



Agenda

Ordinance & Regulation Committee

Thursday, March 06, 2025 at 5:00 PM

City Hall, 100 E Fountain St, Dodgeville, WI

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES

- 1. Approval of Minutes from September 19, 2024.

III. NEW BUSINESS

- 2. Consider repeal and reserving sec. 12.06(g) related to the term for weights and measures licenses.
- 3. Consider amending Sec. 12.12 to not require a mobile food vending permit at an event that has been granted a special event permit.
- 4. Consider creating Sec. 12.15 relating to short term rental licensure, including annual fire inspections.
- 5. Consider amending sec. 9.06 Loud and Unnecessary Noise Prohibited to add exceptions for snow removal and if a noise permit has been granted.
- 6. Consider amending Sec. 9.13 relating to burning regulations.
- 7. Consider amending Secs. 4.04(d) and 4.06 relating to the procedure for the adoption police department policies and amendments thereto.
- 8. Consider amending sec. 7.145(e) relating to ATV/UTV hours of operation.
- 9. Discussion of possible future ordinance amendments.

IV. ADJOURN

- 10. Motion to Adjourn

Any person who has a qualifying disability, as defined by the Americans with Disabilities Act, that requires the meeting or material at the meeting to be in an accessible location or format, must contact the City Clerk at the address listed above or call 930-5228, prior to the meeting so that any necessary arrangements can be made to accommodate each request.

Minutes

Ordinance & Regulation Committee
Thursday, September 19, 2024 at 5:15 PM
City Hall, 100 E Fountain St, Dodgeville, WI

I. CALL TO ORDER AND ROLL CALL

The Meeting was called to order at 5:15 pm by Chairman Johnson. Present: Johnson, Johnson-Solberg, Meuer

II. APPROVAL OF MINUTES

1. *Approval of Minutes from August 22, 2024.* Motion by Meuer, second by Johnson-Solberg to approve the minutes of August 22, 2024. Voice vote. Motion carried 3-0.

III. OLD BUSINESS

2. *Consideration and possible Council recommendation of amendments to Chapter 12 "Licenses & Permits" of the City of Dodgeville Municipal Code.* Amendments to Chapter 12 continued from the previous meeting. Aulik, Wilhelm and Hagen reviewed various proposals surrounding a new Special Event License that will replace the Entertainment/Street Use permits that currently exist. Also discussed was the permitting of food trucks and associated fees. Aulik stated that the City is now subject to Weights and Measures inspections and would like to recoup DATCP costs (currently \$3K). Hagen presented a model ordinance for Weights and Measures.

Motion by Meuer, second by to recommend to Council the proposed ordinances changes for the Special Event License in 12.05. Voice vote. Motion carried 3-0.

Motion by Johnson, second by Johnson-Solberg to recommend to Council the proposed Food Vending Permit ordinance and to set the application fees at \$200 annual/\$20 day and a forfeiture fee of \$100. Voice vote. Motion carried 3-0.

Motion by Johnson-Solberg, second by Johnson to accept the Weights and Measures ordinance proposal and recommend it to Council. Voice vote. Motion carries.

All Chapter 12 amendments from the Aug 22nd and Sept 19th meeting will move to Council.

IV. OLD BUSINESS

- 3. *Future Ordinance Updates and Next Meeting Date*
Tentative November 21st, 2024
Future Ordinances: Burning Ordinance, Chapter 8

V. ADJOURN

- 4. *Motion to Adjourn.*
Motion by Meuer, second by Johnson-Solberg to adjourn the meeting. Voice vote. Motion carried 3-0.

Sec 12.06 Weights And Measures Regulation

- (a) *Application of State Codes.* Except as otherwise specifically provided in this section, the statutory provisions of Ch. 98, Weights and Measures, Wis. Stats. and Wis. Adm. Code, ATCP 92, Weighing and Measuring Devices, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute or code incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutes incorporated herein or Wis. Adm. Code provisions incorporated herein are intended to be made a part of this section. This section is adopted pursuant to the provisions of Ch. 98, Wis. Stats.
- (b) *Appointment Of Inspectors.* In order to assure compliance with this section, the City hereby grants the authority and duties of sealers and inspectors required by this section to the State of Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (c) *Definitions.*
- (1) “Commercial Weighing or Measuring Devices.” Devices used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure.
 - (2) “Weights and Measures Program.” The program that includes administration and enforcement of this section, Ch. 98, Wis. Stats., and applicable Wis. Adm. Code provisions, and any related actions.
- (d) *Weights And Measures License Required.*
- (1) License Requirements. Except as provided in subs. (d)(2), no person shall operate or maintain any commercial weighing or measuring devices or any other weights and measures or systems and accessories related thereto which are used commercially within the City of Dodgeville for determining the weight, measure or count of commodities or things sold or offered or displayed for sale on the basis of weight, measure or count unless each such device is licensed by an annual weights and measures license issued pursuant to the provisions of this section.
 - (2) Exemptions. Occasional sales temporarily permitted by a special event permit, or sales permitted at the Farmers Market established pursuant to this chapter, or sales permitted by Direct Sellers, Transient Merchants and Solicitors are exempt from licensing under this section.
- (e) *Application For License.* An application for a weights and measures license shall be made in writing on a form provided for such purpose by the City Clerk-Treasurer and shall be signed by the owner of the commercial business, or by its authorized agent. Such application shall state the type and number of weighing and measuring devices to be licensed, the location of the devices, the applicant’s full name and post office address, and whether such applicant is an individual, partnership, limited liability company, corporation or other entity. If the applicant is a partnership, the application shall state the names and addresses of each partner. If the applicant is a corporation or limited liability company, the application shall state the name and address of all officers and agents of the applicant, including the registered agent thereof.
- (f) *Issuance Of License And Fees.* Upon compliance with this section, the City Clerk-Treasurer shall issue a license to the applicant upon payment of an annual license fee as

set forth in Sec. 25.045. Each store or other business location shall require a separate license. The license fee shall not be prorated for a partial year.

- (g) ~~License Term. A license issued under this section shall expire on December 31 of each year~~ *Reserved.*
- (h) *Enforcement For Nonrenewal.* It shall be the duty of the City Clerk-Treasurer to notify the appropriate City officials and to order the immediate enforcement of the provisions of this section in cases involving a failure to renew a weights and measures license. A licensee shall be prohibited from operating or maintaining a weighing or measuring device until such time as a valid license has been obtained under the provisions of this section.
- (i) *Fees Assessment.*
- (1) Annual Assessment. The Council shall annually assess fees to each licensee based on the number and types of weighing and measuring devices licensed as of January 1 of each year. The total of the fees assessed and the fees collected shall not exceed the actual costs of the Weights and Measures Program.
 - (2) Clerk-Treasurer to Prepare Assessment Schedule. The City Clerk-Treasurer shall at least annually prepare a proposed schedule of assessments and the Clerk-Treasurer's proposed schedule shall be submitted to the Council. A copy of the proposed schedule together with notice of the date and time at which the Council will consider the assessments shall be mailed to each licensee.
 - (3) Council Determines Assessment. At least 10 days after such mailing, the Council shall consider the Clerk-Treasurer's proposed schedule of assessments and determine the schedule of assessments on a reasonable basis. The City Clerk-Treasurer shall mail to each licensee an invoice for the amount of the fee assessed to the licensee as determined by the Council and each licensee shall pay the fee assessed within 30 days after the date the invoice is mailed.
 - (4) Failure to Pay Assessment. If the assessed fee is not paid within 30 days of the date of mailing of the invoice, an additional administrative collection charge of 10% of the fee shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid. If the licensee is the owner of the real estate premises where the licensed weights and measures devices are located, any delinquent assessment shall be extended upon the current or the next tax roll as a charge against the real estate premises for current services, as provided in §66.0627, Wis. Stats. No license shall be issued or renewed under this section if the licensee is delinquent in the payment of a fee assessed under this section.
 - (5) Mailing of Notices. Schedules, notices and invoices shall be considered mailed to a licensee when mailed by first class mail, postage prepaid, to the licensee at the licensee's address as shown on the application form.
 - (6) Change of Ownership. If the ownership of a commercial business licensed under this section is transferred during a license year, the owner of the business as of January 1 of the license year shall be liable and responsible for the payment of the fees assessed under this section.

Commented [EH1]: By removing this language the default term in sec. 12.01(g) would apply - July 1 - June 30. We need to switch to this term to comply with law.

Sec 12.12 Mobile Food Vending Permit

(a) Permit Required.

- (1) Any person operating, conducting or managing within the City a mobile food establishment shall obtain a mobile food vending permit, ~~except~~. ~~A~~ a permit shall not be required for:
 - a. At any private party, picnic, event or gathering where the general public is not invited.
 - b. ~~nor~~ When such mobile food vending occurs entirely on private property.
 - c. When mobile food vending occurs at a special event with permission of the Special Event License applicant. A copy of all necessary licenses, permits, certificates, and approvals for the mobile food establishment identified in subsection (c)(1)c. below must be provided to the City Clerk at least five (5) days before the event.
- (2) The permit fee shall be as set forth in Sec. 25.045.
- (3) Each mobile food establishment shall be permitted separately.
- (4) Annual mobile food vending permits shall be issued on the 1st day of May each year or thereafter when applied for, and shall expire on the 30th day of April following its issuance.

(b) Definitions.

- (1) A “Mobile Food Vendor” is the registered owner of a mobile food establishment or the owner’s agent or employee, which offers for sale only personally prepared food for which the vendor is regularly involved in all phases of both the production and the sale of the food. In addition, a vendor may be a corporation, cooperative or partnership; however, the application and permit shall designate a primary individual who is regularly involved in all phases of the production process and who is responsible for the vending operation.
- (2) “Personally Prepared Food.” Personally prepared food is food or beverage produced by the vendor from raw or basic ingredients, changing the nature, form, shape or function. All food sold shall comply with State Health Regulations. In addition, the category ‘personally prepared food’ shall include the following:
 - a. Fruit sold by the piece or in individual-sized portions.
 - b. Condiments and other incidental ingredients given free with personally prepared food.
 - c. Coffee, tea, milk, and commercially produced beverages in containers not made of glass.
 - d. Hotdogs, bratwurst or other sausages, and commercially produced buns.
 - e. Ice cream bars and other pre-portioned frozen treats; soft serve or hard scooped ice cream served by the cone or dish.
- (3) “Mobile Food Establishment” means a restaurant or retail food establishment where personally prepared food is served or sold from a movable vehicle, trailer or cart which periodically or continuously changes location and requires a Service Base to accommodate the unit for servicing, cleaning, inspection and maintenance, or except as specified in the Wisconsin Food Code.
- (4) “Service Base” means an establishment operated under license or permit of an appropriate regulatory authority where food is manufactured, stored, prepared,

Commented [EH1]: Do we want to set a different deadline?

Commented [EH2]: Do we want to require food vending permits at special events or not. The thought is it may cause issues for some of the special events we have. For example, the grilled cheese festival has a lot of vendors, and processing applications for so many vendors could impose a burden on the clerks office. Also requiring the permits for these sorts of events may depress the amount of vendors that attend.

This language excludes vendors at a special event from having to get a permit, but they are still required to provide proof that they are properly licensed through the state.

portioned or packaged, or any combination of these, where such food is intended for consumption at another establishment or place, and where such units are serviced, cleaned, supplied, maintained, and where the equipment, utensils and facilities are serviced, cleaned and sanitized.

