

# **Outdoor and Refuse Burning Ordinance for the Village of Curtiss, Clark County, Wisconsin.**

**Ordinance No. 092014A**

## **SECTION 1: PURPOSE**

**1.00 Purpose.** 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 Village of Curtiss due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

## **SECTION 2: APPLICABILITY**

**2.00 Applicability.** This ordinance applies to all outdoor burning and refuse burning within the Village of Curtiss.

**2.1.** This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

**2.2.** 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 4 of this ordinance.

**2.3.** 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.

## **SECTION 3: SEVERABILITY**

**3.00 Severability.** 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.

## **SECTION 4: DEFINITIONS**

### **4.00 Definitions.**

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

**4.2.** "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.

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

**4.4.** "Fire Chief" means the Chief of the Owen-Withee-Curtiss Fire Department or other person authorized by the Fire Chief.

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

**4.6.** "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.

**4.7.** "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.

**4.8.** "Refuse" means any waste material except clean wood.

## **SECTION 5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND**



## **REFUSE BURNING**

**5.00 General prohibition on outdoor burning and refuse burning.** Open burning, outdoor burning and refuse burning are prohibited in the Village of Curtiss unless the burning is specifically permitted by this ordinance.

## **SECTION 6: MATERIALS THAT MAY NOT BE BURNED**

### **6.00 Materials that may not be burned.**

**6.10** 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.

**6.11.** 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.

**6.12.** 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.

**6.13.** Asphalt and products containing asphalt.

**6.14.** 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.

**6.15.** Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

**6.16.** Rubber including tires and synthetic rubber-like products.

**6.17.** 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 11 of this ordinance.

## **SECTION 7: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS**

### **7.00 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

**7.1.** 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.

**7.2.** Except for barbecue, 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.

**7.2.1.** The Fire Chief or designee shall post all burning bans applicable to the area at a location known and easily accessible to the public.

**7.3.** 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 and the Fire Chief.

7.4. 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 and the Fire Chief.

7.5. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

7.6. Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources.

7.7. 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 Fire Chief.

7.8. 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 ordinance.

7.9. In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.

7.10 Open burning under this section shall only be conducted at a location at least 50 feet from the nearest building which is not on the same property.

7.11. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.

## **SECTION 8: BURN BARRELS**

### **8.00 Burn barrels.**

A burn barrel may be used in the Village of Curtiss only in accordance with the following provisions:

8.1. The burn barrel shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance and may only be used in accordance with the provisions of Section 7 of this ordinance.

8.2. The burn barrel shall be located at least 50 feet from the nearest building that is not on the same property as the burn barrel.

8.3. The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.

8.4. The burn barrel shall not serve a commercial enterprise.

## **SECTION 9: OUTDOOR WOOD-FIRED FURNACES**

### **9.00 Outdoor wood-fired furnaces.**

An outdoor wood-fired furnace may be installed and used in the Village of Curtiss only in accordance with the following provisions:

9.1. 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-fired furnace.

9.2. The outdoor wood-fired furnace shall have a chimney that extends at least 15 feet

above the ground surface. If there are any residences within 500 feet, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Fire Chief may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

## **SECTION 10: FIRE DEPARTMENT PRACTICE BURNS**

### **10.00 Fire department practice burns.**

Notwithstanding sections 5 and 6 of this ordinance, the Owen-Withee-Curtiss 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.

**10.1.** An existing building may be burned only by the Owen-Withee-Curtiss Fire Department and only if the Fire Chief determines that the burning is necessary for practice and instruction of fire fighters or fire fighting equipment.

**10.2.** Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice.

**10.3.** A demolition notification shall be submitted to the Department of Natural Resources and all asbestos removed prior to the practice burn.

**10.4.** All ash shall be disposed of in an approved landfill or at an alternative location approved by the Department of Natural Resources.

**10.5.** At least 72 hours before a planned practice burn the Fire Chief or designee shall notify residents within 500 feet of the site of the proposed burn.

## **SECTION 11: EXEMPTION FOR BURNING CERTAIN PAPERS**

### **11.00 Exemption for burning certain papers.**

**11.1.** Notwithstanding Subsection 6.17 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance

**11.2.** 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.

**11.3.** Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

**11.4.** A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.1-7.3, 7.6, and 7.11 of this ordinance.

## **SECTION 12: LIABILITY**

**12.00 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.



Randall Busse

Randall Busse, Village President

Jane Stoiber

Jane Stoiber, Village Clerk

9-02-2014

Date

Sept 2, 2014

Date