

ORDINANCE NO. 2011-06
(10-12-11)

**AN ORDINANCE BY THE ADMINISTRATION, PERSONNEL, POLICY, AND
LEGAL COMMITTEE TO AMEND SUBSECTION 9.04 OF THE CODE OF
ORDINANCES OF THE VILLAGE OF STURTEVANT, RACINE COUNTY,
WISCONSIN, RELATING TO OPEN BURNING**

The Village Board of the Village of Sturtevant, Racine County, Wisconsin, does ordain as follows:

1. That subsection 9.04 of the Municipal Code of the Village of Sturtevant, shall be amended to read as follows:

SEC. 9.04 OPEN BURNING.

- (a) **Intent.** It is the intent of this Section that all allowed Open Burning be conducted in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse effects of the Open Burning and with conditions that protect life and property.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) **“Clean Wood”** shall mean 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.
 - (2) **“Garbage”** shall mean waste refuse, including, but not limited to, tin, cans, used lumber, glass, metals, ashes, junk, crockery, and similar waste products, refuse, and debris.
 - (3) **“Open Burning”** shall mean kindling or maintaining any fire from which the products of combustion are emitted directly into the open air without passing through a chimney or stack of at least 15 feet above ground.
 - (4) **“Cooking, Recreational or Ceremonial Fire”** shall mean a small camp-type charcoal, propane or wood burning fire with the base of the fire being no more than three (3) feet in diameter and producing flame no more than five (5) feet in height, and confined by a control device or structure such as a barrel, fire ring or fire pit.
 - (4) **“Yard Waste”** shall mean natural refuse, such as leaves, weeds, brush, stumps, clean wood, trees and other vegetative debris.
 - (5) **“Stove”** means a furnace, stove or boiler that consists of a solid metal (usually cast iron or steel) closed fire chamber, a grate and an adjustable air control that is connected to a suitable chimney or flue, and located outdoors or within an accessory building that is not intended for habitation by humans or domestic animals, and is capable of burning alternative fuels such as, but not limited to, wood, wood pellets, corn, propane or fuel oil.
- (c) **Authority of Fire Chief.** This Chapter shall be interpreted, administered, and enforced by the South Shore Fire Chief or his or her designee.
- (d) **General Prohibitions.**
 - (1) **Nuisance Prohibited.** No person shall burn any material that creates dense, black or noxious smoke or causes a public nuisance.

- (2) **Materials That May Not Be Burned.**
 - a. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 - b. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
 - c. Asphalt and products containing asphalt.
 - d. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
 - e. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - f. Rubber including tires and synthetic rubber-like products.
 - g. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance.
- (3) **Atmospheric Conditions.** No Open Burning shall occur on days when atmospheric conditions are unacceptable for burning as determined by the Department of Natural Resources (“DNR”) or the South Shore Fire Chief; or when the DNR issues an air-pollution or ozone advisory; or when wind speeds exceed twenty (20) miles per hour; or when extremely dry conditions exist as determined by the South Shore Fire Chief.
- (4) **Supervision.** Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) 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.
- (e) **Restrictions on Open Burning.** Open Burning is hereby prohibited in the Village of Sturtevant except for:
 - (1) Outdoor fires for Cooking, Recreational or Ceremonial Fires.
 - (2) Back fires to control forest fires or fires set for forest and wildlife habitat management as prescribed by and carried out under the supervision of government agencies and where no reasonable alternative is available.
 - (3) Fires set for the practice and instruction of firefighters or the testing of firefighting equipment.
 - (4) Burning of brush or weeds on agricultural lands including fires for cropland management, insect and rodent control, provided dense smoke is not created and no nuisance occurs.
 - (5) Burning of brush, grasses and weeds for the management of established prairies, prairies under restoration, detention ponds or residential green-spaces provided dense smoke is not created and no nuisance occurs.
 - (6) Burning of Yard Waste on one (1) or two (2) family residential properties, conditioned upon compliance with the following conditions:
 - a. The fires must be at least ten (10) feet from the property line and not on any public right of way, including but not limited to easements, ditches, curbs or road shoulders.

