

Chapter 120. Burning, Open

[HISTORY: Adopted by the Village Board of the Village of Sauk City at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. **165**.

Nuisances — See Ch. **224**.

§ 120-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BONFIRE

A large, open fire kindled and maintained to mark a public event, celebration or similar occurrence which only uses dry, untreated and unpainted wood as the burning material.

BURNING

The kindling or maintaining of a fire that has hot ashes or cinders or is giving heat, or still glowing or giving light, or a fire that is still smoldering or giving off smoke, or a fire that has not been completely extinguished.

OPEN BURNING

Burning done outside of a building.

RECREATIONAL FIRES and COOKING FIRES

Open burning for outdoor recreation, warming or cooking purposes in an enclosure designed specifically for ember and flame containment, excluding a barrel, such as rocked-in pits, fireplaces, or barbecue grills which use only charcoal, propane gas or dry, untreated and unpainted wood as the burning material and which satisfy the conditions set forth in § **120-3**.

§ 120-2. Permit required; conditions.

No person shall kindle or maintain any open fire (except as permitted in § **120-3**) without first obtaining a permit from the Fire Department, and each such permit shall be subject to the conditions set forth in this section.

- A. The hours of open burning shall be restricted to during the hours between 8:00 a.m. and 10:00 p.m., and when wind speed is not greater than five miles per hour, unless otherwise expressly authorized by the Fire Department. During all other hours and times, all burning authorized under this section shall be completely extinguished.
- B. No burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban.
- C. Only untreated and unpainted wood which is suitable for burning shall be used as the burning material.

- D. No burning shall be kindled or maintained on or within any street, sidewalk, tree bank, alley, parking lot, drainage ditch, park, public place or public right-of-way, unless otherwise expressly authorized by the Fire Department.
- E. The fuel for igniting such burning shall consist of dry material or commercially available products designed for lighting fires.
- F. All such burning shall be constantly supervised and personally attended by a responsible adult until the fire is completely extinguished. The person in charge of the fire shall have fire-extinguishing equipment or materials available at all times and easily accessible for immediate use.
- G. Burning, under this section, shall not be kindled or maintained in a barrel.
- H. Whenever burning is undertaken in a pile, the maximum size of the burning materials shall be four feet in diameter, measured horizontally, and three feet measured vertically, and the pile of material being burned shall be at least 15 feet away from any combustible material, combustible wall or partition, exterior window opening, exit access or exit and at least 15 feet from a property line, unless otherwise expressly authorized by the Fire Department.
- I. No burning shall be maintained so that flames exceed four feet in height.
- J. No burning shall be kindled or maintained so as to cause a public nuisance, such as allowing soot, ash or smoke to travel beyond property lines.
- K. All such burning shall be conducted on a noncombustible surface.

§ 120-3. Recreational fires and cooking fires.

Recreational fires and cooking fires shall be exempt from the conditions set forth in § 120-2; provided, however, that recreational fires and cooking fires shall comply with each of the following conditions:

- A. Burning, under this section, shall not be kindled or maintained in a barrel.
- B. No recreational or warming fire shall be kindled or maintained on or within any public street, sidewalk, tree bank, alley, parking lot, drainage ditch or right-of-way.
- C. No burning shall be maintained such that the flames exceed four feet in height.
- D. No burning shall be maintained so as to cause a public nuisance, such as allowing soot, ash or smoke to travel beyond property lines.
- E. Except for barbecue, gas, and charcoal grills, any other burning receptacle, enclosure or pit shall be no greater than 36 inches in diameter at its greatest width.
- F. All such burning shall be constantly supervised and personally attended by a responsible adult until the fire is completely extinguished. The person in charge of the fire shall have fire-extinguishing equipment or materials available at all times and easily accessible for immediate use.
- G. Except for barbecue, gas, and charcoal grills, no burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban.
- H. Whenever a portable fireplace or grill is located on a combustible surface, such as a wooden patio or deck, a noncombustible material shall be placed under and around the fireplace or grill for a distance of at least 24 inches on each side thereof.
- I. Except for barbecue, gas, and charcoal grills, no such burning shall be undertaken within 15 feet away from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Department.

