

18.11 LIMITED BURNING

- (1) 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 City of Wisconsin Rapids due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.
- (2) Applicability. This ordinance applies to all outdoor burning and refuse burning within the City of Wisconsin Rapids.
 - (a) This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances. However, grilling or cooking appliances are not permitted on properties containing multifamily residences with three or more units, unless there is common area approved by the Fire Chief for such grilling or cooking.
 - (b) 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 18.03 of this ordinance.
 - (c) 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) General prohibition on outdoor burning and refuse burning. Open burning, outdoor burning and refuse burning are prohibited in the City of Wisconsin Rapids unless the burning is specifically permitted by this ordinance.
- (4) Materials that may not be burned. 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, furnace, stove or any other indoor or outdoor incineration or heating device.
 - (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 Chapter 7, except as provided in section 18.11(8).
- (5) Open burning of leaves, grass clippings, pine needles, yard and garden waste, and other vegetable debris. Open burning of leaves, grass clippings, pine needles, yard and garden waste, and other vegetative debris is prohibited. Residents are encouraged to use city compost sites or other methods of composting.
- (6) Limited open burning allowed.
 - (a) Campfires.
 - (1) Outdoor campfires for cooking or recreation are allowed provided that the fire is confined by a control device or structure such as a fire ring or fire pit, with a maximum diameter for said campfire of 5 feet. Only clean wood may be burned in an outdoor campfire.
 - (2) Campfires are only allowed on days that such burning is not prohibited by the Fire Department or the Department of Natural Resources. Each day, residents shall contact the Fire Department to determine if burning is authorized on that day.
 - (3) 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
 - (b) Ceremonial fires. Ceremonial Fires are allowed if a permit is granted by the Fire Chief, under conditions as established by the Fire Chief. A permit is \$5.
 - (c) Land clearing or maintenance of rights of way. The burning of trees, limbs, and brush for land clearing or maintenance of rights-of-way is allowed only if approved by the Fire Chief by permit. A permit is \$5, for a maximum of ten days. The maximum number of days may be increased upon approval of the Fire Chief. Even after a permit is issued, permission from the Fire Department must be received prior to burning each day.
 - (1) Open burning of these materials shall be conducted only on the property on which the materials were generated.
 - (2) Open burning may only occur when there is at least 1" of snow on the ground, or immediately after or during periods of heavy rain.
 - (3) No materials larger than 6 inches in diameter or stumps may be burned.
 - (4) Because dirt and mud impedes the burning process and results in smoldering, dirt and mud shall not be pushed into the burn pile.
 - (5) Burning shall occur no closer than 200 feet to any structure
 - (6) Open burning shall only be allowed from 8:00 a.m. to 10:00 p.m., which means the fire should be completely extinguished by 10:00 p.m.

- (7) A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- (8) Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.
- (d) 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.
- (e) When weather conditions warrant, the Fire Chief or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
- (f) 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.
- (g) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream, river, or waterbody.
- (h) Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 15 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
- (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.
- (7) Burn Barrel. A burn barrel may be used in the City of Wisconsin Rapids only in accordance with the following provisions:
 - (a) The burn barrel shall not be used to burn any of the prohibited materials listed in sections 18.11(4) and 18.11(5).
 - (b) 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.
 - (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 commercial enterprise.
- (8) Exemption for burning certain papers.
 - (a) Notwithstanding section 18.11(4)(g) of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.
 - (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 papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
 - (d) A fire set for burning of a small quantity of confidential papers shall be subject to and comply with sections 18.11(6)(d) through 18.11(6)(h).
- (9) Outdoor Wood-fired Furnaces. An outdoor wood-fired furnace may be installed and used in the City of Wisconsin Rapids only in accordance with the following provisions:
 - (a) The outdoor wood-fired furnace shall not used to burn any of the prohibited materials listed in Section 6 of this ordinance.
 - (b) The outdoor wood-fired furnace shall be located at least 100 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace.
 - (c) The outdoor wood-fired furnace shall have a chimney that extends at least 15 feet above the ground surface.
 - (d) The owner of the outdoor wood-fired furnace shall obtain an annual permit from the Fire Chief.
 - (e) The outdoor wood-fired furnace must be used for heating purposes.
- (10) Fire Department Practice Burns. Notwithstanding Sections 18.11(3) and 18.11(4), the Wisconsin Rapids 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.
- (11) Liability.
 - (a) 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.
 - (b) In addition to (a) above, a person utilizing or maintaining an outdoor fire in violation of any part of this ordinance may be responsible for the costs of response of the Fire Department to the fire (Engine Company hourly rate, overtime costs of personnel, etc.), as well as being subject to citations for violations of this ordinance.
- (12) Right of entry and inspection. The Fire Chief, Deputy Fire Chief or any authorized officer, agent, employee or representative of the City of Wisconsin Rapids who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. 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 sections 66.122 and 66.123, Wis. Stats.

(13) Enforcement and penalties.

(a) The fire chief, deputy fire chief, and members of the Wisconsin Rapids Fire Department are authorized to enforce the provisions of this ordinance.

(b) The penalty for violation of any portion of this ordinance shall be as set forth in Section 18.34.

18.12 RESPONSIBILITY FOR FIRE DAMAGES

(1) Responsibility for Fire.

(a) Any damage caused to another person's property by burning of any kind, whether authorized or not, shall be the responsibility of the person(s) responsible for igniting the fire. The city will charge the cost of fire investigation and extinguishment to the perpetrator of the fire.

18.13 DNR REGULATIONS.

(1) During periods of extreme dry conditions, the Wisconsin Rapids Fire Department will follow the burning recommendations as set forth by the local DNR office.