(c) *Permit Application Process.*

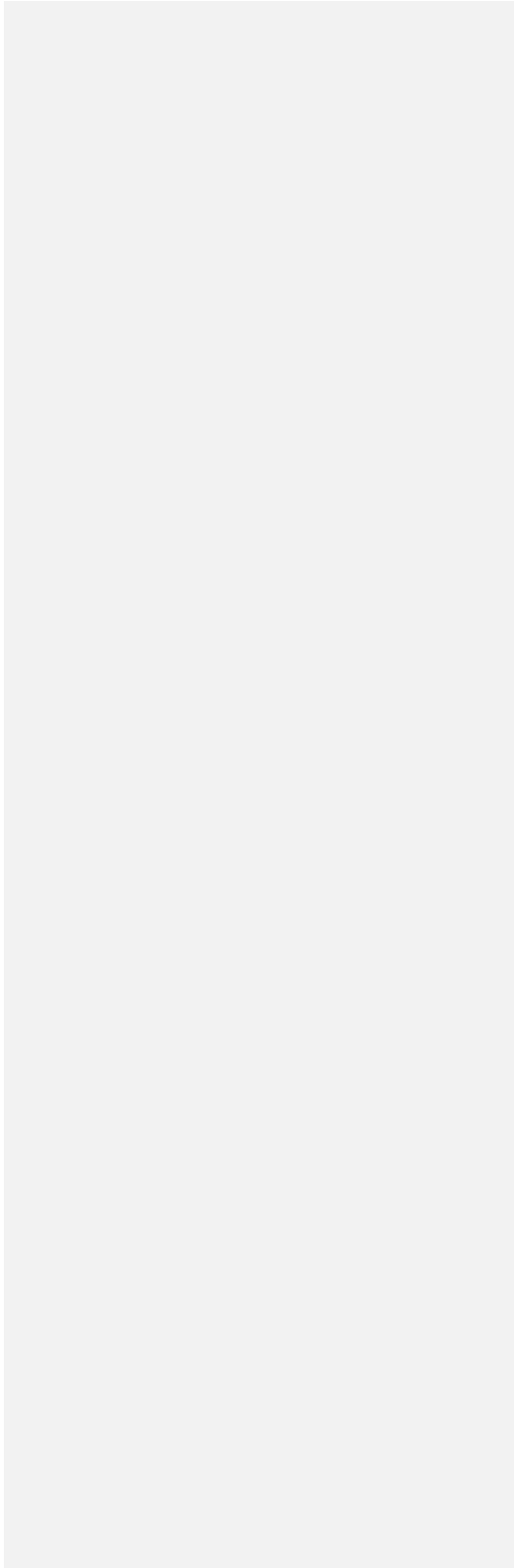
- (1) Application. Any person desiring to operate a mobile food establishment shall apply for a mobile food vending permit. The application for such permit shall be on forms provided by the City Clerk-Treasurer's office and will include all the following:
 - a. The name, signature, and address of each applicant and of each member or officer of a corporate applicant.
 - b. A description, including make, model, VIN number and license plate, of the mobile food establishment.
 - c. A valid copy of all necessary licenses, permits or certificates required by Iowa County and the State of Wisconsin, or any subsidiary enforcement agencies or departments thereof, including but not limited to a valid proof of registration for the vehicle and driver's license for all operators, and documentation of the necessary approvals from the Wisconsin Department of Agriculture, Trade and Consumer Protection for operation as a mobile food vendor.
 - d. Any additional information deemed necessary by the City Clerk-Treasurer to determine if issuance of a mobile food vending license to a particular applicant would be in the best interest of the public.
- (2) Investigation; application denial. Upon receipt of an application for a mobile food vending permit and payment of the proper permit fee, the City Clerk-Treasurer shall notify the Chief of Police of the application and any of these officials or their designee shall make and complete an investigation of the statements made in such application. The City Clerk-Treasurer may refuse to grant the permit if any of the following is determined:
 - a. The application contains any material omission or materially inaccurate statement;
 - b. The circumstances of a pending criminal charge against the applicant substantially relate to the permitted activity.
 - c. The applicant has been convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which substantially relate to the circumstances of the particular job or permitted activity.
 - d. The applicant failed to comply with (c)(1) above.
- (3) Appeal; hearing before Committee. If the City Clerk-Treasurer denies an application for a license, the applicant may appeal within 15 days after the Clerk-Treasurer mails a notice of denial to the applicant. If the applicant files a timely appeal with the Clerk-Treasurer, the Clerk-Treasurer shall schedule an appeal hearing before the Common Council.
- (4) Committee approval; Council action. The Committee may approve any application placed on its agenda only if the applicant is qualified under this

section and may place conditions upon approval. The Common Council shall affirm, reverse, or modify the Committee decision.

- (d) *Areas Of Operation.* Mobile food establishments may operate in all areas except R-1 One- and Two-Family Residential District or R-M Multi-Family Residential. Mobile food establishments may operate in R-1 One- and Two-Family Residential or R-M Multi-Family Residential within a City park pursuant to Subsection (h) herein or at a Special Event with the permission of the Special Event License applicant, pursuant to § 12.05(h) of the City Code.
- (e) *Hours Of Operation.* Mobile food establishments shall only operate between the hours of 6:00 AM and 10:00 PM. Mobile food establishments and other equipment shall only be set up at a place of operation after 6:00 AM, and must be removed by 10:00 PM.
- (f) *Exclusions.* Mobile food establishments shall not be used during times when a Special Event License (§12.05, Ordinances) is in effect in the Areas of Operation and during Hours of Operation, except with the permission of the Special Event License applicant, pursuant to § 12.05(h) of the City Code. Excavation and Openings Permits (§8.03, Ordinances) shall supersede any permit issued pursuant to this section.
- (g) *Right-Of-Way.* No mobile food establishments shall operate within the public right-of-way, including the street or upon the sidewalk, except as follows:
 - (1) at a Special Event with the permission of the Special Event License applicant, pursuant to § 12.05(h) of the City Code.
 - (2) within a City park pursuant to Subsection (h) herein.
- (h) *City Parks.* No mobile food establishments shall operate within a City park without written approval of the location and hours of operation by the Parks Supervisor or their designee. A copy of the written approval shall be kept in the mobile food establishment while operating in a City park. The City reserves the right to withdraw approval of the location and hours of operation of a mobile food establishment for any reason. Mobile food vendors shall comply if asked to leave a park by the Parks Supervisor, Director of Public Works, Chief of Police or their designee.
- (i) *Restrictions And Limitations.* The exercise of a permit pursuant to this section shall be subject to the following restrictions and limitations:
 - (1) Noise levels emanating from the vending site shall be kept to a minimum, and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants, and customers. No sound amplification shall be allowed. Vendors utilizing an enclosed mobile food establishment may use amplification inside an enclosed mobile food establishment only, and any music or other audio shall be kept to a volume such that it cannot be heard outside of the mobile food establishment beyond the first customer in line at the window or service area.
 - (2) All mobile food establishments and vending equipment, including carts, tables, apparatus and merchandise shall be removed from the streets, sidewalks, or other vending location during times when vending is prohibited.
 - (3) All mobile food establishments and equipment used at the vending site shall be in a clean, sanitary, hazard-free condition and maintained in a presentable appearance and in good repair, without noticeable holes or other structural defects. Visible exterior surfaces shall be maintained so as to prevent chipping, cracking or other deterioration of the paint or exterior surface.

- (4) A vendor shall be present within the vending site at all times during which items are displayed or sold, except that a vendor may leave his or her vending site unattended during lawful vending hours for a maximum of ten (10) minutes.
 - (5) Generators must operate at 60 decibels or lower when measured from the building front nearest to the permittee.
 - (6) No vendor shall drive or permit another to drive a motor vehicle upon any sidewalk area for the purpose of depositing mobile food establishments or other equipment thereon. This prohibition does not apply to permanent or temporarily established driveways.
 - (7) No vendor shall use electric hook ups or power outlets from any property without permission from the owner or occupant of the property.
 - (8) No service from a mobile food establishment shall be allowed onto the street side of the mobile food establishment except when:
 - a. the street is in use for a Special Event (§12.05, Ordinances);
 - b. the street is closed to vehicular traffic.
 - (9) A mobile food establishment located upon a sidewalk shall be placed not less than 5 feet from a building. A minimum 5-foot path for pedestrian traffic shall be maintained at all times, and the vendor shall manage its queue so that pedestrian traffic on the sidewalk is not impeded.
 - (10) Seating for customers is not allowed.
 - (11) No moving or flashing lights are allowed.
 - (12) No alcohol shall be served.
 - (13) Each permittee shall furnish at its location of operation a garbage can not less than 30 gallons in size. Garbage shall not be allowed to accumulate as litter, and full garbage cans shall be emptied as needed throughout the hours of operation. No garbage shall be deposited in municipal waste containers by a permittee. Prior to leaving a site after operation, a permittee shall inspect and pick up all garbage, litter, refuse, and food within 50 feet.
 - (14) A mobile food establishment shall be located no less than 100 feet from the nearest edge of any building or section of a building comprising a licensed food establishment, the kitchen of which is open for serving food to patrons. This restriction may be waived if the most recent application for a mobile food vending permit was submitted together with the written consent of the proprietor of the adjacent licensed food establishment.
 - (15) Nothing in this section shall be deemed to supersede or repeal any ordinance relating to noise, park closing hours, or parking, except as specifically provided in the section. Vendors will take every precaution to ensure that their operations do not materially affect the peace and welfare of the general public nor cause any unreasonably loud, disturbing and unnecessary noise or any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or which is the disturbance of public peace and welfare.
- (j) *Violations And Penalties.*
- (1) Any person violating any provision of this section shall be subject to a penalty as provided in § 25.04 of the City Code.
 - (2) The Police Department and Department of Public Works shall have concurrent authority to remove or cause the removal of any mobile food establishment,

vending equipment, or merchandise found on the street, sidewalk, terrace, or other vending location in violation of any regulations established pursuant hereto. In addition to any forfeiture, the violator shall be liable for any removal, towing and storage charges incurred by either department.



Sec 12.15 Tourist Rooming Houses

(a) *Purpose.* The purpose of this Section is to ensure that the quality of tourist rooming houses operating within the City of Dodgeville are adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators and property managers offering these properties for tourists, to protect the character and stability of all areas within the City of Dodgeville; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

(b) *Definitions.*

(1) Interpretation. For the purpose of administering and enforcing this Section, the terms or words used herein shall be interpreted as follows:

- a. Words used in the present tense include the future.
- b. Words in the singular number include the plural number.
- c. Words in the plural number include the singular number.

(2) For purpose of this Section, the following definitions and conditions apply unless specifically modified:

- a. *Bathroom.* Full Bath.
- b. *Bed and Breakfast Establishment.* Any place of lodging that provides eight (8) or fewer rooms for rent to no more than a total of twenty (20) tourists or other transients for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
- c. *Clerk.* The City Clerk of the City of Dodgeville, or designee.
- d. *Dwelling Unit.* One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person, or two (2) or more persons maintaining a common household, to the exclusion of all others. Dwelling Units include tourist rooming house rental units.
- e. *License.* The resident agent license issued under subsection (e).
- f. *Owner.* The owner or lessee of a premises used as a tourist rooming house.
- g. *Permit.* An individual tourist rooming house permit issued under subsection (d)
- h. *Person.* Shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in this Section prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for a violation.
- i. *Resident Agent.* Any natural person appointed by the owner of a tourist rooming house to act as agent on behalf of the owner.
- j. *Tourist Rooming House.* Any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourists or transients for a period of less than thirty (30) consecutive days. Houses,

cabins, and/or condominium units operated by a hotel, motel or resort are not tourist rooming houses under this Section.

(c) *Operation of Tourist Rooming Houses.*

- (1) Permit Required. No person may operate a tourist rooming house without a permit. Every tourist rooming house shall have a licensed resident agent, as set forth in this Section.
- (2) Licenses and Permits. Each tourist rooming house is required to have the following licenses and permits:
 - a. A State of Wisconsin Department of Agriculture, Trade and Consumer Protection license for a tourist rooming house;
 - b. A seller's permit issued by the Wisconsin Department of Revenue;
 - c. A Room Tax Permit issued pursuant to Section 3.13 of this Code;
 - d. A Tourist Rooming House Permit issued pursuant to the provisions of this Section;
 - e. A Resident Agent License issued pursuant to the provisions of this Section.
- (3) Exemptions. The following operations are exempt from complying with the requirements of this Section:
 - a. A private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.
 - b. A hotel, motel, or resort license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection, pursuant to Wis. Stat. Sec. 97.605.
 - c. Bed and breakfast establishments.

(d) *Tourist Rooming House License.*

- (1) Issuance. The Clerk shall issue an original tourist rooming house permit to all applicants following the approval of an application by the Common Council and the filing of all documents and records required under this Section.
- (2) Access. A licensed resident agent must be authorized by the owner to allow City employees, officers, and their designees, to enter the owner's property for purposes of inspection and enforcement of this Section and/or the City Code.