- J. Regardless of type or size, no barbecue, gas, charcoal or electric grill, or any other burning receptacle, shall be stored or used or be closer than 15 feet to a building with three or more dwelling units.

§ 120-4. Outdoor wood stoves.

It is unlawful to construct, maintain or use a wood stove or other enclosure or structure for burning wood which is attached in any manner, either above ground or below ground, to a residential structure or other building for the purpose of heating the same within the Village limits of the Village of Sauk City. Any such wood stove shall be dismantled and removed from any lot within the Village limits of the Village of Sauk City. Any individual or business entity found to be in violation of this section shall be subject to a forfeiture in an amount not less than \$100 per day for each day of a violation of this section.

§ 120-5. Bonfires.

No person shall kindle or maintain any bonfire without first obtaining a permit from the Fire Department, and each such permit shall be subject to the conditions established by the Fire Department.

§ 120-6. Burning of certain materials prohibited.

No person shall kindle or maintain open burning where the burning material is recyclable in any form, including but not limited to paper products, recyclable cardboard, rubbish, garbage, trash, refuse, painted wood, or pressure-treated lumber, and/or any material made of in whole or in part or coated with rubber, plastic, leather or petroleum-based materials, and/or products containing flammable materials.

§ 120-7. Exemptions.

The following fires for burning shall be exempt from the provisions of §§ **120-2** and **120-3**:

- A. Fires conducted inside of a building, including but not limited to fireplaces and incinerators.
- B. Fires conducted to remove frost from the ground by public utility companies, Village employees, and cemeteries.
- C. Small open flames for welding, acetylene torches, safety flares, heating tar or similar applications.
- D. Fires conducted for training or instruction of fire fighters or for the testing of fire equipment by the Fire Department.
- E. Any fire expressly authorized in writing by the Fire Chief. A permit issued by the Fire Chief shall be subject to the conditions established by the Fire Department.

§ 120-8. Emergency regulations.

The Fire Chief may, when necessary, declare an "Emergency Condition of Fire Hazard" for a specified period of time, and during such time no burning shall be permitted unless done or controlled by the Fire Department. In addition, during such declared fire emergency period, the Fire Chief may prohibit the use of the following:

- A. Fireworks as defined by § 167.10(1), Wis. Stats.
- B. Any of the items included under § 167.10(1)(e), (f), (i), (j), (k), (l), (m) and (n), Wis. Stats.
- C. Any other device that may pose a fire hazard.

§ 120-9. Enforcement.

The Fire Chief, Fire Inspector, and police officers of the Village shall be authorized to enforce the provisions of this chapter.

§ 120-10. Contents of burning permit; fee.

- A. Burning permits shall include the name of person requesting the permit, date, time, location of open burning fire, and conditions.
- B. The permit fee shall be as set by the Village Board.
- C. A permit is required for each separate day of burning.

§ 120-11. Recovery of abatement costs.

The Village has determined that a violation of this chapter creates a public nuisance or a hazard to the public safety. Therefore, in addition to any other penalty imposed by this Code for a violation of this chapter, if the Fire Department is dispatched to a fire caused as a result of any act, omission, condition, or thing that constitutes a violation of this chapter, the person causing, permitting, or maintaining such occurrence may be charged a fee to cover the cost for responding to such public nuisance. Any such fee shall be charged as set forth in the Sauk Fire District Official Fee Schedule. The charge shall be collected as a debt, and if the charge is not paid within 30 days of the date of billing, an administrative collection charge of 10% of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid. If the owner of the property where the public nuisance occurred caused, permitted, or maintained such public nuisance, such charge shall be extended upon the current or next tax roll, to the extent allowed by law.