

## Chapter 227 BURNING, OPEN<sup>1</sup>

### § 227-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Clean wood.* 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.

*Open burning.* Any fire wherein the products of combustion are emitted into the open air and are not directed through a screened stack or chimney associated with a building.

*Recreational fire.* Any fire such as a campfire or cooking fire, not involving the burning of yard waste, located at a single-family or multifamily residence and used for the purpose of recreation and personal enjoyment.

*Yard waste.* Dry grass, leaves, pine needles or brush.

(Ord. of 3-24-2003; Ord. of 2-26-2007)

### § 227-2. Burn barrels.

Burn barrels are prohibited in the village.

(Ord. of 3-24-2003; Ord. of 2-26-2007)

### § 227-3. Legal holidays and Sundays.

Open burning on legal holidays and Sundays is prohibited.

(Ord. of 3-24-2003; Ord. of 2-26-2007)

### § 227-4. Burning restrictions.

All open burning is prohibited except as follows:

A. *Open burning by permit.*

- (1) No person shall kindle any fire without first securing a burning permit from ~~a village fire warden~~ the Village Fire Chief or his/her designee, who shall issue such permit subject to any conditions for the protection of life and property imposed by fire regulations.
- (2) ~~However,~~ A burning permit is not required at times when at least one inch of continuous snow cover exists.
- (3) Hours of burning by permit are limited to 6:00 p.m. to 12:00 midnight.

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<sup>1</sup>Editor's note(s)—Building regulations and construction, ch. 218; solid waste, ch. 441.

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(4) Burning permits shall expire 30 days from date of issuance.

(5) The Fire Chief or his/her designee, may revoke any burning permit that does not comply with §227-5. Conditions of burning.

- B. *Recreational fires permitted.* All recreational fires shall be in a fire pit with a minimum depth of eight inches and a maximum diameter of four feet, or in a portable (Weber-type) device that is placed upon a noncombustible surface and secured. The fire may not extend more than four feet above the ground at any time. Burning materials must be contained within the fire pit enclosure at all times. All belowground fire pits shall be surrounded on the outside, above ground, by a noncombustible material such as concrete block, rock or metal.

(Ord. of 3-24-2003; Ord. of 2-26-2007)

### **§ 227-5. Conditions of burning.**

Open burning of leaves, weeds, brush, stumps, clean wood and other vegetative debris allowed only in accordance with the following provisions.

- A. No person shall kindle, or cause to be kindled, or otherwise permit or allow any open fire in or upon any street, alley, or public way of closer than 25 feet from any building, structure, shed or garage, except recreational fires may be no closer than 15 feet from any building, structure, shed or garage, or 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.
- B. No person shall kindle, or cause to be kindled, or otherwise permit or allow any open fire unless there are favorable conditions for burning with regard to wind direction and speed. ~~No fire shall be started at a time when wind speed is eight miles per hour or more.~~
- C. No person shall kindle, or cause to be kindled, or otherwise permit or allow any open fire when the wind will cause smoke, combustibles or other materials to be carried by the wind toward any building or other combustible or flammable material. Smoke from any fire shall not create a nuisance for neighboring property owners.
- D. The village 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 restriction in ch. NR 679, Wis. Adm. 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 chapter 441, article III, recycling, of the Code of the Village of Kronenwetter except as follows:

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- (a) Paper and cardboard products may be used as starter fuel for a fire that is allowed under this chapter.
  - (b) 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.
  - (c) Confidential paper from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
- E. No person shall kindle, or cause to be kindled, or otherwise permit or allow any open fire unless adequate fire suppression equipment is present to extinguish or control the fire at all times. Adequate fire suppression equipment shall consist of shovels, fire extinguishers, water hoses, or other like equipment sufficient to extinguish the fire if necessary.
  - F. No person shall kindle, or cause to be kindled, or otherwise permit or allow any open fire unless attended at all times by at least one responsible person 18 years of age or older until the fire is completely extinguished.
  - G. It shall be the duty of any renter or lessee to notify and obtain written permission from the property owner prior to initiating any fire.
  - H. The property owner, renter or lessee shall be held liable for any damage caused by any fire, including the cost of suppression and/or any citations.

(Ord. of 3-24-2003; Ord. of 2-26-2007)

#### **§ 227-6. Burning moratoriums.**

The fire chief or the department of natural resources (DNR) may, when weather conditions warrant, declare a burning moratorium for a specified period of time, during which all open burning is prohibited.

(Ord. of 3-24-2003; Ord. of 2-26-2007)

#### **§ 227-7. Reimbursement of costs.**

Any person violating this chapter shall, in addition to the penalties provided in other sections of this Code, reimburse the village for reasonable cost of fire protection services made necessary by the violation, including, but not limited to, the costs of investigation of the violation and any response by the village's fire department and any responding mutual aid departments as a result of the violation. The prosecution for violations of this chapter or payment of the penalties provided shall not prohibit any person from seeking any other remedy against the person causing or permitting the burning.

(Ord. of 3-24-2003; Ord. of 2-26-2007)