(e) *Resident Agent License.*

- (1) Appointment. All tourist rooming houses are required to appoint a licensed resident agent for the receipt of service of notice of violation of this Section's provisions and for service of process pursuant to this Section. Such a designation shall be made by the owner and shall accompany each application form. Said applicant shall notify the Clerk within thirty (30) days of any change in residence or information regarding the resident agent. An owner, who is a natural person, may appoint themselves as resident agent provided they meet the requirements for a license under subsections (2)(b) through (d) below.
- (2) Requirements. To qualify for a license the person must meet the following requirements:
 - a. Be a natural person residing in or within fifty (50) miles of the City of Dodgeville.
 - b. The applicant does not have pending any criminal charge and has not been convicted of a felony or misdemeanor of any offense involving dishonesty,

Commented [EH1]: Do we want to require them to live within 50 miles? Idea is that we want them close enough that they can provide access to the City if needed.

fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, or sexual immorality under Wis. Stat. Ch. 944 as amended, subject to the provisions of section 111.335 of the Wisconsin Statutes.

- c. The applicant is authorized by the owner to accept service of process for all City communications, citations and orders.
- d. The applicant is authorized by the owner to respond to and correct any violations of any ordinance violation.

- (3) Resident Agent License. Application for a license, and payment of the applicable fee, shall be filed with the Clerk, who shall issue the license to all qualified applicants. Each license shall be for a period of one (1) year commencing on July 1, or the date of issuance, and shall expire on June 30 of each year. No fee is required for the owner of a tourist rooming house who is serving as resident agent.

Commented [EH2]: Currently have the clerk issuing the resident agent license on their own. Do we want to do this or have another official or body approve.

Commented [EH3]: Is this term ok?

(f) *Procedure.*

- (1) Forms. All applications for a permit shall be filed with the Clerk on forms provided. Applications must be filed by the property owner or the on the owner's behalf by the resident agent. Each applicant shall certify to the City that the tourist rooming house included in the permit is in compliance with the provisions of this Section. No permit shall be issued unless the completed application form is accompanied by payment of the required fee.
- (2) Requirements. Each application shall include the following information and documentation for each tourist rooming house unit:
 - a. State of Wisconsin Department of Agriculture, Trade and Consumer Protection license for a tourist rooming house issued pursuant to Wis. Stat. sec. 97.605.
 - b. A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of issuance or renewal.
 - c. The Wisconsin Department of Revenue Seller's Permit.
 - d. Proof of insurance showing coverage in amounts at least as required by subsection (k) below.
 - e. Floor plan and requested maximum occupancy.
 - f. Site plan including available onsite parking.
 - g. Designation and authorization of the licensed registered agent.
 - h. Certification from the owner or licensed registered agent that the property meets the requirements of subsection (k) below.
 - i. Applications for renewal permits filed by a licensed registered agent are not required to include the documentation for each individual unit for items listed in subsections c., d., e., f., and g., unless the information on the renewal application has changed.
 - j. A fire inspection report pursuant to subsection (g) or (h) below (as applicable) showing no violations of the City Code or any applicable state or federal regulation.
- (3) Terms and Filing Date. Each permit and license shall run from July 1st, or the date of issuance, through June 30th of each year. All applications must be filed on or before May 1st. The filing fee shall be paid upon filing of the application. The

Commented [EH4]: Is this term ok?

Clerk may conditionally accept late applications, subject to payment of the late filing fee. Any application which does not include all the information and documentation shall not be considered as complete.

- (4) Application Review Procedure. When satisfied that the application is complete, the Clerk shall forward initial applications for permits to the Building Inspector for review. The Building Inspector shall consider the application and supporting documents. If the Building Inspector determines that the application meets the requirements of this Section the Building Inspector shall forward the application to the Common Council for approval. If the Building Inspector determines that the application does not meet the requirements of this Section, the Building Inspector shall deny the application. Any denial by the Building Inspector shall be in writing setting forth the reasons for the determination.
- (5) Common Council Review. The Common Council shall consider the application and recommendation of the Building Inspector at its next scheduled meeting. The Common Council may approve or deny the application. Any denial by the Common Council shall be in writing setting forth the reasons for the determination.
- (6) Information on Permit. The Clerk shall issue a permit for each tourist rooming house approved by the Common Council. The permit shall include the following information:
 - a. Identify the Owner;
 - b. Identify the licensed resident agent with contact information;
 - c. The maximum occupancy for the premises;
 - d. The permit term;
 - e. State lodging license number; and
 - f. Contact information for the City.
- (7) Fire Inspection Report Required. No permit shall be issued or renewed unless there is filed with the Clerk a completed Fire Inspection Report by the City Fire Inspector dated not more than one (1) year before the date of issuance or renewal.
- (8) Outstanding Fees, Taxes, or Forfeitures. No permit or license shall be issued or renewed if the applicant or property has outstanding fees, taxes, or forfeitures owed to the City, unless arrangements for payment have been approved by the Common Council.

Commented [EH5]: Currently have the building inspector handling review. We could use a different official or even kick it to a committee, board, or commission (like the plan commission).

Commented [EH6]: Do we want Common Council to have to approve the permits? We could delegate this to another official, board, committee, or commission. Denials could still be appealable to council.

Commented [EH7]: Any other information?

(g) *Renewal.*

- (1) Application. Each application for a renewal of a permit or license shall include updated information for the documentation on file with the Clerk and payment of the applicable fee. The Clerk shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Section. The Clerk shall request reports from the Police Department, Building Inspector, and the Zoning Administrator regarding any complaints received, calls for service or actions taken regarding the permitted properties. The Clerk shall issue renewal licenses within ten (10) days of filing the application unless the information provided is incomplete or otherwise not in compliance with the requirements of this Section and/or the reports from the Police Department, Building Inspector, and the Zoning Administrator indicate that there are complaints or actions involving the property.

Commented [EH8]: Any other officials we want reports from? Basically looking for any violations/issues that would give us a reason to deny.

- (2) **Building Inspector Review.** If the Clerk finds that the license or permit should not be renewed, or that the application should be considered by the Building Inspector, the Clerk shall forward the application to the Building Inspector for action along with a written explanation of the reason for the referral. Upon referral to the Building Inspector the procedures set forth in subsection (f)(4) above shall apply.
- (3) **Fire Inspection Report Required.** No permit shall be issued unless there is filed with the Clerk a completed Fire Inspection Report by the City Fire Inspector dated within one (1) year of the issue date.
- (4) **Outstanding Fees, Taxes, or Forfeitures.** No permit or license shall be issued or renewed if the applicant or property has outstanding fees, taxes, or forfeitures owed to the City, or is under an order issued by the Building Inspector or Zoning Administrator, or their designee, to bring the premises into compliance with City ordinances, unless arrangements for payment have been approved by the Common Council.
- (h) **Inspections.**
- (1) **Units.** Each separate unit which is offered for rental as a tourist rooming house is required to be inspected annually by the City Fire Inspector.
- (2) **Suspension of Operations.** If the City Fire Inspector at any time is unable to conduct an inspection due to denial of access, or an inspection occurs which determines one or more violations of any applicable law or regulation exists, the tourist rooming house shall not operate until it has passed the inspection.
- (i) **Display of Permit, License.** Each permit and license shall be displayed on the inside of the main entrance door of each tourist rooming house.
- (j) **Nontransferable License or Permit.** Any license or permit issued under this Section is nontransferable. The holder of any permit or license shall notify the Clerk in writing of any transfer of the legal control of any property covered by the permit or license.
- (k) **Requirements for Tourist Rooming Houses.** Each tourist rooming house shall comply with this Section's requirements and any other applicable City ordinance, and state and federal law and regulation. Failure to do so constitutes a public nuisance, which may be abated pursuant to Sec. 10.07 of the City Code. Each tourist rooming house shall comply with the following minimum requirements:
- (1) A safe unobstructed means of egress leading to safe, open space at ground level.
- (2) Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code.
- (3) Shall not have an accessible wood burning fireplace unless the owner provides a certificate from a licensed commercial building inspector, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.
- (4) Shall not have a hibachi, gas-fired grill, charcoal grill, or similar devices used for cooking, heating, or any other purpose on any balcony, deck or under any overhanging structure or within ten (10) feet of any structure.

Commented [EH9]: Again, do we want the building inspector to be the initial reviewer or a different official, board, commission, or committee.

Commented [EH10]: Any other requirements?

- (5) The owner shall carry casualty and liability insurance issued by an insurance company authorized to do business in this State by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than three hundred thousand dollars (\$300,000) per individual and one million dollars (\$1,000,000) aggregate.
- (6) As a condition of issuance of a permit under this Section, the owner shall certify that the property is in compliance with the terms and conditions of the permit and all applicable ordinances, regulations, and laws.
- (l) *Fees.* The amount for the following fees shall be as set forth in sec. 25.045 of the City's Code:
- (1) Original Tourist Rooming House Permit fee
 - (2) Renewal Tourist Rooming House Permit fee
 - (3) Late fee
 - (4) Resident Agent License fee
 - (5) Fire Inspection fee
- (m) *Penalties.* The following penalties shall be assessed for violations of this Section:
- (1) A violation of Subsection (c) shall be punishable by a forfeiture as set forth in sec. 25.04 of the City's Code for each violation committed hereunder. In addition, the owner and/or the property shall be ineligible to operate as a tourist rooming house for a period of twelve (12) months from the date of entry of judgment.
 - (2) Any other violation of any provision of this Section shall be punishable by a forfeiture as set forth in sec. 25.04 of the City's Code for each violation committed hereunder.
 - (3) A violation of Subsection (k) may result in the suspension of the permit or the license as it applies to the property involved.
 - (4) Each day a violation exists after receiving a notice of violation shall constitute a separate violation of this Section.
 - (5) In addition to the penalties set forth above, failure to permit the inspection of a premises subject to this Section by the Zoning Administrator, Building Inspector or Fire Inspector, or such person's designee, may result in the suspension of a permit or license.
 - (6) Penalties set forth in this Section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this Section or otherwise.
- (n) *Enforcement.* The provisions of this Section shall be enforced by the Zoning Administrator, Building Inspector, Police Department, or Fire Inspector, or their designees. It shall be the duty of the Building Inspector, Zoning Administrator, or the Fire Inspector, or their designees to conduct inspections and investigate complaints of violations of this Section and/or the existence of a nuisance.

Commented [EH11]: We'll want to consider what these fees should be.

Commented [EH12]: We'll want to consider what the forfeitures should be.

Commented [EH13]: Any one else that should be enforcing this?

Sec 9.06 Loud And Unnecessary Noise Prohibited

- (a) *General.* No person shall make or cause to be made any **unreasonably** loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.
- (b) *Public Address Systems and Amplifiers.* No person shall use or operate any P.A. system, amplifier or device which increases the volume of voice, music or other sounds **tending to unreasonably so loud as to** disturb the public peace or the quiet and peacefulness of **persons in the surrounding of the** neighborhood.
- (c) *Construction and Machinery Noise.* ~~Except for City employees,~~ **Between the hours of 10:00 p.m. and 6:00 a.m. no person shall do construction work or operate any chain saw, lawn mower or any other loud machinery of a similar nature. This subsection shall not apply to equipment or machinery being used for snow removal purposes, for City employees, or for emergency removal of debris caused by accident, weather conditions or other acts of God.**
- (d) *Exceptions.*
 - (1) A Noise Permit for an exception to this ordinance may be granted by the Police Department upon written request provided to the Police Chief or designee at least fourteen (14) days prior to the event that will cause noise. On Noise Permit may be granted for multiple days. The Police Chief or designee shall consider granting the Noise Permit based on the following:
 - a. The location of the noise
 - b. The purpose for the noise
 - c. Length of time the noise will be occurring
 - d. How many people the noise will impact
 - e. Whether the public health, safety, or welfare is harmed
 - f. Whether the noise impact outweighs the benefit to the public.
 - (2) The City of Dodgeville is exempt from requiring a Noise Permit as required by subsection (1) above.

Commented [EH1]: Added to provide some sort of standard.

Commented [EH2]: Added to clarify the standard.

Commented [EH3]: Exclude snow removal, city employees, and emergency removal of debris from this subsection.

Commented [EH4]: Wondering if we want to consider including this language so the police can issue noise permits that allow someone to do something that would otherwise violate this section.

