

OPEN BURNING AND REFUSE BURNING ORDINANCE
For the Village of Exeland Wisconsin.

Ordinance No. 26

SECTION 1: PURPOSE

1.00 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 Exeland due to the air pollution and fire hazards of open burning, and refuse burning.

SECTION 2: APPLICABILITY

2.00 Applicability. This ordinance applies to all open burning and refuse burning within the Village of Exeland.

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 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 "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

4.2 "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.

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

4.4 "Fire Chief" means the Chief of the Exeland Fire Protection District or other person authorized by the Fire Chief.

4.5 "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.

4.6 "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.

4.7 "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.

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

SECTION 5: GENERAL PROHIBITION OF OPEN BURNING, AND REFUSE BURNING

5.00 General prohibition on open burning and refuse burning. Open burning and refuse burning are prohibited in the Village of Exeland unless the burning is specifically permitted by this ordinance.

SECTION 6: MATERIALS THAT MAY NOT BE BURNED

6.00 Materials that may not be burned.

6.10 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.

6.11 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.

6.12 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.

6.13 Asphalt and products containing asphalt.

6.14 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.

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

6.16 Rubber including tires and synthetic rubber-like products.

6.17 Newspaper, corrugated cardboard, container board, office paper and other materials must be recycled.

SECTION 7: OPEN BURNING OF 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 a 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 Fire Chief or the DNR has issued a burning ban applicable to the area.

7.3 Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources.

7.4 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 fire ring, or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.

7.5 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.

7.6 In emergency situations such as a natural disaster burning that would otherwise be prohibited is allowed if specifically approved by the DNR.

7.7 Except for campfires and permitted bonfires, open burning shall only be conducted from 6:00 p.m. until Midnight, except in winter when ground is snow covered.

7.8 Open burning shall be constantly attended and supervised by a competent person 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.

7.9 No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.

7.10 Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 10ft from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

SECTION 8: BURN BARRELS

No person shall use or maintain a burn barrel in the Village of Exeland.

SECTION 9: FIRE DEPARTMENT PRACTICE BURNS

9.00 Fire department practice burns.

Notwithstanding sections 5 and 6 of this ordinance, the Exeland Fire District may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the DNR.

SECTION 10: LIABILITY

10.00 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 11: RIGHT OF ENTRY AND INSPECTION

11.00 Right of entry and inspection.

The fire Chief or any authorized officer, agent, employee or representative of the Village of Exeland 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 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

12.00 Enforcement and penalties.

12.1 The Fire chief and Exeland Village Board are authorized to enforce the provisions of this ordinance.

12.2 The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$25.00 or more than \$250.00 plus the cost of prosecution. Penalties are doubles for second and subsequent offenses.

Village President Susan Kopras Date 4-9-07

Village Trustee Melissa Warren Date 4-9-07

Village Trustee Doreen Date 4/9/07