

Ordinance 2015 – 4
Open Burning, Outside Burning, and Refuse Burning
In the Town of Prairie Lake

SECTION 1: PURPOSE

1.00 Purpose. This ordinance is intended to safeguard the health, comfort, living conditions, and welfare of the citizens of the Town of Prairie Lake due to the air pollution and fire hazards of open burning, outside burning, and refuse burning.

SECTION 2: APPLICABILITY

2.00 Applicability. This ordinance applies to all outside burning and any refuse burning within the Town of Prairie Lake west of Highway SS. The part of the town east of Highway SS is controlled by the Wisconsin Department of Natural Resources (DNR) and those town residents should consult the DNR website or call the local DNR office for guidance.

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

2.2. 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.

2.3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating construction sites or maintenance activities.

SECTION 3: SEVERABILITY

3.00 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 4: DEFINITIONS

4.00 Definitions.

4.1. "Bonfire" means a large fire built outdoors exceeding 6 ft. by 6ft by 6ft., for signaling or in celebration of an event.

4.2. "Campfire" means a small outdoor fire contained within a fire ring or fire pit intended for recreation or cooking and does not include a fire intended for disposal of waste wood or refuse.

4.3. "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.

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

4.5. "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.

4.6. "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.

4.7. "Outside Burning" means any burning outside of a building intended for human habitation.

4.7. "Refuse" means any waste material except clean wood.

4.8. "Burn Barrel" means a metal barrel mounted on steel legs or cement blocks with a metal grate top or covering with holes no larger than 1/2".

SECTION 5: GENERAL PROHIBITION ON OPEN BURNING AND REFUSE BURNING

5.00 General prohibition on open burning, outside burning, and any refuse burning. Open burning, outside burning, and refuse burning are prohibited in the Town of Prairie Lake unless the burning is specifically permitted by this ordinance. Outdoor wood-fired furnaces, in which the products of combustion pass through a stack or a chimney, are permitted in the Town of Prairie Lake and are exempt from this ordinance.

SECTION 6: MATERIALS THAT MAY NOT BE BURNED

6.00 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 Town of Prairie Lake 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:

- 6.1.** 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.
- 6.2.** 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.
- 6.3.** Asphalt and products containing asphalt.
- 6.4.** 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.
- 6.5.** Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- 6.6.** Rubber including tires and synthetic rubber-like products.
- 6.7.** 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 10 of this ordinance.

SECTION 7: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS

7.00 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:

- 7.1.** 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.
- 7.2.** Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Town Chairman or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
- 7.3.** Open burning under this section shall be conducted only following issuance of and in accordance with a permit issued under Section 11 of this ordinance.
- 7.4.** Open burning shall be supervised by a competent adult 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.
- 7.5.** 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 Town Chairman.
- 7.6.** Open burning of grassy areas, weeds, or brush on agricultural lands greater than $\frac{1}{4}$ of an acre is allowed if conducted in accordance with other applicable provisions of this ordinance. A minimum three-day notice to the Town of Prairie Lake is required and the Town Chairman may add special conditions for this specifically approved burn.
- 7.7.** Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Town Chairman.
- 7.8.** Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed with a burn permit and if it is in accordance with other provisions of this ordinance.
- 7.9.** Open burning under this section shall only be conducted at a location at least 50 feet from the nearest building which is not on the same property.

7.10. Open burning shall only be conducted between 11:00 AM and 9:00 PM except for open burning with a burn barrel, fire ring, or fire pit, and for specially permitted bonfires authorized by the Town Chairman

7.11. Outdoor campfires for cooking or recreation are allowed without a burn permit provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit and has adult supervision. Campfires shall be extinguished immediately upon the request of a neighbor due to smoke causing a nuisance on the property.

7.12. Celebration or ceremonial bonfires are allowed and a permit may be obtained if approved by and in accordance with any special conditions established by the Town Chairman listed on the permit.

7.13. In emergency situations, such as natural disasters, burning that would otherwise be prohibited may be allowed if specifically approved by the Town Chairman.

7.14. No materials may be burned upon any street, curb, gutter or sidewalk.

7.15. 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 specifically authorized by the Town Chairman.

7.16. No Open Burning shall occur when the wind exceeds 10 miles per hour.

7.17. All Open Burning must be reported to the Barron County Sheriff's Department (715) 537-3106 by the burn permit holder prior to commencing with the burn.

SECTION 8: BURN BARRELS

8.00 Burn barrels.

A burn barrel may be used in the Town of Prairie Lake in accordance with the following provisions:

8.1. The burn barrel shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance and may only be used in accordance with the provisions of Section 7 of this ordinance.

8.2. The burn barrel shall be located at least 50 feet from the nearest building that is not on the same property as the burn barrel.

8.3. The burn barrel shall be extinguished immediately upon the request of a neighbor due to smoke causing a nuisance on the property.

8.3. The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.

8.4. Burn barrels may not be used when winds exceed 15 miles per hour.

8.5. The burn barrel shall not serve a commercial enterprise.

8.6. The owner of the burn barrel shall obtain an annual permit from the Town Chairman or designee in accordance with Section 11 of this ordinance.

SECTION 9: FIRE DEPARTMENT PRACTICE BURNS

9.00 Fire department practice burns.

9.1 Notwithstanding sections 5 and 6 of this ordinance, a permit from the Town of Prairie Lake shall be obtained to burn a standing building for firefighting practice provided that the practice burn will comply with the requirements of the Department of Natural Resources. A building, which is no longer standing, may not be used for a practice burn.

9.2. At least three days before a planned practice burn, the Town of Prairie Lake shall provide notification to residents within ¼ mile by appropriate means.

SECTION 10: EXEMPTION FOR BURNING CERTAIN PAPERS

10.00 Exemption for burning certain papers

10.1. Notwithstanding Subsection 6.17 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance

10.2. 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.

10.3. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

10.4. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.1-7.5, 7.9,7.10, 7.14, 7.15 and 7.16 of this ordinance.

SECTION 11: BURNING PERMITS

11.00 Burning Permits.

11.1. No person shall start or maintain any open burning without a burning permit issued by the Town Chairman or designee except in the condition of snow-covered ground. When the ground is covered in snow, a burn permit typically applicable to this ordinance is not required.

11.2. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.

11.3. Bonfires require Special Conditions described on the Burn Permit, as appropriate to the venue in which it occurs.

11.4. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain an annual burning permit before starting the fire.

11.5. The owner or occupant of the property shall obtain an annual burning permit for each burn barrel before using the burn barrel.

11.6. An annual permit expires on **December 31st** of each year.

11.7. When weather conditions warrant, the Town Chairman may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.

11.8. 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.

11.9. 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.

11.10. A copy of this ordinance shall be provided with each permit issued.

SECTION 12: LIABILITY

12.00 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 13: RIGHT OF ENTRY AND INSPECTION

13.00 Right of entry and inspection. The Town Chairman or any authorized officer, agent, employee or representative of the Town 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 14: ENFORCEMENT AND PENALTIES

14.00 Enforcement and penalties.

14.1. The Chairman and the Town Supervisors of the Town of Prairie Lake are authorized to enforce the provisions of this ordinance.

14.2. The penalty for violation of any portion of this ordinance shall be in accordance with the Town of Prairie Lake Schedule of Penalties, Fees, and Deposits.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Prairie Lake on November 10, 2015.

Filed this November 10, 2015
in the Office of the Town Clerk

Dale Lehner
Dale Lehner, Chairman

Karn Moe
Karn Moe, Clerk

Janice Rustong
Janice Rustong, Supervisor

Wayne Brenholt
Wayne Brenholt, Supervisor