(a) *Open burning.*

- (1) In this section, "open burning" means the process of burning any materials where the products of combustion are emitted directly into the open air without going through a chimney or stack.
- (2) Except as provided in subsections (b) and (c), open burning is prohibited in the Village of Deerfield without a burning permit issued and signed by the village administrator and approved by the fire chief of the Deerfield Volunteer Fire Department, Inc., or his or her designee, pursuant to this section.
- (3) Unless explicitly authorized in an open burning permit issued pursuant to this section, the burning of construction or demolition debris, yard waste, brush, or garbage is strictly prohibited. The burning of hazardous or toxic materials is strictly prohibited.
- (4) Any person open burning pursuant to this section, whether by permit or otherwise, shall comply with the following restrictions:
 - a. Fires must be attended at all times by a responsible adult.
 - b. A fire extinguisher, garden hose, or other method of fire control must be readily available.
 - c. Smoke cannot create a hazard or a nuisance, as determined in the sole discretion of the fire chief.
 - d. A fire must be completely extinguished before the fireplace, pit, grill, or other burn site is left unsupervised.
 - e. A fireplace, pit, charcoal grill, or other burn site shall not be used on any combustible deck, porch, or patio.
 - e. A fireplace, pit, charcoal grill, or other burn site shall not be used in high winds or located within 15 feet of a building, structure, lot line, or combustible materials.
 - f. Gasoline or other flammable liquid cannot be stored or used in the vicinity of a fireplace, pit, charcoal grill, or other burn site.

(b) *Open burning with permit.*

- (1) The village administrator shall grant open burning permits as provided in this subsection (b).
- (2) A person must apply to the Village of Deerfield for an open burning permit in the manner directed by the village administrator. The village administrator shall review an application for an open burning permit and consult with the fire chief prior to granting the permit.
- (3) An open burning permit may be granted only for bonfires, ceremonial campfires, alternative landscape burning, and Deerfield Volunteer Fire Department, Inc. practice and training as provided in this subsection.

(4) An open burning permit contains the following minimum conditions:

- a. An open burning permit is valid for one day only.
- b. Burning is restricted to daylight hours, unless otherwise specified on permit.

(5) The village administrator or fire chief, in their sole discretion, may impose additional conditions on the permit to protect the health, safety, and welfare of the public.

(6) The open burning of construction or demolition debris, yard waste, brush, or garbage may be permitted only if the fire chief deems it necessary for the purposes of practice and training of the Deerfield Volunteer Fire Department, Inc.

(c) *Open burning allowed without permit.*

(1) *Below grade outdoor fireplaces.* Open burning is permitted in a below grade outdoor fireplace under the following circumstances:

- a. The below grade outdoor fireplace must include a metal bowl for holding wood not to exceed eight square feet and a cover available to extinguish the fire that can completely enclose the surface of the metal bowl.
- b. The below grade outdoor fireplace must have a spark screen to cover the bowl or pit to contain embers and sparks.
- c. Only dry wood may be burned.

(2) *Commercial manufactured outdoor fireplaces.* Open burning is permitted in a commercial manufactured outdoor fireplace under the following circumstances:

- a. Commercial manufactured outdoor fireplaces are devices constructed and sold for the primary purpose of containing an outdoor recreational fire.
- b. The fireplace must include a metal bowl or pit for holding wood and have a spark screen to cover the bowl or pit to contain embers and sparks.
- c. If the fireplace is a clay fireplace, also known as a chiminea, the bowl or pit may be made of clay, and it must have a spark arrester on the flue and a spark screen to cover the opening.
- d. The bowl or pit shall not exceed eight square feet in surface area.
- e. The fireplace must be used in accordance with all of the manufacturer's safety requirements.
- f. The fireplace must be used on a stable and level surface.
- g. Only dry wood may be burned.

(3) *Certain cooking devices.* Liquid petroleum (LP) gas- and natural gas-fueled grills or cooking devices, charcoal grills, and electric grills may be used to cook food without a permit under the following circumstances:

- a. Must be used in accordance with all of the manufacturer's safety requirements.
- b. Electric grills may be used and stored on balconies, porches, and decks, including within 15 feet of any structure, if designed for such use and all recommended or necessary safety precautions and guidelines are followed.
- c. An LP gas- and natural gas-fueled grill or cooking device may be used and stored on ground level balconies, porches, and decks, including within 15 feet of any structure, if the grill or cooking device is designed for such use and all recommended or necessary safety precautions and guidelines are followed in the use and storage of the cooking device.
- (d) *Fire chief may prohibit.* The fire chief or designee may prohibit open burning when atmospheric conditions or local circumstances make such fires hazardous.
- (e) *Burning on streets prohibited.* No materials may be burned upon any street, curb, gutter, sidewalk, or terrace way.
- (f) *Liability.* Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his or her fire.
- (g) *Enforcement.* It shall be the responsibility of the fire chief, or his or her designee to enforce this section of the Deerfield Code. Any village of Deerfield law enforcement officer may also enforce this section of the Deerfield Code.
- (h) *Penalties.* In addition to the penalties and remedies provided for in section 1-7 of the Deerfield Code, any person who violates any provision of this section shall be fined not less than \$187.00 and not more than \$1,000.00 per occurrence in addition to applicable court costs and in addition to any applicable state or federal fines or penalties.

(Ord. No. 2023-03, Pt. 2, 10-9-2023)

Village of Sauk City, WI
Tuesday, March 4, 2025

Chapter 120. Burning, Open

[HISTORY: Adopted by the Village Board of the Village of Sauk City at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. **165**.

Nuisances — See Ch. **224**.

§ 120-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BONFIRE

A large, open fire kindled and maintained to mark a public event, celebration or similar occurrence which only uses dry, untreated and unpainted wood as the burning material.

BURNING

The kindling or maintaining of a fire that has hot ashes or cinders or is giving heat, or still glowing or giving light, or a fire that is still smoldering or giving off smoke, or a fire that has not been completely extinguished.

OPEN BURNING

Burning done outside of a building.

RECREATIONAL FIRES and COOKING FIRES

Open burning for outdoor recreation, warming or cooking purposes in an enclosure designed specifically for ember and flame containment, excluding a barrel, such as rocked-in pits, fireplaces, or barbecue grills which use only charcoal, propane gas or dry, untreated and unpainted wood as the burning material and which satisfy the conditions set forth in § **120-3**.

§ 120-2. Permit required; conditions.

No person shall kindle or maintain any open fire (except as permitted in § **120-3**) without first obtaining a permit from the Fire Department, and each such permit shall be subject to the conditions set forth in this section.

- A. The hours of open burning shall be restricted to during the hours between 8:00 a.m. and 10:00 p.m., and when wind speed is not greater than five miles per hour, unless otherwise expressly authorized by the Fire Department. During all other hours and times, all burning authorized under this section shall be completely extinguished.
- B. No burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban.
- C. Only untreated and unpainted wood which is suitable for burning shall be used as the burning material.

- D. No burning shall be kindled or maintained on or within any street, sidewalk, tree bank, alley, parking lot, drainage ditch, park, public place or public right-of-way, unless otherwise expressly authorized by the Fire Department.
- E. The fuel for igniting such burning shall consist of dry material or commercially available products designed for lighting fires.
- F. All such burning shall be constantly supervised and personally attended by a responsible adult until the fire is completely extinguished. The person in charge of the fire shall have fire-extinguishing equipment or materials available at all times and easily accessible for immediate use.
- G. Burning, under this section, shall not be kindled or maintained in a barrel.
- H. Whenever burning is undertaken in a pile, the maximum size of the burning materials shall be four feet in diameter, measured horizontally, and three feet measured vertically, and the pile of material being burned shall be at least 15 feet away from any combustible material, combustible wall or partition, exterior window opening, exit access or exit and at least 15 feet from a property line, unless otherwise expressly authorized by the Fire Department.
- I. No burning shall be maintained so that flames exceed four feet in height.
- J. No burning shall be kindled or maintained so as to cause a public nuisance, such as allowing soot, ash or smoke to travel beyond property lines.
- K. All such burning shall be conducted on a noncombustible surface.

§ 120-3. Recreational fires and cooking fires.

Recreational fires and cooking fires shall be exempt from the conditions set forth in § 120-2; provided, however, that recreational fires and cooking fires shall comply with each of the following conditions:

- A. Burning, under this section, shall not be kindled or maintained in a barrel.
- B. No recreational or warming fire shall be kindled or maintained on or within any public street, sidewalk, tree bank, alley, parking lot, drainage ditch or right-of-way.
- C. No burning shall be maintained such that the flames exceed four feet in height.
- D. No burning shall be maintained so as to cause a public nuisance, such as allowing soot, ash or smoke to travel beyond property lines.
- E. Except for barbecue, gas, and charcoal grills, any other burning receptacle, enclosure or pit shall be no greater than 36 inches in diameter at its greatest width.
- F. All such burning shall be constantly supervised and personally attended by a responsible adult until the fire is completely extinguished. The person in charge of the fire shall have fire-extinguishing equipment or materials available at all times and easily accessible for immediate use.
- G. Except for barbecue, gas, and charcoal grills, no burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban.
- H. Whenever a portable fireplace or grill is located on a combustible surface, such as a wooden patio or deck, a noncombustible material shall be placed under and around the fireplace or grill for a distance of at least 24 inches on each side thereof.
- I. Except for barbecue, gas, and charcoal grills, no such burning shall be undertaken within 15 feet away from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Department.

- J. Regardless of type or size, no barbecue, gas, charcoal or electric grill, or any other receptacle, shall be stored or used or be closer than 15 feet to a building with three or more dwelling units.

§ 120-4. Outdoor wood stoves.

It is unlawful to construct, maintain or use a wood stove or other enclosure or structure for burning wood which is attached in any manner, either above ground or below ground, to a residential structure or other building for the purpose of heating the same within the Village limits of the Village of Sauk City. Any such wood stove shall be dismantled and removed from any lot within the Village limits of the Village of Sauk City. Any individual or business entity found to be in violation of this section shall be subject to a forfeiture in an amount not less than \$100 per day for each day of a violation of this section.

§ 120-5. Bonfires.

No person shall kindle or maintain any bonfire without first obtaining a permit from the Fire Department, and each such permit shall be subject to the conditions established by the Fire Department.

§ 120-6. Burning of certain materials prohibited.

No person shall kindle or maintain open burning where the burning material is recyclable in any form, including but not limited to paper products, recyclable cardboard, rubbish, garbage, trash, refuse, painted wood, or pressure-treated lumber, and/or any material made of in whole or in part or coated with rubber, plastic, leather or petroleum-based materials, and/or products containing flammable materials.

§ 120-7. Exemptions.

The following fires for burning shall be exempt from the provisions of §§ **120-2** and **120-3**:

- A. Fires conducted inside of a building, including but not limited to fireplaces and incinerators.
- B. Fires conducted to remove frost from the ground by public utility companies, Village employees, and cemeteries.
- C. Small open flames for welding, acetylene torches, safety flares, heating tar or similar applications.
- D. Fires conducted for training or instruction of fire fighters or for the testing of fire equipment by the Fire Department.
- E. Any fire expressly authorized in writing by the Fire Chief. A permit issued by the Fire Chief shall be subject to the conditions established by the Fire Department.

§ 120-8. Emergency regulations.

The Fire Chief may, when necessary, declare an "Emergency Condition of Fire Hazard" for a specified period of time, and during such time no burning shall be permitted unless done or controlled by the Fire Department. In addition, during such declared fire emergency period, the Fire Chief may prohibit the use of the following:

- A. Fireworks as defined by § 167.10(1), Wis. Stats.
- B. Any of the items included under § 167.10(1)(e), (f), (i), (j), (k), (l), (m) and (n), Wis. Stats.
- C. Any other device that may pose a fire hazard.

§ 120-9. Enforcement.

The Fire Chief, Fire Inspector, and police officers of the Village shall be authorized to enforce the provisions of this chapter.

§ 120-10. Contents of burning permit; fee.

- A. Burning permits shall include the name of person requesting the permit, date, time, location of open burning fire, and conditions.
- B. The permit fee shall be as set by the Village Board.
- C. A permit is required for each separate day of burning.

§ 120-11. Recovery of abatement costs.

