

**Village of Lake Nebagamon, Douglas County, Wisconsin
Amendment to the Municipal Code**

Chapter 5, of the Municipal Code of the Village of Lake Nebagamon entitled "FIRE DEPARTMENT" is hereby amended to include the following section labeled §5.12 OUTDOOR BURNING, OPEN BURNING AND BURNING OF REFUSE:

§5.12 OUTDOOR BURNING, OPEN BURNING AND BURNING OF REFUSE

A. PURPOSE

This Ordinance is intended to promote and safeguard the public health, safety, living conditions, comfort and welfare of the citizens of the Village of Lake Nebagamon due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

B. APPLICABILITY

This ordinance applies to all outdoor burning and refuse burning within the Village of Lake Nebagamon.

1. This ordinance does not apply to grilling or cooking when using charcoal, wood, propane or natural gas in cooking or grilling appliances, or appliances designed for camp/outdoor cooking.
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 §5.12(D) of this ordinance.
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.
4. As stated in NR 429.04(e), Burning of small amounts of dry combustible rubbish (not to include wet combustible rubbish, garbage, oily substances, asphalt, plastic or rubber products) is allowed.

C. SEVERABILITY

1. 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.

D. DEFINITIONS

1. Campfire - a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
2. Clean Wood - 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.
3. Confidential Papers - printed material containing personal identification or financial information that the owner wishes to destroy.
4. Fire Chief - The Chief of the Village of Lake Nebagamon Volunteer Fire Department or other person authorized by the Fire Chief.
5. Outdoor Burning - kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chimney.

6. Outdoor Wood-fired Furnace - a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

7. Refuse - any waste material except clean wood.

E. GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

1. Open burning, outdoor burning and refuse burning are prohibited in the Village of Lake Nebagamon unless the burning is specifically permitted by this ordinance.

F. MATERIALS THAT MAY NOT BE BURNED

1. 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 Village of Lake Nebagamon 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.

2. 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.

3. 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.

4. Asphalt and products containing asphalt.

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

7. Rubber including tires and synthetic rubber-like products.

G. OPEN BURNING OF LEAVES BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS

1. Open burning of leaves, weeds, brush, stumps, clean wood or other vegetative debris is allowed only in accordance with the following provisions:

a. 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.

b. 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.

c. 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.

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

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

f. 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.

- g. 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.
- h. Burning in emergency situations such as natural disasters is allowed if approved by the Department of Natural Resources.
- i. Open burning under this section shall be conducted only following issuance of and in accordance with a permit issued under §5.12(K) of this ordinance.
- j. Except for campfires, open burning under this section shall only be conducted at a location at least 150 feet from the nearest structure that is not on the same property, or fence lines between properties.
- k. Except for campfires and permitted bonfires, open burning shall only be conducted from the hours of 6pm and 12am.
- l. 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.
- m. No material may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
- n. Except for tables with fire insert, 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.

H. OUTDOOR WOOD-FIRED FURNACES

1. An outdoor wood-fired furnace may be used in the Village of Lake Nebagamon only in accordance with the following provisions:
 - a. The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in §5.12(F) of this ordinance.
 - b. Outdoor Wood-Fired Furnaces must be in compliance of the Village of Lake Nebagamon Zoning Ordinance §17.0

I. FIRE DEPARTMENT PRACTICE BURNS

1. Notwithstanding §5.12(E) and (F) of this ordinance, the Village of Lake Nebagamon 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.

J. BURNING PERMITS

1. No person shall start or maintain any open burning without an annual burning permit issued by the Village of Lake Nebagamon.
2. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
3. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under §5.12(G) of this ordinance shall obtain a burning permit before starting the fire.
4. The owner or occupant of the property shall obtain an annual burning permit for each burn barrel before using the burn barrel.

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.
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.
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 issued permit.

K. LIABILITY

1. Any person utilizing or maintaining an outdoor fire or other fire risk in violation of this ordinance may be responsible for all fire suppression costs and any other civil or criminal liability resulting from damage caused by any such fire.

L. RIGHT OF ENTRY AND INSPECTION

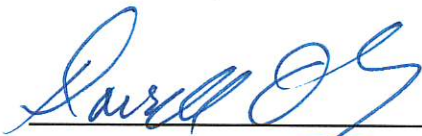
1. The Fire Chief, or any authorized employee(s) of the Village of Lake Nebagamon, who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: If the owner or occupant of the premises denies access to the property for this purpose a special inspection warrant may be obtained in accordance with Wis. Stats. §66.122 & §66.123.

O. ENFORCEMENT AND PENALTIES

1. The Fire Chief and the Village of Lake Nebagamon Police Officer are authorized to enforce the provisions of this ordinance.
2. The penalty for violation of any provision of this section shall be, at minimum penalty as provided in §15.04 of this code. A separate offense shall be deemed committed on each day on which a violation occurs or continues, or on each occasion of offense after citation and a reasonable opportunity to cure.
3. Pursuant to section M, any such liability or responsibility will be for costs as noted by the Fire Chief or any other aggrieved party, and may include the mobilization costs of the LNVFD, and resultant damage.

Dated the 3rd of September, 2019

By:



Darrell Kyle, Village President

ATTEST:

A handwritten signature in blue ink that reads "Daisha Nolan". The signature is written in a cursive style with a large initial "D".

Daisha Nolan, Village Clerk

Adopted: 9/3/2019

Notice Published: 9/4/2019