

# Village of Oliver

## Chapter 305. Outdoor and Refuse Burning

SECTION 1. GENERAL PROVISION

SECTION 2. DEFINITIONS

SECTION 3: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

SECTION 4: MATERIALS THAT MAY NOT BE BURNED

SECTION 5: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS

SECTION 6: BURN BARRELS

SECTION 7: EXEMPTION FOR BURNING CERTAIN PAPERS

SECTION 8: FIRE DEPARTMENT PRACTICE BURNS

SECTION 9: BURNING PERMITS

SECTION 10: LIABILITY

SECTION 11: RIGHT OF ENTRY AND INSPECTION

SECTION 12: ENFORCEMENT AND PENALTIES

### **SECTION 1. GENERAL PROVISION**

- A. Purpose. This ordinance 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 Village of Oliver due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.
- B. Applicability. This ordinance applies to all outdoor burning and refuse burning within the Village of Oliver.
1. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
  2. This ordinance 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 4 of this ordinance.
  3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- C. Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

### **SECTION 2. DEFINITIONS**

The following definitions are applicable to this ordinance:

**CAMPFIRE.** A small outdoor fire intended for recreation or cooking not including a fire intended for disposal of

waste wood or refuse.

**CLEAN WOOD.** Is 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.

**CONFIDENTIAL PAPERS.** Is printed material containing personal identification or financial information that the owner wishes to destroy.

**FIRE CHIEF.** The Chief of the Town of Superior Fire Department or other person authorized by the Fire Chief

**OUTDOOR BURNING.** Is open burning or burning in an outdoor wood-fired furnace.

**OPEN BURNING.** Is 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 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.** Any waste material except clean wood.

### **SECTION 3: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING**

- A. General prohibition on outdoor burning and refuse burning. Open burning, outdoor burning and refuse burning are prohibited in the Village of Oliver unless the burning is specifically permitted by this ordinance.

### **SECTION 4: MATERIALS THAT MAY NOT BE BURNED**

- A. Materials that may not be burned. Unless a specific written approval has been obtained from the Department of Natural Resources, 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 Village of Oliver 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 Department of Natural Resources.
1. 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 or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
  3. Asphalt and products containing asphalt.
  4. 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. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
  6. Rubber including tires and synthetic rubber-like products.
  7. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section 7 of this ordinance.

## **SECTION 5: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS**

- A. Burning leaves, brush, clean wood and other vegetative debris. Open burning of leaves, weeds, brush, stumps, clean wood other vegetative debris is allowed only in accordance with the following provisions.
1. 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.
  2. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
  3. 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 Department of Natural Resources and the Fire Chief.
  4. Unless explicitly allowed elsewhere in this ordinance, 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 Department of Natural Resources and the Fire Chief.
  5. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.
  6. Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources.
  7. 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.
  8. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with other provisions of this ordinance.
  9. In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.
  10. Open burning under shall be conducted only following issuance of and in accordance with a permit issued under Section 11 of this ordinance.
  11. Open burning under this section shall only be conducted at a location at least 100 feet from the nearest building which is not on the same property.
  12. Except for campfires and permitted bonfires, open burning shall only be conducted 6pm –midnight daily.
  13. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
  14. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.
  15. 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.
  16. No open burning may be conducted on days when the Department of Natural Resources has declared an

Air Quality Watch or Air Quality Advisory for ozone or fine particle pollution applicable to the Village of Oliver.

#### **SECTION 6: BURN BARRELS**

- A. A burn barrel may be used in the Village of Oliver only in accordance with the following provisions:
1. The burn barrel shall not be used to burn any of the prohibited materials listed in Section 4 of this ordinance and may only be used in accordance with the provisions of Section 5 of this ordinance.
  2. The burn barrel shall be located at least 150 feet from the nearest building that is not on the same property as the burn barrel.
  3. The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.
  4. The burn barrel shall not serve a commercial enterprise.
  5. The owner of the burn barrel shall obtain an annual permit from the Wisconsin Department of Natural Resources in accordance with Section 9 of this ordinance.

#### **SECTION 7: EXEMPTION FOR BURNING CERTAIN PAPERS**

- A. Notwithstanding Section 4 of this ordinance, paper and cardboard products may be used as starter fuel for a fire that is allowed under this ordinance.
1. 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.
  2. A fire set for burning of small quantities of confidential papers shall be subject to and comply with subsection 5.1 through 5.3, 5.6, and 5.11 through 5.13 of this ordinance.

#### **SECTION 8: FIRE DEPARTMENT PRACTICE BURNS**

- A. Fire department practice burns. Notwithstanding sections 3 and 4 of this ordinance, the Town of Superior Fire Department may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

#### **SECTION 9: BURNING PERMITS**

- A. Burning Permits. No person shall start or maintain an open burning without a burning permit issued by the Fire Chief, or a designee of said official. An outdoor campfire does not require a permit provided the fire complies with all other applicable provisions of this ordinance.
1. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a one-time burning permit before starting the fire.
  2. When weather conditions warrant, the Fire Chief or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
  3. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
  4. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

#### **SECTION 10: LIABILITY**

- A. Liability. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

## **SECTION 11: RIGHT OF ENTRY AND INSPECTION**

- A. Right of entry and inspection. The Fire Chief or any authorized officer, agent, employee or representative of the Village of Oliver who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: 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 sections 66.122 and 66.123, Wis. Stats.

## **SECTION 12: ENFORCEMENT AND PENALTIES**

- A. Penalties. Any person violating this ordinance shall:

1. Forfeit not less than \$25.00 and no more than \$250.00 for each offence;
2. Penalties for the subsequent offences within a one year time frame shall double;
3. Pay the fees, costs and disbursements incurred by the Village associated with the prosecution of this action;
4. Each day a violation exists or continues constitutes a separate offense.

- B. Enforcement.

1. Issuance of a citation pursuant to this ordinance with §66.0113, Wis. Stats.;
2. Adoption of this ordinance does not preclude the Village of Oliver from adopting another ordinance related to the same or other matter. An issuance of a forfeiture hereunder, shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

**Reference to Statute:** Reference to specific statutory sections, whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the Wisconsin State Legislature.

**Effective Date:** This ordinance shall be effective upon adoption and publication by the Village of Oliver or Town as provided by law.

**History:** This ordinance was adopted as Ordinance 2014-2 on May 27, 2014.