The Village has determined that a violation of this chapter creates a public nuisance or a hazard to the public safety. Therefore, in addition to any other penalty imposed by this Code for a violation of this chapter, if the Fire Department is dispatched to a fire caused as a result of any act, omission, condition, or thing that constitutes a violation of this chapter, the person causing, permitting, or maintaining such occurrence may be charged a fee to cover the cost for responding to such public nuisance. Any such fee shall be charged as set forth in the Sauk Fire District Official Fee Schedule. The charge shall be collected as a debt, and if the charge is not paid within 30 days of the date of billing, an administrative collection charge of 10% of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid. If the owner of the property where the public nuisance occurred caused, permitted, or maintained such public nuisance, such charge shall be extended upon the current or next tax roll, to the extent allowed by law.

discovered all fire code violations or all fire hazards or that this report contains a complete list of all fire code violations existing on the property inspected herein.”

- (8) **LICENSE OR PERMIT WITHHELD.** No license shall be granted or renewed for the operation of any trade, profession, business or privilege for which a license is required by any provisions of this Code nor shall any occupancy permit under Chapter 14 of this Code be issued for any property that contains any outstanding violation of this section.
- (9) **VIOLATION AND PENALTY.** Any person who violates, disobeys, neglects, omits or refuses to comply with, or resists the enforcement of any of the provisions of this section shall be subject to a penalty as provided in SPS 314 Adm. Code and/or §25.04 of this Code.

5.08 GUNPOWDER. (Renumbered only 2543 03/03/20) No person shall keep or store more than 10 pounds of gunpowder at any place within the City without the written permission of the Fire Chief. Any dealer permitted to keep at his place of business in excess of 10 pounds of gunpowder shall not keep more than 200 pounds at any one time, and such gunpowder shall be kept in a safely constructed box painted yellow with the word "POWDER" printed or painted thereon in black letters not less than 5 inches in height and equipped with handles so that the same may be readily moved in case of fire, and such box shall be kept in such part of the dealer's place of business as may be directed by the Fire Chief.

5.09 DYNAMITE. (Renumbered only 2543 03/03/20) No person shall keep or store within the City any nitroglycerine, dynamite, giant powder or other explosives more violent than gunpowder without the written permission of the Fire Chief or otherwise than in accordance with the conditions prescribed in such permission as granted and in no case shall more than 50 pounds of any such explosive be stored or kept within 300 feet of any dwelling or other occupied building. The Fire Chief may direct the placement and the manner of keeping the same and the precautions to be observed in connection therewith.

5.10 TRAFFIC LAWS APPLY TO VOLUNTEERS. (Renumbered only 2543 03/03/20) All firefighters, when responding to an incident call in a private vehicle, shall comply with all traffic regulations.

5.11 EMERGENCY ALARM SYSTEMS. See §12.14 of this Code. (1833 09/26/95, Renumbered only 2543 03/03/20)

5.12 RESERVED (2543 03/03/20)

5.13 REGULATION OF BURNING. (193 04/14/98, 2543 03/03/20)

(1) **OPEN BURNING PROHIBITED.**

- a. Except as otherwise provided in this Section, no person shall burn or cause to be burned any leaves, grass, wood, rubbish, waste, recyclable paper products, recyclable cardboard, painted wood, pressure treated lumber, and/or any material made of in whole or in part or coated with rubber, plastic, leather or petroleum based materials, and/or products containing flammable materials or other combustible material.
- b. An Open Burning Permit may be issued by the Fire Chief or designee for prescribed vegetation management purposes subject to reasonable conditions to mitigate fire hazards. The fee for an Open Burning Permit shall be as set forth in the City's Official Fee Schedule, §1.90, as set by the Common Council. Applications for a permit must be submitted to the City Clerk at least seven (7) calendar days prior to the burning. Supervision and inspection costs shall be billed to the owner of the property upon which supervision or inspection is required. Open Burning Permits shall apply to individual parcels or occupancies and are not transferable from person to person, parcel to parcel or occupancy to occupancy; however, Open Burning Permits may encompass multiple parcels under common ownership if part of a common vegetation management project.

(2) **REGULATION OF RECREATION FIRES AND COOKING FIRES.** Recreational fires and cooking fires are permitted so long as they comply with each of the following conditions:

- a. Burning, under this subsection, shall not be kindled or maintained in a barrel.
- b. No burning shall be kindled or maintained on or within any street, sidewalk, treebank, alley, parking lot, drainage ditch or public right-of-way.
- c. No burning shall be maintained such that the flames exceed four feet in height.
- d. No burning shall be maintained so as to cause a public nuisance prohibited by Ch. 10 of the Code.

- e. Except for barbecue, gas, and charcoal grills, any other burning receptacle, enclosure or pit shall be no greater than 30 inches in diameter at its greatest width.
 - f. All such burning shall be constantly supervised and personally attended by a responsible adult until the fire is completely extinguished. The person in charge of the fire shall have fire extinguishing equipment or materials available at all times and easily accessible for immediate use.
 - g. Except for barbecue, gas, and charcoal grills, no burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban.
 - h. Whenever a portable fireplace or grill is located on a combustible surface, such as a wooden patio or deck, a non-combustible material shall be placed under and around the fireplace or grill for a distance of at least 24 inches on each side thereof.
 - i. In relation to one and two family dwellings, except for barbecue, gas, and charcoal grills, no such burning shall be undertaken within 15 feet of any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief. (2353 01/25/11)
 - j. In buildings with three or more dwelling units, no burning shall be undertaken within 25 feet of any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief. (2118 05/27/03, 2353 01/25/11)
 - k. In buildings with three or more dwelling units, regardless of type or size, no barbecue, gas, charcoal or electric grill, or any other burning receptacle shall be stored or used on balconies above the first floor, under any overhangs or within 10 feet of the structure. (2118 05/27/03, 2353 01/25/11)
- (3) BONFIRES REGULATED. No person shall kindle or maintain any bonfire without first obtaining a Bonfire Permit from the Fire Chief or designee and each such permit shall be subject to the conditions established by the Fire Department. Applications for a permit must be submitted to the City Clerk at least seven (7) calendar days prior to the bonfire. The permit fee shall be as set forth in the City's Official Fee Schedule, §1.90, as set by the Common Council.

- (4) FIRE PERFORMANCE. No person shall engage in any fire performance without first obtaining a Fire Performance Permit from the Fire Chief or designee, at his or her discretion, and each permit shall be subject to the conditions established by the Fire Department. Applications for a permit must be submitted to the City Clerk at least fourteen (14) calendar days prior to the performance. The permit fee shall be as set forth in the City's Official Fee Schedule, §1.90, as set by the Common Council.
- (5) EXCEPTIONS TO BURNING REGULATIONS. The following fires for burning shall be exempt from the provisions of subs. (1) - (4), above: (2118 05/27/03)
 - a. Fires conducted inside of a building including, but not limited to, fireplaces and incinerators.
 - b. Fires conducted to remove frost from the ground by public utility companies, City employees, cemeteries, and building contractors.
 - c. Small open flames for welding, acetylene torches, safety flares, heating tar or similar applications.
 - d. Fires conducted for training or instruction of firefighters by the Fire Department or for the testing of fire equipment by the Fire Department.
 - e. Any fire expressly authorized in writing by the Fire Chief. An Exception to Burning Regulations Permit issued by the Fire Chief shall be subject to the conditions established by the Fire Department. The fee for an Exception to Burning Regulations Permit shall be as set forth in the City's Official Fee Schedule, §1.90, as set by the Common Council. (2118 05/27/2003)
- (6) EMERGENCY REGULATIONS. The Fire Chief may, when necessary, declare a "Emergency Condition of Fire Hazard" for a specified period of time and, during such time, no burning shall be permitted unless done or controlled by the Fire Department. In addition, during such declared fire emergency period, the Fire Chief may prohibit the use of the following:
 - a. Fireworks as defined by §167.10(1), Wis. Stats.
 - b. Any of the items included under §167.10(1)(e), (f), (i), (j), (k), (l), (m), and (n), Wis. Stats.

c. Any other device that may pose a fire hazard.

(7) OPEN BURNING PROHIBITED WHEN WIND EXCEEDS EIGHT (8) MILES PER HOUR. No person shall kindle or maintain any open burning within the City whenever the wind speed exceeds eight (8) miles per hour as measured by a portable wind meter device approved by the Fire Chief. Before taking any enforcement action under this subsection, the Fire Chief or his/her designee shall first order the violator to completely extinguish the open burning. A citation shall not be issued if the open burning is immediately extinguished after the order to do so has been given. No person shall continue to maintain any open burning after being ordered to completely extinguish the burning as provided in this Section. (2146 04/13/2004)

(8) PERMIT REQUIREMENTS. All permits required under this Section must meet the minimum City licensing and permitting standards of §12.01 and shall require the permittee to indemnify the City of Baraboo.

(9) ENFORCEMENT. The Fire Chief and his/her designee(s) and Police Officers of the City shall be authorized to enforce the provisions of this Section. (Renumbered only per 2146 04/13/2004)

(10) RECOVERY OF ABATEMENT COST. The City has determined that a violation of this section creates a public nuisance or a hazard to the public safety. Therefore, in addition to any other penalty imposed by this code for a violation of this section, if the Fire Department is dispatched to a fire caused as a result of any act, omission, condition, or thing that constitutes a violation of this section, the person causing, permitting, or maintaining such occurrence, may be charged a fee to cover the City's cost for responding to such public nuisance. Any such fee shall be charged as set forth in the City's Official Fee Schedule, §1.90. The charge shall be collected as a debt and, if the charge is not paid within thirty (30) calendar days of the date of billing, an administrative collection charge of ten percent (10%) of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of one percent (1%) per month until paid. If the owner of the property where the public nuisance occurred caused, permitted, or maintained such public nuisance, such charge shall be extended upon the current or next tax roll, to the extent allowed by law. (2118 05/27/2003, Renumbered only per 2146 04/13/2004)

(1) FIRE LANES AND FIRE HYDRANTS REQUIRED. Fire lanes and fire hydrants shall be required in accordance with this section on public or private property used for assembly, commercial, educational, industrial, institutional, or multi-family dwelling purposes, and on private property containing residential developments consisting of three or more dwelling units to which access is provided from a public street by a private road or driveway where any dwelling unit is set back more than fifty (50) feet from the paved portion of the public street. Fire lanes may also be designated on those private roads where it is found by the Fire Chief that such access is necessary for firefighting equipment and apparatus. No building permit shall be issued without compliance with the terms of this section if any part of the area being developed contains any of the uses or conditions described in this section.

(2) LOCATION AND MAINTENANCE OF FIRE LANES AND FIRE HYDRANTS. Fire lanes and fire hydrants shall be located where necessary to provide fire protection to all buildings and premises within the City as determined by the Fire Department. In all cases, a fire hydrant shall be located within 350 feet from each building to be served by the hydrant and all hydrants shall be accessible to fire lanes. All existing and new fire hydrants located on private property shall be routinely inspected, repaired, tested, and maintained by the owner thereof as specified in American Water Works Association Manual 17, Installation, Field Testing and Maintenance of Fire Hydrants, and all fire hydrants shall satisfy the minimum performance requirements established by the City Water Department for City fire hydrants. The City's Water Department and Fire Department personnel shall have open and free access to all fire hydrants upon public and private property within the City at any reasonable time for the purpose of inspecting, repairing, testing, and maintaining fire hydrants. The fire flow test procedures in National Fire Protection Association Ch. 291, Fire Flow Testing and Marking of Hydrants, shall be followed when performing fire hydrant fire flow tests.

(3) SNOW REMOVAL. Each owner and/or each occupant of any premises where a fire lane and/or a fire hydrant is required shall be responsible for the prompt removal of snow and ice from a fire lane and for the prompt removal of all snow surrounding each fire hydrant. (2002 01/11/2000)

(4) WRITTEN RECORDS. Written records shall be maintained by the Utility Superintendent showing the installation, inspection, field testing, repair, and

5.14 FIRE LANES AND FIRE HYDRANTS
(1870 05/14/96, 2002 01/11/2000, 2543 03/03/20)

maintenance of each fire hydrant within the City. Such records shall be made available for inspection and copying upon request to the City.

