

## CHAPTER 10

### Outdoor and Refuse Burning Ordinance

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3-10-1: **PURPOSE:** The purpose of this ordinance is as follows:

- (1). 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 Town of Lake Mills, Jefferson County, Wisconsin due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.
- (2). To establish proper procedures in burning of any grass, leaves, wood and any other controlled fire.

3-10-2: **AUTHORITY:** This ordinance is adopted under the authority granted by Section 60.555 of the Wisconsin Statutes.

3-10-3: **APPLICABILITY:**

- (1). This ordinance applies to all outdoor burning and refuse burning within the boundaries of the Town of Lake Mills, Jefferson County, Wisconsin.
- (2). This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- (3). 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 3-10-5 of this ordinance.
- (4). 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.

3-10-4: **SERVABILITY:** 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.

3-10-5: **DEFINITIONS:**

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

"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.

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

"Fire chief" means the chief of the fire department serving the Town of Lake Mills.

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

"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.

"Outdoor wood-fired furnace" means a furnace, stove or boiler that uses fire as the heat source and is capable of burning organic materials and fossil fuels, such as wood, corn, coal etc., that is not located within a building intended for habitation by humans or domestic animals.

"Refuse" means any waste material except clean wood.

3-10-6: **GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING:** Open burning, outdoor burning and refuse burning are prohibited in the Town of Lake Mills unless the burning is specifically permitted by this ordinance.

3-10-7: **MATERIALS THAT MAY NOT BE BURNED:**

(1). 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 Lake Mills will not allow the burning of any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.

(a). 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.

(b). 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.

- (c). Asphalt and products containing asphalt.
- (d). 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.
- (e). Any plastic material including but not limited to nylon, pvc, abs, polystyrene or urethane foam, and synthetic fabrics, films and containers.
- (f). Rubber including tires and synthetic rubber-like products.
- (g). 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 3-10-12 of this ordinance.

**3-10-8: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS:**

- (1). Open burning of leaves, weeds, brush, stumps, clean wood other vegetative debris is allowed only in accordance with the following provisions:
  - (a). 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.
  - (b). Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Town Chairperson, Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
  - (c). 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.
  - (d). Unless explicitly allowed elsewhere in this ordinance, 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.
  - (e). Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.
  - (f). Fires set for forest or wildlife habitat management are allowed with the approval of the Department of Natural Resources.
  - (g). 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 are allowed only if approved by and in accordance with provisions established by the Town Chairperson.

- (h). Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Town Chairperson and if in accordance with other provisions of this ordinance.
- (i). Burning in emergency situations such as natural disasters is allowed if approved by the Department of Natural Resources.
- (j). Open burning under this Section shall be conducted only following approval of and in accordance with the requirements of Section 3-10-13 of this ordinance.
- (k). Except for campfires and permitted bonfires, open burning shall only be conducted between the hours of 7:00 AM and 9:00 PM.
- (l). 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.
- (m). No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
- (n). 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, or any entrance or exit way.

**3-10-9: BURN BARRELS:**

- (1). A burn barrel may be used in the Town of Lake Mills only in accordance with the following provisions:
  - (a). The burn barrel shall not be used to burn any of the prohibited materials listed in Section 3-10-7 of this ordinance and may only be used in accordance with the provisions of Section 3-10-8 of this ordinance.
  - (b). 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.
  - (c). The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.
  - (d). The burn barrel shall not serve a business.

**3-10-10: OUTDOOR WOOD-FIRED FURNANCES:**

- (1). An outdoor wood-fired furnace may be used in the Town of Lake Mills only in accordance with the following provisions:
  - (a). An outdoor wood-fired furnace shall be allowed except within an area, lot or parcel zoned for residential use according to the Jefferson County Zoning Department, more specifically; "R-1" Residential - Sewered, "R-2" Residential - Unsewered, "C" Community and "R/R" Residential/Recreational, unless the wood-fired furnace is located at least 500 feet from all property lines that create the boundary of the residential lot or parcel on which the wood-fired furnace is located.

- (b). The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in Section 3-10-7 of this ordinance.
- (c). The outdoor wood-fired furnace shall have a chimney height that complies with manufacturer recommendations.
- (d). It is recommended that the outdoor wood-fired furnace be located with due consideration to the prevailing wind direction. If the smoke from the chimney creates a nuisance to neighbors the height of the chimney shall be increased according to the following criteria:
  - (1). If it is located 50 feet or less to any residence not served by the furnace, it is recommended that the stack be at least 2 feet higher than the eave line of that residence.
  - (2). If it is located more than 50 feet but no more than 100 feet to any residence, it is recommended that the stack be at least 75% of the height of the eave line of that residence, plus an additional 2 feet.
  - (3). If it is located more than 100 feet but no more than 150 feet to any residence, it is recommended that the stack be at least 50% of the height of the eave line of that residence, plus an additional 2 feet.
  - (4). If it is located more than 150 feet but no more than 200 feet to any residence, it is recommended that the stack be at least 25% of the height of the eave line of that residence, plus an additional 2 feet.
- (e). The outdoor wood-fired furnace shall comply with all state and local building codes

3-10-11: FIRE DEPARTMENT PRACTICE BURNS: Notwithstanding Sections 3-10-6 and 3-10-7 of this ordinance, any fire department serving the Town of Lake Mills 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.

3-10-12: EXEMPTION FOR BURNING CERTAIN PAPERS:

- (1). Notwithstanding Subsection 3-10-7 (1) (g) of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance
- (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 3-10-8 (1) a, b, c, f, k, l, m & n of this ordinance.

**3-10-13: BURNING PERMITS/REQUIREMENTS:**

(1). Before burning grass, leaves, wood, or any other controlled fire, within the Town of Lake Mills, the Jefferson County Sheriff's Department shall be notified of the address at which the burning will take place, the name of the responsible person, and his or her telephone number.

(2). The Town Chairperson may suspend controlled burns within the Town of Lake Mills from time to time for reasons of public welfare, safety, and for the protection of property.

(a). The Town Chairperson shall contact the Jefferson County Sheriff's Department to notify them of the suspension of burning privileges within the Town of Lake Mills.

(b). The burning privileges shall remain suspended until the Town Chairperson notifies the Jefferson County Sheriff's Department that burning may resume within the Town of Lake Mills.

(3). An outdoor campfire or burning in a burn barrel does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.

**3-10-14: 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.

**3-10-15: RIGHT OF ENTRY AND INSPECTION:** The Town Chairperson, Fire Chief or any authorized officer, agent or representative of the Town of Lake Mills who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. 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 66.0119(1),(2) and (3) of the Wisconsin Statutes.

**3-10-16: ENFORCEMENT AND PENALTIES:**

(1). The Town of Lake Mills Police Department is authorized to enforce the provisions of this ordinance.

(2). The penalty for violation of any portion of this ordinance, except Section 3-10-13 (1), shall be a forfeiture of fifty dollars (\$50.00) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

(3). The penalty for violation of Section 3-10-13 (1) shall be five hundred dollars (\$500.00) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

Amended: March 14, 2006

This ordinance shall go into effect upon publication and adoption  
Dated this 23<sup>rd</sup> day of February, 2006