

**CITY OF DODGEVILLE
ORDINANCE NO. 2025-05**

AN ORDINANCE TO REPEAL AND RECREATE SECTION 9.13 OF THE MUNICIPAL CODE OF THE CITY OF DODGEVILLE, IOWA COUNTY, WISCONSIN, RELATING TO OUTDOOR AND REFUSE BURNING.

THE COMMON COUNCIL OF THE CITY OF DODGEVILLE, IOWA COUNTY, WISCONSIN, DO HEREBY ORDAIN AS FOLLOWS:

Section I: Section 9.13 of the Municipal Code of the City of Dodgeville shall be and hereby is repealed and recreated to read as follows:¹

Sec 9.13 Outdoor and Refuse Burning Regulations

~~No person shall burn any rubbish, trash, leaves, debris or other waste material in or upon any street, alley or sidewalk within the City.~~

- (a) Purpose. This Section 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 City of Dodgeville, Iowa County, Wisconsin due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.
- (b) Applicability. This Section applies to all outdoor burning and refuse burning within the City of Dodgeville, except:
 - (1) Grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
 - (2) 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 subsection (d) below.
 - (3) The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
 - (4) Any burning by the Dodgeville Fire Department.
- (c) Severability. Should any portion of this Section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected.
- (d) Definitions.
 - (1) "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
 - (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.
 - (3) "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.
 - (4) "Fire Chief" means the Chief of the City of Dodgeville Volunteer Fire Department or their designee.
 - (5) "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.

¹ Existing language to be repealed is shown by strike out in **red**. Proposed new language is underlined in **green**.

- (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 from an enclosed chimney.
 - (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.
 - (8) "Refuse" means any waste material except clean wood.
- (e) General prohibition on outdoor burning and refuse burning. Open burning, outdoor burning and refuse burning are prohibited in the City of Dodgeville unless the burning is specifically permitted by this Section.
- (f) 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 City of Dodgeville 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, films and 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 Section 11.07 of the City Code except as provided in subsection (k) below.
- (g) 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 and may require a permit based on the criteria in subsection (l) below:
- (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 Wisconsin Department of Natural Resources, the City of Dodgeville, or Fire Chief 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, the City of Dodgeville, and the Fire Chief.

- (4) Unless explicitly allowed elsewhere in this Section, 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, the City of Dodgeville, 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 Section.
 - (6) 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 require a permit if they meet the criteria outlined in subsection (l) below.
 - (7) 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 Section.
 - (8) Burning in emergency situations such as natural disasters is allowed if approved by the Department of Natural Resources, the City of Dodgeville, or the Fire Chief.
 - (9) Except for campfires, open burning under this section shall only be conducted at a location at least 150 feet from the nearest building that is not on the same property.
 - (10) Except for campfires and permitted bonfires, open burning shall only be conducted between the hours of noon and 6:00 PM unless approved by the Fire Chief.
 - (11) 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.
 - (12) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
 - (13) 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.
- (h) *Burn barrels.* A burn barrel may be used in the City of Dodgeville only in accordance with the following provisions:
- (1) The burn barrel shall not be used to burn any of the prohibited materials listed in subsection (f) above and may only be used in accordance with the provisions of subsection (g) above.
 - (2) The burn barrel shall be located at least 100 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 business.
- (i) *Outdoor wood-fired furnaces.* An outdoor wood-fired furnace may be used in the City of Dodgeville only in accordance with the following provisions:
- (1) The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in subsection (f) above.

- (2) The outdoor wood-fired furnace shall be located at least 50 feet from the nearest building which is not on the same property as the outdoor wood furnace, unless the person who owns the land upon which the building is located consents to the outdoor wood-fired furnace being located within 50 feet of the building.
 - (3) The outdoor wood-fired furnace shall have a chimney that extends at least 15 feet above the ground surface. The Fire Chief may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
- (j) Fire department practice burns. Notwithstanding subsections (e) and (f) above, the City of Dodgeville Volunteer 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.
- (k) Exemption for burning certain papers.
- (1) Notwithstanding subsection (f)(7) above, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this Section
 - (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.
 - (3) Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
 - (4) A fire set for burning of a small quantity of confidential papers shall be subject to and comply with subsections (g)(1)-(3) and (10)-(13) above.
- (l) Burning Permits.
- (1) No person shall start or conduct open burning of brush, leaves or other permitted combustibles where the pile is greater than 8 feet across, or where flames may reach a height of greater than 8 feet high without a burning permit issued by the City of Dodgeville.
 - (2) An annual burning permit expires on April 1 of each year.
 - (3) When weather conditions warrant, the Department of Natural Resources, the City of Dodgeville, or the Fire Chief may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
 - (4) A burning permit issued under this section shall require compliance with all applicable provisions of this Section and any additional special restrictions deemed necessary to protect public health and safety.
 - (5) Any violation of the conditions of a burning permit shall be deemed a violation of this Section. Any violation of this Section or the burning permit shall void the permit.
- (m) 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.
- (n) Right of entry and inspection. The Fire Chief or any authorized officer, agent, employee or representative of the City of Dodgeville Volunteer Fire Department or the City of Dodgeville who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Section. 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 Section 66.0119, Wis. Stats.

(o) Enforcement and penalties.

- (1) The Dodgeville Police Department and the Fire Chief are authorized to enforce the provisions of this Section.
- (2) The penalty for violation of any portion of this Section shall be a forfeiture as set forth in Section 25.04 of the City Code plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

Reference Materials:

Burn Barrels: Unhealthy, Unnecessary, Unneighborly and Usually Illegal.