- (5) **DISCLAIMER ON FIRE HYDRANT INSPECTING AND TESTING.** The purpose of the inspection and testing of fire hydrants authorized by this Section is to improve the quality of fire protection service within the City. Any inspections and the reports and findings issued pursuant thereto are not intended as, nor are they to be construed as, a guarantee. The findings of any inspection or testing are intended to ascertain conditions that are readily apparent at the time of such inspection or testing and do not involve a detailed examination of all mechanical systems on the entire premises. The City makes no representation or warranty, express or implied, as to the thoroughness or accuracy of any such inspection or testing. The City disclaims, and does not assume, any liability or responsibility whatsoever in the event any error or omission was made by the City as the result of an inspection and/or testing authorized by this Section, whether such errors or omissions result from negligence, accident, or other source or cause. The City shall further not be liable or responsible for damage caused to any fire hydrant while such fire hydrant is being properly tested as required by this Section.
- (6) **DUTIES AND POWERS OF FIRE CHIEF.** All building and project development plans for projects covered by this Section shall be referred to the Fire Chief for examination and approval. If the Fire Chief finds that a proposed fire lane or fire hydrant in a development project does not comply with this Section, the Fire Chief shall be authorized to specify the changes necessary to bring the proposal into compliance. Appeals from orders of the Fire Chief shall be to the Zoning Board of Appeals. The Fire Chief shall inspect the construction of any fire lanes and the placement and specifications of any fire hydrant required by this Section and no occupancy permit shall be issued for any project covered by this Section until the Fire Chief has inspected and approved the fire lanes and fire hydrants.
- (7) **DESIGNATION AND SIGNAGE FOR FIRE LANES.** The owner or occupant of any premises where a fire lane is required under this Section shall designate and mark all fire lanes and shall post appropriate signs indicating the existence of all fire lanes and indicating that no parking is permitted on fire lanes at any time, as specified and approved by the Fire Chief. Signs and markings shall be used in such locations and in such a manner as in the judgment of the Fire Chief will carry out the purposes of this Section and give adequate warning to users of the premises where the fire lanes and fire hydrants are

located. Signage and markings shall following minimum standards:

- a. Where reasonably feasible, signs shall be erected within 5 feet of the beginning and within 5 feet of the end of the fire lane with spacing between signs not exceeding 75 feet. Each sign shall face in the direction of oncoming traffic and shall be affixed to a stationary pole or object.
 - b. Curb along a fire lane shall be painted yellow and if no curb exists, a 4-inch wide stripe shall be painted the full length of the fire lane. Lanes identified exclusively as fire lanes shall be identified with approved fire lane signs on each side facing forward and the pavement area between the signs shall be striped with 4-inch wide yellow strips.
- (8) **OBSTRUCTIONS OTHER THAN MOTOR VEHICLES.** No person who is the owner or occupant of a premises required by this Section to maintain a fire lane or a fire hydrant shall place, locate, permit, or allow the placement or location of any obstruction of any fire lane or so as to block access to any fire hydrant. (2027 09/12/2000)
 - (9) **RESTRICTED PARKING IN FIRE LANES.** See §7.09 of the Code.

5.15 KEY LOCK BOX SYSTEM (2394 04/23/2013, 2543 03/03/20)

- (1) The following structures shall be equipped with a key lock box or a component thereof at or near the main entrance or such other location required by the Fire Chief:
 - (a) Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency.
 - (b) Multi-family residential structures protected by an automatic alarm system, or automatic suppression system, or that have restricted access through locked doors and have a common corridor for access to the living units.
 - (c) Governmental structures.
 - (d) Any special facilities or properties that may possess restricted access by the means of a fence, gate or similar device.

MODEL ORDINANCE FOR OUTDOOR BURNING, OPEN BURNING AND BURNING OF REFUSE

A GUIDE FOR WISCONSIN COUNTIES, CITIES, VILLAGES AND TOWNS



**Wisconsin Department of Natural Resources
Box 7921
Madison, WI 53707
PUB-AM-356-2004
September, 2004**

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240.

This publication is available in alternative format (large print, Braille, audiotape, etc.) upon request. Please call (608) 266-2111 for more information.



**WISCONSIN MODEL/SAMPLE ORDINANCE FOR
OUTDOOR BURNING, OPEN BURNING AND BURNING OF REFUSE**

TABLE OF CONTENTS

Part I	Introduction	p. 2
Part II	Model Ordinance	p. 3
	Section 1 Purpose	p. 3
	Section 2 Applicability	p. 3
	Section 3 Severability	p. 3
	Section 4 Definitions	p. 3
	Section 5 General prohibition on outdoor burning and refuse burning	p. 4
	Section 6 Materials that may not be burned	p. 4
	Section 7 Burning leaves, brush, clean wood and other vegetative debris	p. 4
	Section 8 Burn barrels	p. 6
	Section 9 Outdoor wood-fired furnaces	p. 7
	Section 10 Fire department practice burns	p. 7
	Section 11 Exemption for burning certain papers	p. 8
	Section 12 Burning Permits	p. 8
	Section 13 Liability	p. 9
	Section 14 Right of entry and inspection	p. 9
	Section 15 Enforcement and penalties	p. 9
Part III	Example Ordinance	p. 11
	(This "Example Ordinance" for a fictitious town in Wisconsin has been included to show municipalities what an end product might look like after selecting from all the various alternatives in the Part II Model Ordinance. This example is not intended to be used directly as a model. Municipalities are urged to consider all the alternatives in the Part II Model Ordinance and to select the alternatives that best meet their needs.)	
Part IV	Reference Materials	
	Burn Barrels: Unhealthy, Unnecessary, Unneighborly and Usually Illegal	p. 16
	Wisconsin Statewide Law on Open Burning: Which Materials Are Legal To Burn?	p. 17

Part I. Introduction

This document contains a model ordinance and related material prepared to assist Wisconsin counties, cities, villages and towns in adopting local regulations related to outdoor burning and burning of refuse. The model is intended to assist these units of government in enacting their own ordinances and is meant to be advisory only. This publication was prepared in cooperation with the Wisconsin Towns Association, the Wisconsin Counties Association, the League of Wisconsin Municipalities, and the American Lung Association of Wisconsin.

Most communities in Wisconsin regulate outdoor burning and/or refuse burning in some fashion for the purpose of preventing wildfires, preventing air pollution problems or both. Municipalities are not required by state law to enact any particular provision of this model ordinance. The various provisions of this model ordinance are suggestions and examples. It is intended that a municipality "pick and choose" from among the various suggested provisions to meet its particular local needs. The only constraint is that a municipality may not enact an ordinance that's less stringent than state law. For example, state law prohibits the open burning of certain materials like plastic, rubber, treated or painted wood and asphalt products. A local municipal ordinance may not provide an exemption from the statewide ban on open burning of these materials. Further explanation is provided in the explanatory notes that accompany specific sections of the model ordinance.

The Model Ordinance (Part II of this publication) contains numerous alternatives for municipalities to consider and detailed explanations of the various provisions and alternatives. As a result, at first glance the Model Ordinance may appear to be overly lengthy and complex. However, as explained in the paragraph above, it's designed for municipalities to "pick and choose" from among the various suggested provisions to craft an ordinance that most meets their needs. An "Example Ordinance" (Part III of this publication) has been included to show municipalities what a shorter end product might look like.

Format of this Document: All underlined, bracketed bold sections require filling in a name, address, governmental body, distance or other information. *Shaded and italic text* shows comments or explanations. In explanations of this model/sample ordinance, the term "municipality" is meant to include counties, towns, cities and villages.

- **Availability of Electronic Copies:** This model / sample ordinance is available in electronic form on the Open Burning webpage of the Wisconsin Department of Natural Resources at: <http://www.dnr.state.wi.us/org/caer/ce/ob/>. The Ordinance is available as a PDF or as a Microsoft Word document.

Part II. Model Ordinance

Outdoor and Refuse Burning Ordinance for the [Pick one: county, city, village or town] of [name], Wisconsin.

Ordinance No. _____

***(Note to Those Drafting Ordinances:** This model / sample ordinance was drafted to cover "open burning", "outdoor burning" (including open burning and burning in outdoor wood-fired furnaces) and "refuse burning" (including both open burning of refuse and indoor burning of refuse. If your municipality decides to adopt an ordinance that does not address all of these topics, then the title of the ordinance should be changed as appropriate. For example, if your ordinance doesn't apply to outdoor wood-fired furnaces then the title of the ordinance might be "Open burning and Refuse Burning".)*

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 [Pick one: county, city, village or town] of [name] 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 [Pick one: county, city, village or town] of [name]. *[For county ordinances, insert the following:* This county ordinance does not apply to incorporated municipalities. If a provision in a town ordinance in this county covers a provision contained in this county ordinance, the town ordinance controls.

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 [insert name of Fire Department] or other person authorized by the Fire Chief. *(Note to Those Drafting Ordinances: The term "Fire Chief" is used throughout this*

model ordinance, Municipalities may, at their discretion, designate persons other than those associated with the Fire Department for many of the responsibilities in this ordinance. Also, if a municipality is served by more than one fire department, this definition should be adjusted to include both.)

- 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 **[Pick one: county, city, village or town]** of **[name]** unless the burning is specifically permitted by this ordinance.

SECTION 6: MATERIALS THAT MAY NOT BE BURNED

(Note to Those Drafting Ordinances: State administrative rules prohibit indoor or outdoor burning of the materials listed in subsections 6.10 - 6.17 with certain limited exceptions that require air pollution controls and a written approval from the Department of Natural Resources. A municipality does not have the discretion to allow burning of materials prohibited by state law.)

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. *(Note to Those Drafting Ordinances: If your ordinance requires a permit, you may wish to use the next sentence.)* The **[Pick one: county, city, village or town]** of **[name]** will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.
- 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 *(Omit this section entirely if your municipality chooses not to regulate this activity)*

(Note to Those Drafting Ordinances: Your municipality will need to decide whether to entirely prohibit burning of these materials, whether to restrict but not entirely prohibit burning of these materials, or whether to not regulate this activity. Based upon that decision, the appropriate provisions from among those suggested in this model may be chosen. If Alternative 2 (below) is chosen, subsections 7.1 and 7.2 should always be included. Subsections 7.3- 7.8 are regulatory exemptions provided in state rules. A municipality may choose to be more stringent than state rules by not including one or more of those exemptions, however, a municipality may not adopt a broader exemption that would be

less stringent than state rules. The provisions in subsection 7.9 - 7.15 are not covered by state air pollution or waste management rules, but are suggestions that a municipality should seriously consider as issues of concern for local regulation in the ordinance.)

7.00 Burning leaves, brush, clean wood and other vegetative debris.

(Alternative 1) Open burning of leaves, weeds, brush, stumps, clean wood, trees and other vegetative debris is prohibited (or name the particular type of material from the above list that may not be burned such as leaves).

or

(Alternative 2) Open burning of leaves, weeds, brush, stumps, clean wood other vegetative debris is allowed only in accordance with the following provisions (Do not include in the above list any material prohibited under alternative 1.)

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.

(Note to Those Drafting Ordinances: Under state law in an unincorporated "intensive forest fire protection area" a burning permit must be obtained from the Department of Natural Resources or an emergency fire warden for open burning anytime the ground is not snow covered. In an unincorporated "extensive forest fire protection area" a permit is required from the Department of Natural Resources anytime the ground is not snow covered during the months of January through May. In all incorporated municipalities and in towns that are not in "intensive" or "extensive" forest fire protection areas, the municipality has the discretion to determine whether or not burning permits are required. For further information see sections 26.11 – 26.13, Wis. Stats. and Chap. NR 30, Wis. Adm. Code.

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.

(Note to Those Drafting Ordinances: Choose from the following additional provisions that you wish to be applicable)

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.

(Note to Those Drafting Ordinances: State air pollution regulations prohibit this type of burning in certain counties in southeast Wisconsin. If your municipality is in that area, state regulations preclude this provision. Check with DNR Air Management staff for further information.)

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] or [subsections ... , and] **(Note to Those Drafting Ordinances:** If your municipality requires a burning permit, you may want to require a permit for any open burning covered by Section 7 or you might want to require a permit for only certain types of fires. In that case, you would name the appropriate subsections of Section 7. Also see the note following Section 7.1 regarding fire permits) shall be conducted only following issuance of and in accordance with a permit issued under Section 11 of this ordinance.

7.11 Open burning under this section shall only be conducted at a location at least **insert a distance appropriate for the municipality.** (such as 100 feet, 250 feet or another greater or lesser distance) from the nearest building which is not on the same property. (Note: municipalities may also want to consider whether different distances should be required for different types of open burning under this section - - e.g. campfires, vs. .)