- b. The fire must be at least fifty (50) feet from any structure on or off of the property, unless the fire is contained in a metal, brick, stone or concrete container and then such fire shall be at least twenty (20) feet from any structure on or off of the property.
- c. The base of the fire shall be no more than six (6) feet in diameter and the fire shall be no more than five (5) feet in height.
- d. Fires must be kept manageable and under control at all times.
- e. Fires must be immediately extinguishable upon request of the Fire Chief or his or her designee.
- f. Fires must be attended at all times until it is extinguished or burns out.
- g. The burning shall be conducted only on the property on which the Yard Waste was generated.

- h. The burning of Yard Waste shall only be allowed during the following periods of the year: May 1st through June 15th and October 1st through November 15th.

(f) **Additional Regulations.**

- (1) Exceptions contained in Section (e)(1) have no time limit and do not require prior notification or the approval of the Fire Chief under subsection (g) below.
- (2) Exceptions contained in Subsection (e)(2) and (3) have no time limit, but do require prior notification and approval of the South Shore Fire Chief under subsection (g) below.
- (3) Exceptions contained in Subsection (e)(4) through (6) are permitted only between the hours of 8:00 a.m. and 5:00 p.m. prevailing time and require prior notification and approval of the Fire Chief under subsection (g) below.
- (4) Approval of the Fire Chief must be received prior to commencing with the Open Burning. The Fire Chief may require reasonable fire prevention measures and conditions in his discretion, including but not limited to having a water tanker on-site or stand-by. Any cost incurred by the Village in taking any fire prevention measures shall be paid by the person conducting the Open Burning prior to commencing said burn.
- (5) Upon written request, the South Shore Fire Chief may consider and grant other exceptions to the Open Burning regulations set forth in this Chapter if such exception would be consistent with the intent and purposes of this Chapter.

(g) **Notification and Approval.**

- (1) **Notification.** When required, the Fire Chief shall be notified by telephone, in writing or in person, of any Open Burning and such notification must be prior to the time that the Open Burning is to commence. Notification by a person proposing an Open Burn does not waive any requirements of this ordinance and the Village reserves the right to impose a penalty for violations as provided in this Chapter.
- (2) **Conditions.** The Fire Chief may impose any conditions on an allowed Open Burning that are necessary for the protection of life or property.
- (3) **Approval.** If upon notification, the Fire Chief determines in his discretion that the proposed Open Burning is contrary to any provision of the Code of Ordinances, is a hazard for life or property, or constitutes a public

nuisance, the Fire Chief shall immediately notify the person proposing the Open Burning and is authorized to take any action authorized by this Chapter or the Code of Ordinances.

- (h) **Stoves.** A Stove may be installed and used in the Village only in accordance with the following provisions:
- (1) The Stove shall not be used to burn any of the prohibited materials listed in Subsection (d) of this ordinance.
 - (2) The Stove shall have a chimney that extends at least **15 feet** above the ground surface. The Fire Chief or designee, in his/her sole discretion, may require a greater height if conditions warrant, or 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. Before installation of a Stove, the Fire Chief or designee shall be consulted as to the chimney height that shall be required for the requested location. All Stoves must be inspected by the Fire Chief or designee before they become operational.
 - (3) All chimneys, smokestacks, or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, fire boxes, or boilers to which they are connected shall be constructed and maintained in such a manner as to not create a fire hazard.
 - (4) Any person with a Stove that is installed and operating prior to the adoption of this ordinance shall have 180 days from the publication of this ordinance to bring the Stove into compliance with this ordinance.
- (i) **Emergency Situations.** In emergency situations, such as natural disasters, burning that would normally be prohibited is allowed if specifically approved by the Village President. The Village President shall subsequently seek ratification and approval of such emergency measures from the Village Board as soon as is practicable.
- (j) **Enforcement and Penalties.** Unless otherwise provided, any person who shall violate any provision of this Chapter or provide false or misleading information for permits or applications, shall be subject to a penalty as provided in section 25.04.

2. This ordinance shall take effect upon adoption and publication as provided by law.

Adopted by the Village Board of the Village of Sturtevant, Racine County, Wisconsin, this 1st day of November, 2011.

VILLAGE OF STURTEVANT

By: _____
Steve Jansen, President

Attest: _____
Mary Cole, Village Clerk