Unhealthy

Smoke from burning garbage contains toxic compounds, often including dioxin, furans and other carcinogens. The ash, which some folks place on their garden, may contain heavy metals such as lead and cadmium.

Unnecessary

If you have a burn barrel, take a look at what you're burning. Most paper and cardboard can and should be recycled. Today, waste collection service is available nearly everywhere, and the collection businesses offer wheeled carts and recycling containers for convenient, economical, end-of-driveway service.

Unneighborly

You probably don't enjoy the stink of burning garbage, and neither does your neighbor. Think about how your decision to burn garbage affects others.

Usually Used Illegally

Open burning of household solid wastes, whether or not in a burn barrel, is prohibited by law, with limited exceptions. This prohibition includes all plastic materials, kitchen wastes, dirty or wet paper wastes, treated or painted wood, furniture, and demolition material - or any other material that creates a nuisance. The exceptions (for households only - not businesses) include (if not prohibited by local ordinance) lawn and garden debris, small quantities of clean, untreated, unpainted wood and clean paper waste that is not recyclable. Outdoor fires for cooking, or for "warming up" are okay and do not require any special approvals unless environmental conditions pose a great risk for forest fires.

Which Materials Are Legal To Burn?

Which of these household materials can be legally burned in a burn barrel or an open fire on the same property where generated?

State law does not prohibit burning small dry quantities of the household materials with a **X** mark, if they are burned on the same property where generated. (The number listed after the materials below refers to the legal explanations of why the item may or may not be burned.)

☐ Plastic Milk Jug 1,5

☐ Asphalt Sealant 1

☐ Magazines / Catalogues 5

X Leaves (dry) 8

☐ Plastic Food Wrap 1 **X** Waste Mail 7

<u>? Treated Lumber 3</u>	<u>? Plywood 6</u>	<u>? OSB / Composite Board 6</u>
<u>? Newspaper 5</u>	<u>? Plastic Pipe 1</u>	<u>? Plastic Weed Barrier 1</u>
<u>? Insulated Electrical Wire 1</u>	<u>? Food Waste / Garbage 4</u>	<u>? Water Softener Salt Bag 1, 2</u>
<u>? Rubber Hose 1</u>	<u>? Wooden Furniture 3</u>	<u>X Paper Plates / Cups 10</u>
<u>? Tires 1</u>	<u>? Plastic siding 1</u>	<u>X Napkins / Paper Towel 10</u>
<u>X Tree Branches 8,9</u>	<u>? Aluminum Beer Cans 5</u>	<u>X Paper Grocery Bags 7</u>
<u>? Plastic Garbage Bags 1</u>	<u>X Pine Needles 8</u>	<u>? Plastic Vapor Barrier 1</u>
<u>? Waste Oil 4</u>	<u>? Nylon Carpet 1,2</u>	<u>? Plastic Toys 1</u>
<u>? Asphalt Shingles 1</u>	<u>? Polystyrene Plates 1,2</u>	<u>? Old Building 11</u>
<u>? Painted Siding 3</u>	<u>? Tar Paper 1</u>	<u>? Plastic Soda Bottles 1,2</u>
<u>? Nylon Upholstery Fabric 1,2</u>	<u>? Urethane Foam Pad 1,2</u>	
<u>X Clean Dry Firewood 9</u>	<u>? Polystyrene Foam Packaging 1,2</u>	
<u>? Corrugated Cardboard 5</u>	<u>X Untreated Unpainted Lumber 9</u>	

Explanations & Alternatives:

1. All plastic, rubber and asphalt materials are prohibited from open burning under state law.
2. This synthetic material is “plastic” and may not be burned.
3. Wood that is painted or chemically treated may not be burned under state law.
4. These materials are specifically prohibited from open burning under state law.
5. These materials must be recycled under state and local recycling laws. They cannot be burned. (It is legal to use a small amount of paper or cardboard material to kindle a fire.)
6. These materials contain resins and glues making them unsuitable for burning. They are not “dry unpainted, untreated wood” as referenced and exempted in the law.
7. Even though state law allows burning after removing any plastic, many local recycling programs cover these materials. Recycling is a better alternative. If recycling is not an option, proper disposal is better than burning.
8. Even though state law allows burning, composting and/or beneficial use of this material is a better alternative.
9. Clean dry unpainted untreated wood is legal to burn, but if it isn’t going to be beneficially used for heating, consider options other than burning.
10. This waste paper material is not recyclable. Proper disposal is a better option than burning. Wet paper or paper mixed with plastic can’t be burned.
11. Individuals or businesses may not burn a building. The only exception is that a building may be burned only by a fire department for training purposes after notification to DNR and removal of illegal materials.

Remember:

- All materials emit pollutants when burned. Generally, the materials that cause the most toxic emissions are those that are prohibited from burning under state law. Try to avoid burning any waste material.
- If prohibited and allowed materials are mixed, they cannot be burned. Any prohibited materials must be removed before the allowed materials are burned.
- Check local ordinances! A local municipality may ban the burning of any material even if statewide regulations allow it.
- Check for burning permits. Even if the material is legal to burn, the DNR or the local municipality often requires a burning permit. During periods of high fire hazard, burning may be prohibited.

- Consider other alternatives. Even if the material is legal to burn, more environmentally sound alternatives are available.
- This information only applies to small quantities of household waste being burned on the same property where generated. The regulations do not allow businesses to burn the same materials that a household may. If in question, consult the regulations.

Section II: This ordinance shall become effective upon its passage and publication as required by law.

Adopted and approved this 18th day of March 2025.

Barry Hottmann, Mayor

ATTEST:

Lauree Aulik, City Clerk

Date Adopted: _____
Date Published: _____
Effective Date: _____