

ORDINANCE NO: 548

AN ORDINANCE TO REPEAL AND RECREATE SECTION 9.12 OF THE
MUNICIPAL CODE REGULATING BURNING

The Nekoosa Common Council of the City of Nekoosa, Wisconsin, pursuant to Chapter 26 Wisconsin Statutes does ordain as follows with regard to its City Ordinances:

Section 9.12 of the Municipal Code is repealed and recreated as follows:

9.12 BURNING REGULATIONS. (1) Burning Prohibition.

Unless 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. A permit will not be issued for burning any of the following materials without air pollution control devices and a written copy of 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, plastic films and plastic 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 under Section (3).
- H. It shall be unlawful for any person, firm or corporation to burn leaves, pine needles, or grass clippings within any part of the City of Nekoosa.

(2) **Permits**

It shall be unlawful for any person, firm or corporation to burn brush, rubbish or any other debris within any part of the City of Nekoosa without a burning permit; unless there is complete ground cover of snow that is more than one inch (1”).

The burning of brush, rubbish or any other debris in any part of the City of Nekoosa, may take place within accordance of permit guidelines. All burning is prohibited on Sundays and holidays.

Permits for control burning in the City of Nekoosa can be obtained from the Municipal Building, approved authorized Fire Wardens for the City of Nekoosa, or the Department of Natural Resources (DNR) Service Center. All City residents must adhere to all sections, rules, and regulations of this Ordinance.

(3) **Open Burning**

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. 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.

- A. Open burning shall only be conducted at a location at least 250 feet from the nearest building which is not on the same property.
- B. 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.
- C. 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 scold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- D. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, and stream or water body.
- E. Notwithstanding of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.

- F. 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. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
- C. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed without a permit 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.
- H. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of right-of-ways is allowed if approved by the Fire Chief and in accordance with other provisions of this ordinance.
- I. In emergency situations, such as natural disasters, burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.

(4) Burn Barrel Permit

The owner or occupant of the property shall obtain an annual burning permit before using a burn barrel.

- A. The burn barrel shall not be used to burn any of the prohibited materials listed in Section (1) of this ordinance.
- B. The burn barrel shall be located at least 250 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. Small businesses, commercial enterprises, and industries may not use burn barrels or engage in other kinds of open burning for any waste generated by the businesses.

(5) Burning Ban

Whenever the Fire Chief or the Department of Natural Resources shall deem it imprudent for burning, whether it be because of extreme dryness, shortage of water, high wind, particular hazardous location or any other reason, they may forbid by order, the setting of any such fires at any time, refuse to issue a permit where one is requested, or temporarily suspend previously issued burning permits for open burning.

Except for barbecue or gas grills and charcoal grills used in the immediate vicinity of a residential dwelling on a non-combustible surface, 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.

(6) Responsibility for Fire(s)

Any damage caused to a person's property, private property, or any public property by the burning of brush, rubbish, structures, or any other debris whether such burning was authorized or not, shall be the full responsibility of the person or persons responsible for igniting said fire(s). Extinguishment of any fire(s) will be the responsibility of the person or persons responsible for igniting said fire(s). Failure to extinguish authorized or non-authorized fire(s), where the fire department responds in the pursuit of extinguishment, the person or persons responsible for igniting said fire(s) will be subjected to section (9) of this Ordinance and all forfeitures dealing with this ordinance violation(s) per Municipal Code 25.04 together with the cost of prosecution and any other costs incurred to the City for extinguishment of the fire(s).

If the fire department responds in the pursuit of extinguishment or public safety the person or persons utilizing, maintaining or setting the fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire(s) will be subjected to section (9) of this Ordinance and all forfeitures dealing with this ordinance violation(s) per Municipal Code 25.04 together with the costs of prosecution and any other costs incurred to the City for extinguishment of the fire(s).

(7) Forest Protection District

Any burning within the City of Nekoosa shall also be governed by the rules and regulations of the State of Wisconsin Department of Natural Resources and nothing herein is intended to alter such rules and regulations in any way.

(8) Enforcement

The Fire Chief or any authorized officer, agent, employee or representative of the City of Nekoosa 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 § 66.122 and § 66.123 Wisconsin Statutes.

(9) Penalties and Fees

Any person or persons who shall violate any of the provisions of this ordinance or fail to comply therewith, or who shall violate or fail to comply with any order made hereunder shall, upon conviction, be subjected to all forfeitures dealing with this ordinance violation(s) per Municipal Code 25.04 together with the costs of suppression and prosecution and in default of the payment of such forfeiture and costs of such suppression and prosecution, shall be imprisoned in the County Jail of Wood County for a period not exceeding thirty (30) days.

Any person or persons who shall fail to extinguish authorized or non-authorized fire(s), where the fire department responds in the pursuit of extinguishment, the person or persons responsible for igniting said fire(s) will be invoiced by the City for all fire suppression costs together with the costs of prosecution and any other costs incurred to the City for extinguishment of said fire(s).

PASSED this 11th day of August, 2009

Gordon G. Freeman, Mayor

Joseph M. Rusch II, City Clerk

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