

VILLAGE OF HEWITT  
Hewitt, Wisconsin 54441

ORDINANCE 12.10  
**OPEN BURNING: OUTDOOR & REFUSE**

The Village Board of the Village of Hewitt, Wood County, Wisconsin hereby ordains an ordinance to govern Open Burning including all outdoor and refuse burning within the Village of Hewitt boundary limits as follows:

**SECTION 1 - PURPOSE:**

The purpose of this Ordinance is to establish regulations for Open Burning related to Outdoor and refuse burning within the Village of Hewitt boundaries in order to protect public health, safety and welfare of Village residents.

**SECTION 2: - DEFINITIONS:**

*CAMPFIRE:* A small outdoor fire intended for recreation enjoyment, ceremonies or cooking which are confined by a control device or structure such as a fire ring or fire pit.

*CLEAN WOOD:* Natural wood which has not been painted, varnished or coated with a similar material or has not been pressure treated with preservatives, does not contain resins or glues used in plywood or other composite wood products.

*CONFIDENTIAL PAPERS:* Printed material containing personal identification or financial information.

*OUTDOOR BURNING:* Open burning or burning in an outdoor wood-fired furnace.

*OPEN BURNING:* Kindling or maintaining a fire where the products of combustion are emitted directly in the ambient air without passing through a stack or a chimney.

*SOLID FUEL-FIRED OUTDOOR HEATING DEVICE:* A solid fuel-fired outdoor heating device designed or constructed for solid fuel combustion so that the usable heat derived is utilized for interior heating of buildings.

*REFUSE:* Waste material except clean wood.

*FIRE CHIEF:* The chief executive officer of the Hewitt Area Fire Department commissioned by the Hewitt Area Fire Commission.

### **SECTION 3 – PROHIBITIONS:**

- No person shall kindle or cause to be kindled any fire including open burning, outdoor burning, burning of brush piles or refuse burning in or upon any street, alley, public way, park area, or any other public ground including privately owned residential property; lake, pond stream or body of water unless permitted by this ordinance.
- Burn barrels.
- Outdoor wood-fired furnaces.
- Outdoor campfires when a burning ban is in force as publicized by the WI DNR or the Hewitt Area Fire Chief.
- An existing unwanted building or a building no longer standing cannot be burned except as outlined in Section #6.

### **SECTION 4 – MATERIALS:**

*The following materials may not be burned in an open fire, incinerator, furnace, stove or any other indoor or outdoor incinerator or heating device:*

- 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 waste.
- Waste oil or other oily wastes.
- Asphalt and products containing asphalt.
- 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.
- Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam and synthetic fabrics, plastic films and plastic containers.
- Rubber including tires and synthetic rubber-like products.
- Newspaper, corrugated cardboard, container board, office paper and other materials except as provided in Section #8 of this ordinance.
- Leaves, weeds, brush, stumps, or other vegetative debris.

### **SECTION 5 – CAMPFIRE/PITS:**

Outdoor campfires/fire pits are allowed within the Village of Hewitt under the following conditions:

- Permit Required: *A permit issued by the Hewitt Area Fire Department is required for outdoor campfires/fire pits.*
- Construction/Material: *Fire pits and campfires shall be confined by a controlled device or structure such as a fire ring or fire pit not exceeding a 36-inch diameter.*
- Distance Logistics:
  - *Fire pits and/or outdoor campfires cannot be closer than 25 feet to any personally owned building.*
  - *Cannot be closer than 12 feet to any adjoining property owner's lot line.*
- Supervision: *A competent person of at least 18 years of age must supervise and be in constant attendance until the fire is extinguished and cold.*

- Extinguishing Equipment: Fire extinguishing equipment as necessary for control of the fire must be readily available.
- Weather Conditions: Operated in a safe nuisance-free manner under appropriate wind and weather conditions; burning ban is not in force.
- Hazards: Do not create a health or visibility hazard on roadways or railroads.
- Regulation Compliance: Comply with local and state fire protection regulations.

#### **SECTION 6 – FIRE DEPARTMENT PRACTICE BURNS:**

Hewitt Area Fire Department practice burns are allowable within the Village of Hewitt limits as outlined below.

- Existing Building: An existing building may be burned by the Hewitt Area Fire Department as deemed appropriate or necessary by the Hewitt Area Fire Department Chief for the purpose of practice and instruction for department fire fighters and/or use of fire fighting equipment.
- Conditions:
  - Residents within 1,200 feet of the proposed practice burn shall be notified by the Fire Chief or his/her designee at least one week (7 days) prior to the practice burn.
  - All asphalt shingles and siding, plastic siding have been removed prior to the practice burn unless the Fire chief has determined they are necessary for the practice.
  - Demolition notice has been submitted to the WI Department of Natural Resources.
  - Asbestos has been removed and properly disposed prior to the practice burn.
  - All ash shall be disposed in an approved WI Department of Natural Resources landfill or alternative location.
- Prohibited:
  - Buildings which are no longer standing.

#### **SECTION 7 – PERMITS:**

- Outdoor campfire – fire pits: Permits can be obtained by contacting the Hewitt Area Fire Chief and may be issued upon satisfactory inspection.

#### **SECTION 8 – EXEMPTIONS:**

The following exceptions are applicable to this ordinance:

- Grills: This ordinance does not apply to barbecue, gas or charcoal grills or appliances used for cooking or grilling that use charcoal, wood, propane or natural gas.
- Heating: 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.
- Fuel/heating Materials: This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline, kerosene, oil required for heating, construction or maintenance activities or used oil burned in a heating device for energy recovery (subject to Chapter NR 590 restrictions, WI Administrative Code).

- Paper: Under the following restrictions certain papers are exempt from this ordinance.
  - Residential Confidential Papers: A small quantity of papers may be burned to prevent the theft of financial records, identification or other confidential information subject
  - Fire Starter: A small quantity of paper or cardboard products may be used as starter fuel for a fire that is allowed under this ordinance.

**SECTION 9 – LIABILITY:**

All smoke, heat or other products of combustion that result from burning are the responsibility of the person burning including fire suppression costs and damages caused by the fire.

**SECTION 10 – COMPLAINTS:**

Direct complaints to the Village President and/or the Fire Chief. All complaints resulting from smoke, heat, etc. will be investigated. If the complaint is warranted, the fire will be ordered to be extinguished.

**SECTION 11 – ENFORCEMENT:**

- The Hewitt Area Fire Department Chief or Assistant is authorized to enforce the provisions of this Ordinance
- The Hewitt Area Fire Department chief or authorized designee may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.
  - If the owner/resident denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with WI Statutes 66.0119.

**SECTION 12 – PENALTIES:**

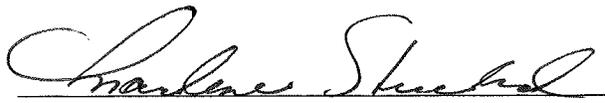
Any person who violates any portion of this Ordinance shall be subject to a forfeiture of not less than \$25.00 or more than \$250.00 plus the cost of fire fighting equipment and man power to extinguish. (Ref: Resolution 2009-02 Forfeitures will be doubled for subsequent violations.

**SECTION 13 – EFFECTIVE DATE:**

This ordinance as amended shall take effect and be in force, from and after its passage and publication as required by law.

  
 \_\_\_\_\_  
 Village President

8-10-10  
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 Date

  
 \_\_\_\_\_  
 Village Clerk

8-10-10  
 \_\_\_\_\_  
 Date