



**211 Walnut Street  
Neenah, WI 54956**

AN ORDINANCE: By the Public Services and Safety  
Committee  
Re: Amending Neenah Municipal Code Section 7-  
28 (b)(2) Relating to Recreational Fire Permits.

ORDINANCE NO. 2021-03

Introduced: March 9, 2021

Committee/Commission Action:

**Recommended for Passage**

## AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

**Section 1.** That Neenah Municipal Code Section 7-28 (b)(2) is hereby amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 7-28. - Open burning.

(b)(2) *Recreational fires and permits.*

- a. Intent. It is the intent of the City that citizens shall have the opportunity to have recreational fires at single-family and two-family dwellings provided that such fires are in strict compliance with restrictions relating to recreational fires. It is further the intent of the City that the Police Department and Neenah Menasha Fire Rescue shall strictly enforce these restrictions so as to ensure that such fires do not compromise safety. Such enforcement shall require an investigation into any complaint and an independent determination by either the Police Department or the Neenah-Menasha Fire Rescue as to whether a particular recreational fire is in compliance with these regulations.
- b. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*In-ground fire pit* is defined as a fire pit surrounded on the outside by a non-combustible material such as concrete block or rocks.

*Portable fire pit* is a structure or device intended to contain and control outdoor wood fires. This shall include a structure which although not portable, is designed to contain and control outdoor wood fires.

*Recreational fire* is a campfire for the purpose of recreation and personal enjoyment.

- c. No recreational fire may be started or allowed to continue burning unless such recreational fire is contained in a portable fire pit or an in-ground fire pit.
- d. No recreational fire or portable fire pit or an in-ground fire pit shall be closer than ten feet from any building, structure, shed, garage, fence, or any combustible material.
- e. All recreational fires shall have a diameter no larger than 30 inches nor may the fire extend more than two feet above the pit.
- f. Portable fire pits, such as devices commercially designed and intended to control and contain outdoor wood fires, may be used in accordance with the manufacturer's specifications, and these regulations, and must be based upon a noncombustible surface.
- g. No recreational fire shall be started or allowed to continue burning when the wind direction or wind speed will cause smoke, embers, or other burning materials to be carried by the wind toward any building or other combustible materials, nor any time when the wind speed exceeds seven miles per hour. Smoke from any recreational fire shall not create a nuisance for neighboring property owners. The fire shall be completely extinguished based upon the findings of the required investigation conducted by either the Police Department or Neenah Menasha Fire Rescue. The Police Department and the Fire Rescue Department shall strictly enforce this section so as to comply with the intent of Subsection (b)(2)(a).
- h. Material for recreational fires or portable fire pit shall not include rubbish, garbage, recyclable items, trash, or any material made of petroleum-based materials, and shall not contain any flammable or combustible liquids, except for devices which are designed to burn LP gas. Such LP gas devices shall only be used per the manufacturers' listing instructions.
- i. Adequate fire suppression equipment shall be immediately available to control or extinguish the recreational fire.
- j. All recreational fires or portable fire pits shall be attended at all times by at least one responsible person of age 18 or older from the ignition of the fire until the fire is completely extinguished.
- k. The property owner and/or person who has started any recreational fire shall hold the City harmless from any and all damages caused by a recreational fire.
- l. Any party who has started or maintains a recreational fire as defined shall pay any and all costs incurred by Neenah-Menasha Fire Rescue for any service related call as a result of a recreational fire not in compliance with these requirements, if deemed necessary by the Fire Chief.
- m. Any person who wishes to have a recreational fire in a portable fire pit or in-ground fire pit must obtain a permit from the City. The permit shall contain the name of the owner/occupant of the property and address of the location where the portable fire pit is to be used. Such permit is issued to the property and is not transferable to any other location. Such a permit shall issue upon a showing that there will be compliance with all applicable laws and ordinances.
- n. The permit specified in Subsection (b)(2)m. of this section shall require an annual fee as established by the Common Council by resolution from time to time to be paid to and collected by the City. A copy of Section 7-28 shall be provided to the permittee along with the permit.
- o. No recreational fire may be started or allowed to continue between 12:00 a.m. and 4:00 p.m. Any such fire is presumed unreasonable and must be extinguished upon demand.
- p. Any recreational fire or portable fire pit or in-ground fire pit not in compliance with all the terms of this section may, in addition to any other penalties, result in the permanent revocation of the permit.

**Section 2. Severability.** In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

**Section 3. Repeal and Effective Date.** All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

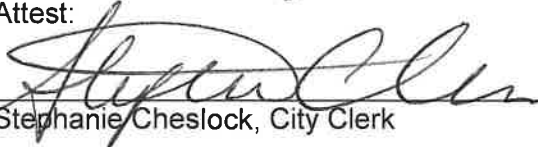
Adopted: 03/17/2021

Published: 03/24/2021

Approved:

  
\_\_\_\_\_  
Dean R. Kaufert, Mayor

Attest:

  
\_\_\_\_\_  
Stephanie Cheslock, City Clerk