7.12. Except for campfires and permitted bonfires, open burning shall only be conducted **insert times of year and/or times of day appropriate for the municipality.** (Some municipalities with volunteer fire departments may want to require burning during times of the day when firefighters are more likely to be available. Other municipalities may limit burning to only daylight hours. The municipality may also limit the times of year when open burning is acceptable - - such as months with low fire hazard or times when snow cover is present.)

7.13. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age (or use another appropriate 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.

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

7.15. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within **insert distance** (25 feet or other appropriate distance) from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

7.16. No open burning may be conducted on days when the Department of Natural Resources has declared an Air Quality Watch or Air Quality Advisory for ozone or fine particle pollution applicable to the **Pick one: county, city, village or town** of **name**.

Note to Those Drafting Ordinances: Those municipalities in areas subject to ozone advisories should consider this subsection.)

SECTION 8: BURN BARRELS (Omit this section entirely if your municipality chooses not to regulate this activity)

8.00 Burn barrels.

Note to Those Drafting Ordinances: Burn barrels are often used to incinerate illegal materials (see Section 6 of this ordinance) and are frequently a source of citizen complaints when neighbors are exposed to the smoke. The smoke can cause both acute and chronic health problems. The Department of Natural Resources believes that there are better alternatives for unwanted woody and vegetative debris and, therefore, discourages the use of burn barrels. Conversely, burn barrels can be a valuable fire prevention device if used in isolated rural areas and only for small amounts of woody and vegetative debris. Therefore, statewide administrative rules do not prohibit the use of burn barrels. Whether or not to allow use of burn barrels is considered a local issue. Your municipality will need to decide whether to entirely prohibit burn barrels, whether to allow burn barrels under specified conditions, or whether not to regulate burn barrels. Based upon that decision, the appropriate provisions from among those suggested in this model may be chosen. Education about burn barrels is an important component of a program to reduce their use. A short fact sheet entitled "Burn Barrels – Unnecessary, Unneighborly and Usually Illegal" is included in the reference material in Part IV of this model ordinance. Your municipality should consider how to disseminate information concerning open burning.)

Alternative 1 No person shall use or maintain a burn barrel in the **Pick one: county, city, village or town** of **name** or

Alternative 2 A burn barrel may be used in the **Pick one: county, city, village or town** of **name** 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 (or subsections of Section 7 deemed appropriate) of this ordinance.

8.2. The burn barrel shall be located at least **insert a distance appropriate for the municipality.** from the nearest building that is not on the same property as the burn barrel. (Choose a distance such as 250 feet or another greater or lesser distance as deemed appropriate for the municipality.)

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.
- 8.5. The owner of the burn barrel shall obtain an annual permit from the Fire Chief in accordance with Section 12 of this ordinance.

SECTION 9: OUTDOOR WOOD-FIRED FURNACES *(Omit this section entirely if your municipality chooses not to regulate this activity)*

9.00 Outdoor wood-fired furnaces.

(Note to Those Drafting Ordinances: State administrative rules do not regulate the installation or use of outdoor residential wood-fired furnaces, stoves or boilers, all of which are defined as "outdoor wood-fired furnaces" in this model ordinance. Outdoor wood-fired furnaces can save fossil fuels, but can also be a cause of citizen complaints. Outdoor wood-fired furnaces are designed to maintain fire over long periods of time, they are designed to operate at low temperatures when not heating and they frequently have a lower chimney height than an indoor stove. Restricted airflow and low operating temperatures can cause smoldering that results in excessive smoke. The smoke can cause both acute and chronic health problems if nearby residents are exposed. Sparsely populated rural towns will likely not need to regulate outdoor wood-fired furnaces. However, if your municipality is more developed or has had citizen complaints about outdoor wood-fired furnaces, you may want to consider the following alternatives. Your municipality will need to decide whether to entirely ban outdoor wood furnaces in certain areas, whether to allow outdoor wood furnaces under specified conditions or whether not to regulate them at all. Based upon that decision, the appropriate provisions from among those suggested in this model may be chosen.)

(Alternative 1) No person shall install, use or maintain an outdoor wood-fired furnace in the **[Pick one: county, city, village or town]** of **[name]**. *(Note to Those Drafting Ordinances: If you want a prohibition on outdoor wood-fired furnaces to apply to only a portion of the municipality, see the suggestion in Alternative 2, section 9.1 below. In most cases, only an incorporated municipality will consider a prohibition for the entire municipality.)*

or

(Alternative 2) An outdoor wood-fired furnace may be installed and used in the **[Pick one: county, city, village or town]** of **[name]** only in accordance with the following provisions:

- 9.1. The outdoor wood-fired furnace shall be installed and used only in an area zoned for agricultural use. *(Omit this section or insert other zoning areas in addition to agricultural as appropriate for the needs of your municipality).*
- 9.2. The outdoor wood-fired furnace shall not used to burn any of the prohibited materials listed in Section 6 of this ordinance.
- 9.3. The outdoor wood-fired furnace shall be located at least **[insert a distance appropriate for the municipality]** from the nearest building which is not on the same property as the outdoor wood-fired furnace. *(Choose a minimum distance such as 300 feet, 500 feet or other greater or lesser distance as appropriate for your municipality. For the reasons cited in the introductory note to this section, a substantial minimum distance is recommended.)*
- 9.4. The outdoor wood-fired furnace shall have a chimney that extends at least **[insert a minimum height]** above the ground surface. If there are any residences within **[insert a specified distance]** *(A distance such as 500 feet or greater is recommended)*, 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. *(A minimum height of 15 feet is recommended or the municipality may choose another minimum height appropriate for the municipality and the required minimum separation to neighbors.)* *(Note to Those Drafting Ordinances: A chimney height equivalent to the chimney in a building should help with smoke dispersion. However, higher chimney heights may increase problems with creosote build-up. An insulated chimney as well as case-by-case discretion is recommended for that reason.)*
- 9.5. The owner of the outdoor wood-fired furnace shall obtain an annual permit from the Fire Chief in accordance with Section 12 of this ordinance if the furnace is located within **[insert a specified distance]**. *(Note to Those Drafting Ordinances: If you want to require a permit of all outdoor wood-fired furnaces, end the sentence after the word "ordinance". If you don't want to require any permits*

for outdoor wood-fired furnaces, omit this paragraph entirely. If you want to require a permit only if there are nearby neighbors, insert an appropriate distance such as 500 or 1000 feet).

SECTION 10: FIRE DEPARTMENT PRACTICE BURNS

(Note to Those Drafting Ordinances: The language suggested in Section 10 regarding fire department practice burns is consistent with state administrative rules governing that activity. See s. NR 502.11(2)(c), Wis. Adm. Code. If a municipality elects not to include this section, practice burns might be prohibited by other provisions of the ordinance (e.g. the prohibitions in sections 5 and 6 of this model) . If a section on practice burns is included in the ordinance, it must be at least as stringent as state regulations.)

10.00 Fire department practice burns.

Alternative 1 (short version): Notwithstanding sections 5 and 6 of this ordinance, the [insert name of 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.

or

Alternative 2 (long version): Except as provided in this section for fire department practice burns, an existing unwanted building in the [Pick one: county, city, village or town] of [name] may not be burned. A building, which is no longer standing, may not be used for a practice burn.

10.1. An existing building may be burned only by the [insert name of 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 [insert an appropriate number of hours or days] before a planned practice burn the Fire Chief or designee shall notify residents within [insert a distance appropriate for the municipality] of the site of the proposed burn. (For example, an ordinance could require notification of residents at least 48 hours in advance if they are within 1000 feet of the proposed burn site.)

SECTION 11: EXEMPTION FOR BURNING CERTAIN PAPERS

11.00 Exemption for burning certain papers. **(Note to Those Drafting Ordinances:** The Department of Natural Resources recommends that papers of a confidential nature be shredded and recycled rather than burned. This Section allows paper and cardboard products to be burned for beneficial use as starter fuel and it allows confidential papers from a residence to be burned. This exemption does not allow burning for disposal of materials that are required to be recycled. State regulations do not contain an explicit section similar to this, but the Department of Natural Resources believes that this section is consistent with state regulations and that municipalities may include this section in their ordinance at their discretion.)

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 7.11-7.15 of this ordinance.

SECTION 12: BURNING PERMITS

12.00 Burning Permits. **(Note to Those Drafting Ordinances:** State regulations do not require municipalities to issue burning permits. Under state law in an unincorporated "intensive forest fire protection area" a burning permit must be obtained from the Department of Natural Resources or an emergency fire

warden for open burning anytime the ground is not snow covered. In an unincorporated "extensive forest fire protection area" a permit is required from the Department of Natural Resources anytime the ground is not snow covered during the months of January through May. See Chap. NR 30, Wis. Adm. Code. In all incorporated municipalities and in towns that are not in "intensive" or "extensive" forest fire protection areas, the municipality has the discretion to determine whether or not burning permits are required. Burning permits are commonly required by local ordinance in incorporated areas and in more populous towns outside of Department of Natural Resources forest fire protection areas. Alternatives 1 and 2 for intensive and extensive forest fire protection areas do not cover burning permits for outdoor wood-fired furnaces. If your municipality wants to require permits for some or all outdoor wood-fired furnaces, choose the appropriate language in sections 12.4 through 12.7.)

(Alternative 1: for towns in "intensive forest fire protection areas") Except for cooking or warming fires, no person shall start or allow any open burning when the ground is not covered with snow unless the person has either obtained a burning permit from the Department of Natural Resources or an authorized emergency fire warden.

or

(Alternative 2: for towns in "extensive forest fire protection areas") Except for cooking or warming fires, no person shall start or allow any open burning during January through May when the ground is not covered with snow unless the person has either obtained a burning permit from the Department of Natural Resources or an authorized emergency fire warden.

or

(Alternative 3: for consideration by incorporated municipalities and all other towns. Towns in forest fire protection areas may also want to consider the provisions of this section related to an annual permit.)

12.1. No person shall start or maintain any open burning without a burning permit issued by the insert "Fire Chief", or name of other office, or title(s) of other person(s) authorized to issue burning permits.

12.2. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.

12.3. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a one-time burning permit before starting the fire. The fee for each one-time burning permit shall be insert cost of one-time permit. *(Note to Those Drafting Ordinances: Burning permits are commonly issued without a fee. Your municipality will have to decide whether or not to require a fee and how to collect it.)*

12.4. *(Use this section if required by section 8.5 and/or section 9.5.)* The owner or occupant of the property shall obtain an annual burning permit for each (insert the following as appropriate and as required by sections 8.5 and 9.5) burn barrel or outdoor wood-fired furnace before using the burn barrel or outdoor wood-fired furnace. The fee for each annual burning permit shall be insert cost of annual permit. *(Note to Those Drafting Ordinances: Burning permits are commonly issued without a fee. Your municipality will have to decide whether or not to require a fee and how to collect it.)* An annual permit expires on insert annual date of expiration of each year.

12.5. 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.

12.6. 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.

12.7. 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.

SECTION 13: LIABILITY

13.00 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.

SECTION 14: RIGHT OF ENTRY AND INSPECTION

14.00 Right of entry and inspection. The Fire Chief or any authorized officer, agent, employee or representative of the **Pick one: county, city, village or town** of **[name]** 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.

SECTION 15: ENFORCEMENT AND PENALTIES

15.00 Enforcement and penalties.

15.1. The Fire Chief and **insert titles of other designated municipal officials** are authorized to enforce the provisions of this ordinance.

15.2. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than **insert amount of minimum penalty** or more than **insert amount of maximum penalty** plus the cost of prosecution. Penalties are doubled for second and subsequent offenses. *Note to Those Drafting Ordinances: Consider penalties of \$25 minimum and \$250 maximum or some other range appropriate for the particular municipality.*

Part III. Example Ordinance
(For a fictitious rural and suburban town in Wisconsin with a volunteer fire department and a population of 2600)

EXPLANATION OF THIS EXAMPLE ORDINANCE: Following is an example of what a local ordinance might look like for a rural town. This is not an actual ordinance. The Town of Forward is fictitious. The Model Ordinance in Part II of this publication contains numerous alternatives for municipalities to consider and detailed explanations of the various provisions and alternatives. As a result, at first glance the Model Ordinance in Part II may appear to be overly lengthy and complex. This "Example Ordinance" has been included to show municipalities what a shorter end product might look like. Municipalities are urged not to use this example directly because that would not allow them to consider all the alternatives in the Part II Model Ordinance and to select the alternatives that best meet their needs.

