

## **Sec. 5-2-9 Outdoor and Refuse Burning.**

- (a) **General Prohibition on Outdoor Burning and Refuse Burning.** Open burning, outdoor burning and refuse burning is prohibited in the Village of Combined Locks unless the burning is specifically permitted by this Section.
- (b) **Applicability/Exceptions.** This Section applies to all outdoor burning and refuse burning within the Village of Combined Locks except the following:
  - (1) This Section does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
  - (2) This Section 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 Subsection (c)(7) below.
  - (3) This Section does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

- (c) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:
- (1) "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse. A campfire shall not be larger than four (4) feet in diameter.
  - (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) "Fire Chief" means the Chief of the Village of Combined Locks Fire Department or other persons authorized by the Fire Chief.
  - (4) "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.
  - (5) "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.
  - (6) "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.
  - (7) "Refuse" means any waste material except clean wood.
- (d) **Materials That May Not Be Burned.** Unless a specific written approval has been obtained from the Wisconsin 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:
- (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 of NR 590, 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 the Village recycling ordinance.
- (e) **Open Burning of Leaves, Brush, Clean Wood and Other Vegetative Debris.** Open burning of leaves, weeds, brush, stumps, clean wood, and/or other vegetative material is allowed only in accordance with the following provisions:
- (1) All permitted 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 barbeque, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
  - (3) Fires set for forest, prairie, or wildlife habitat management are allowed with the approval of the Fire Chief.
  - (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 barrel, fire ring, or fire pit. Campfires are not allowed after 11:00 p.m. on Sunday through Thursday, and are not allowed after 1:00 a.m. on Saturday and Sunday mornings. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
  - (5) In emergency situations such as natural disasters, burning that would otherwise be prohibited is allowed if specifically approved by the Wisconsin Department of Natural Resources.
  - (6) 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.
  - (7) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.
  - (8) Except for barbecue, gas and charcoal grills, no burning shall be undertaken within twenty-five (25) feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
- (f) **Burn Barrels.** No person shall use or maintain a burn barrel in the Village of Combined Locks.
- (g) **Fire Department Practice Burns.** Except as provided in this Subsection for Fire Department practice burns, an existing unwanted building in the Village of Combined Locks may not be burned. A building, which is no longer standing, may not be used for a practice burn:
- (1) An existing building may be burned only by the Village of Combined Locks Fire Department and only if the Fire Chief determines that the burning is necessary for practice and instruction of firefighters or firefighting equipment.
  - (2) Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn.
  - (3) A demolition notification shall be submitted to the Wisconsin Department of Natural Resources and all asbestos removed prior to the practice run.
  - (4) All ash shall be disposed of in an approved landfill or at an alternative location approved by the Wisconsin Department of Natural Resources.

- (5) At least five (5) days before a planned practice burn the Fire Chief or designee shall notify residents within five hundred (500) feet of the site of the proposed burn.
- (h) **Burning Permits.**
- (1) No person shall start or maintain any open burning without a burning permit issued by the Village of Combined Locks Fire Department.
  - (2) An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this Section.
  - (3) When weather conditions warrant, the Fire Chief or the Wisconsin Department of Natural Resources 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.
- (i) **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.
- (j) **Right of Entry and Inspection.** The Fire Chief or any authorized officer, agent, employee or representative of the Village of Combined Locks Volunteer Fire Department or the Village of Combined Locks 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.]
- (k) **Enforcement and Penalties.**
- (1) The Fire Chief or his/her designee and the Village President are authorized to enforce the provisions of this Section.
  - (2) The penalty for violation of any portion of this Section shall be a forfeiture of not less than Twenty-five Dollars (\$25.00) or more than Two Hundred and Fifty Dollars (\$250.00) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

## **Sec. 5-2-10 Pyrotechnics and Fireworks Prohibition.**

Use of fireworks or other pyrotechnic display is expressly prohibited inside any residence, commercial, entertainment or municipal building.

## **Sec. 5-2-11 Solid Fuel-Fired Outdoor Heating Devices Prohibited.**

- (a) **Definition — Solid Fuel-Fired Outdoor Heating Device.** Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat, or energy used as a component of

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a heating system in order to provide heat for any interior residential or commercial space or water source. (Examples: wood or other solid fuel burning boilers).

- (b) **Solid Fuel-Fired Outdoor Heating Devices Prohibited.** No person shall install, use, or maintain a solid fuel-fired outdoor heating device in the Village of Combined Locks.