Fire Department. Service areas and phone numbers can be found on the Town website at <https://oaklandtown.com/fire-and-ems/>.

This permit may be voided by the Town of Oakland Chairperson at any time, and also may be put on hold upon the institution of a Burn Ban in the Town of Oakland.

Acceptance

If my burn escapes my control, I will dial 911 immediately.

Applicant

Signature _____

Date _____

Upon submittal, the Town of Oakland Chairperson will review this application and once approved, an e-mail will be sent to you. Burning is not allowed until you receive approval.

OFFICE USE ONLY

Application approved by: _____

Date: _____, 20____

Fee _____ Receipt # _____ Amount: \$ _____ Check # _____