Outdoor and Refuse Burning Ordinance for the Town of Forward.

Ordinance No. 3-A-2005

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 Town of Forward, Victory County, Wisconsin 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 Town of Forward.

- 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 Town of Forward Volunteer 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 from an enclosed 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 Town of Forward 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. The Town of Forward will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.

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, films and 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.

7.3. 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 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. Burning in emergency situations such as natural disasters is allowed if approved by the Department of Natural Resources.

7.10. Open burning under this Section shall be conducted only following issuance of and in accordance with a permit issued under Section 11 of this ordinance.

7.11. Except for campfires, open burning under this section shall only be conducted at a location at least 250 feet from the nearest building that is not on the same property.

7.12. Except for campfires and permitted bonfires, open burning shall only be conducted from the hours of noon and 6:00 PM.

7.13. 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.

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

7.15. 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.

SECTION 8: BURN BARRELS

8.00 Burn barrels.

A burn barrel may be used in the Town of Forward 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 250 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 business.

8.5. The owner of the burn barrel shall obtain an annual permit from the Fire Chief in accordance with Section 12 of this ordinance.

SECTION 9: OUTDOOR WOOD-FIRED FURNACES

9.00 Outdoor wood-fired furnaces.

An outdoor wood-fired furnace may be used in the Town of Forward only in accordance with the following provisions:

9.1. The outdoor wood-fired furnace shall not used to burn any of the prohibited materials listed in Section 6 of this ordinance.

9.2. The outdoor wood-fired furnace shall be located at least 500 feet from the nearest building which is not on the same property as the outdoor wood furnace.

9.3. The outdoor wood-fired furnace shall have a chimney that extends at least 15 feet above the ground surface. The Fire Chief may approve a lesser height on a case-by-case basis if necessary to

comply with manufacturer 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 Town of Forward Volunteer 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.

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 7.11-7.15 of this ordinance.

SECTION 12: BURNING PERMITS

12.00 Burning Permits.

- 12.1.** No person shall start or maintain any open burning without a burning permit issued by the Town of Forward Volunteer Fire Department.
- 12.2.** An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
- 12.3.** Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a one-time burning permit before starting the fire. There is no fee for a one-time burning permit.
- 12.4.** The owner or occupant of the property shall obtain an annual burning permit for each burn barrel before using the burn barrel. The fee for each annual burning permit shall be ten dollars (\$10). An annual permit expires on April 1 of each year.
- 12.5.** 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.
- 12.6.** 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.
- 12.7.** 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.

SECTION 13: LIABILITY

13.00 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.

SECTION 14: RIGHT OF ENTRY AND INSPECTION

14.00 Right of entry and inspection. The Fire Chief or any authorized officer, agent, employee or representative of the Town of Forward Volunteer Fire Department or the Town of Forward 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.

SECTION 15: ENFORCEMENT AND PENALTIES

15.00 Enforcement and penalties.

15.1. The Fire Chief and the Town Chairman are authorized to enforce the provisions of this ordinance.

15.2. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than twenty-five dollars (\$25) or more than two hundred fifty dollars (\$250) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

Part IV**Reference Materials****Burn Barrels: Unhealthy, Unnecessary, Unneighborly and Usually Illegal.****Unhealthy**

Smoke from burning garbage contains toxic compounds, often including dioxin, furans and other carcinogens. The ash, which some folks place on their garden, may contain heavy metals such as lead and cadmium.

Unnecessary

If you have a burn barrel, take a look at what you're burning. Most paper and cardboard can and should be recycled. Today, waste collection service is available nearly everywhere, and the collection businesses offer wheeled carts and recycling containers for convenient, economical, end-of-driveway service.

Unneighborly

You probably don't enjoy the stink of burning garbage, and neither does your neighbor. Think about how your decision to burn garbage affects others.

Usually Used Illegally

Open burning of household solid wastes, whether or not in a burn barrel, is prohibited by law, with limited exceptions. This prohibition includes all plastic materials, kitchen wastes, dirty or wet paper wastes, treated or painted wood, furniture, and demolition material - or any other material that creates a nuisance. The exceptions (for households only - not businesses) include (if not prohibited by local ordinance) lawn and garden debris, small quantities of clean, untreated, unpainted wood and clean paper waste that is not recyclable. Outdoor fires for cooking, or for "warming up" are okay and do not require any special approvals unless environmental conditions pose a great risk for forest fires.

Wisconsin Statewide Law on Open Burning: Which Materials Are Legal To Burn?

Which of these household materials can be legally burned in a burn barrel or an open fire on the same property where generated?

State law does not prohibit burning small dry quantities of the household materials with a mark, if they are burned on the same property where generated. Local ordinances may be more restrictive; check with your local municipality before burning. (The number listed after the materials below refers to the legal explanations of why the item may or may not be burned.)

- | | | |
|---|--|---|
| <input type="checkbox"/> Plastic Milk Jug 1,5 | <input type="checkbox"/> Asphalt Sealant 1 | <input type="checkbox"/> Magazines / Catalogues 5 |
| <input checked="" type="checkbox"/> Leaves (dry) 8 | <input type="checkbox"/> Plastic Food Wrap 1 | <input checked="" type="checkbox"/> Waste Mail 7 |
| <input type="checkbox"/> Treated Lumber 3 | <input type="checkbox"/> Plywood 6 | <input type="checkbox"/> OSB / Composite Board 6 |
| <input type="checkbox"/> Newspaper 5 | <input type="checkbox"/> Plastic Pipe 1 | <input type="checkbox"/> Plastic Weed Barrier 1 |
| <input type="checkbox"/> Insulated Electrical Wire 1 | <input type="checkbox"/> Food Waste / Garbage 4 | <input type="checkbox"/> Water Softener Salt Bag 1,2 |
| <input type="checkbox"/> Rubber Hose 1 | <input type="checkbox"/> Wooden Furniture 3 | <input checked="" type="checkbox"/> Paper Plates / Cups 10 |
| <input type="checkbox"/> Tires 1 | <input type="checkbox"/> Plastic siding 1 | <input checked="" type="checkbox"/> Napkins / Paper Towel 10 |
| <input checked="" type="checkbox"/> Tree Branches 8,9 | <input type="checkbox"/> Aluminum Beer Cans 5 | <input checked="" type="checkbox"/> Paper Grocery Bags 7 |
| <input type="checkbox"/> Plastic Garbage Bags 1 | <input checked="" type="checkbox"/> Pine Needles 8 | <input type="checkbox"/> Plastic Vapor Barrier 1 |
| <input type="checkbox"/> Waste Oil 4 | <input type="checkbox"/> Nylon Carpet 1,2 | <input type="checkbox"/> Plastic Toys 1 |
| <input type="checkbox"/> Asphalt Shingles 1 | <input type="checkbox"/> Polystyrene Plates 1,2 | <input type="checkbox"/> Old Building 11 |
| <input type="checkbox"/> Painted Siding 3 | <input type="checkbox"/> Tar Paper 1 | <input checked="" type="checkbox"/> Untreated Unpainted Lumber 9 |
| <input checked="" type="checkbox"/> Clean Dry Firewood 9 | <input type="checkbox"/> Polystyrene Foam Packaging 1,2 | |
| <input type="checkbox"/> Nylon Upholstery Fabric 1,2 | <input type="checkbox"/> Urethane Foam Pad 1,2 | |
| <input type="checkbox"/> Corrugated Cardboard 5 | <input type="checkbox"/> Plastic Soda Bottles 1,2 | |

Explanations & Alternatives:



1. All plastic, rubber and asphalt materials are prohibited from open burning under state law.
2. This synthetic material is “plastic” and may not be burned.
3. Wood that is painted or chemically treated may not be burned under state law.
4. These materials are specifically prohibited from open burning under state law.
5. These materials must be recycled under state and local recycling laws. They cannot be burned. (It is legal to use a small amount of paper or cardboard material to kindle a fire.)
6. These materials contain resins and glues making them unsuitable for burning. They are not “dry unpainted, untreated wood” as referenced and exempted in the law.
7. Even though state law allows burning after removing any plastic, many local recycling programs cover these materials. Recycling is a better alternative. If recycling is not an option, proper disposal is better than burning.
8. Even though state law allows burning, composting and/or beneficial use of this material is a better alternative.
9. Clean dry unpainted untreated wood is legal to burn, but if it isn’t going to be beneficially used for heating, consider options other than burning.
10. This waste paper material is not recyclable. Proper disposal is a better option than burning. Wet paper or paper mixed with plastic can’t be burned.
11. Individuals or businesses may not burn a building. The only exception is that a building

may be burned only by a fire department for training purposes after notification to DNR and removal of illegal materials.

Remember:



- All materials emit **pollutants** when burned. Generally, the materials that cause the most toxic emissions are those that are prohibited from burning under state law. Try to avoid burning any waste material.
- If prohibited and allowed materials are **mixed**, they cannot be burned. Any prohibited materials must be removed before the allowed materials are burned.
- Check **local ordinances!** A local municipality may ban the burning of any material even if statewide regulations allow it.
- Check for **burning permits**. Even if the material is legal to burn, the DNR or the local municipality often requires a burning permit. During periods of high fire hazard, burning may be prohibited.
- Consider other **alternatives**. Even if the material is legal to burn, more environmentally sound alternatives are available.
- This information only applies to small quantities of **household** waste being burned on the same property where generated. The regulations do not allow **businesses** to burn the same materials that a household may. If in question, consult the regulations.

Additional Information:



- For additional information, contact your DNR service center or log onto the DNR Open Burning Web site: <http://dnr.wi.gov/org/caer/ce/ob/>.
- Does your municipality have an open burning ordinance? Check with your local clerk or fire chief.
- For additional information on burning permits log onto the DNR Forest Fire Prevention Web site: <http://dnr.wi.gov/org/land/forestry/Fire/index.htm>.
- The open burning regulations are in ch. NR 429 and s. NR 502.11, Wis. Adm. Code.
- For games, educational resources and fun on open burning activities, students and teachers should log on to Air Defenders web site: <http://www.airdefenders.org/>. This site is filled with information and activities all about open burning and respiratory health.
- Looking for a presentation about open burning? Contact the Department of Natural Resources Bureau of Air Management at 608-266-7718.
- You can download an electronic copy of this Model Ordinance from the WDNR Web site <http://www.dnr.state.wi.us/org/caer/ce/ob/>. The Ordinance is available as a PDF or as a Microsoft Word document.
- For more information on open burning, and what is happening nationally on the issue, log onto EPA's Open Burning Web site: <http://www.epa.gov.epaoswer/non-hw/muncpl/backyard/>.

Sec 4.04 Chief Of Police, Powers And Duties

1. The Chief of Police shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon marshals and constables.
2. The Chief shall obey all lawful written orders of the Mayor and the Council.
3. The Chief shall cause the public peace to be preserved and see that all laws and ordinances of the City and State are enforced and, whenever any violation thereof shall come to his or her knowledge, he or she shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender.
4. The Chief shall exercise supervisory control over all the personnel of the Department and may adopt rules and regulations for the government, discipline, equipment and uniforms of police officers pursuant to Section 4.06 of the municipal code.
5. The Chief shall be solely responsible for the care and condition of the equipment used by the Department.
6. The Chief shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department and shall present a monthly report thereof to the Council at its first meeting of each month

Commented [EH1]: To harmonize these sections, figured we would just cite to 4.06.

Sec 4.06 Department Rules

The Chief of Police shall establish and promulgate ~~prepare~~ rules, directives, and polices and procedures for the administration of the Police Department, providing no such rule, directive, or policy and procedure shall be in conflict with any law, regulation, or ordinance. Rules, directives, and polices and procedures that conflict with the City of Dodgeville Employee Handbook, which rules shall only become effective after ~~be in full force upon~~ approval of the Common Council; temporary policies are exempt from this requirement.

Commented [EH2]: We will have to consider how policies should be approved and whether certain types of policies should receive council approval. I have council approval required for policies that conflict with the employee handbook.