

TITLE 5 PUBLIC SAFETY – VILLAGE OF GAYS MILLS

SEC. 5-2-9 OPEN BURNING.

- (a) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Gays Mills excepting as set forth below in this Section. This prohibition on burning includes burning of construction waste and debris at construction sites and the use of burning barrels. Outdoor burning is prohibited notwithstanding the exceptions in this Section when local circumstances make fires potentially hazardous, which local circumstances include, but are not limited to, thermal inversions, wind, ozone alerts, and very dry conditions.
- (b) **Exceptions.**
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;
 - (2) Recreational burning pits not exceeding four (4) feet in diameter and not located less than twenty-five (25) feet from any structure (the burning of clean wood only is permitted and the use of burning pits to burn refuse is prohibited);
 - (3) Controlled burning of grass or similar vegetation for land clearing, with the prior written approval of the Director of Public Works, or his designee, may be permitted;
 - (4) Ceremonial fires or bonfires, with prior written approval of the Director of Public Works, or his/her designee, may be permitted.
 - (5) Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, with the prior written approval of the Director of Public Works, or his designee, may be permitted.
 - (6) Open burning when a permit is issued.
 - (7) Burning relating to Fire Department training or similar purposes.
- (c) **Application for Permit.**
- (1) Procedure for Issuance of Burning Permit. Before the setting or starting of any open burning permitted under this Section, a permit authorizing the burn shall be first obtained by the owner, operator, or agent from the Director of Public Works or from such other person as may be authorized or designated by the Director of Public Works to issue such permits. Application for a burning permit shall be made in writing upon a form furnished by the Director of Public Works or Chief of Police. The Director of Public Works may also establish from time to time special rules or restrictions relating to open burning by permit. Such rules may govern conditions including, but not necessarily limited to, the following:
 - a. Hours when burning is allowed;
 - b. Day(s) when burning is allowed;
 - c. Material which may or may not be burned;
 - d. Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device;
 - e. The length of time the permit is valid;
 - f. What constitutes an approved burning device or incinerator;
 - g. The size of the material pile burned by open burning;
 - h. The distance or distances to be maintained between the material being burned and other flammable material;
 - i. Supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site; and
 - j. The manner in which ashes created by the burning under the permit are to be disposed of.

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- (2) Issuance Of Permit. If the Director of Public Works, or other person authorized by him to issue such permits, finds that the proposed burning complies with all Village ordinances and the regulations contained in Chapter ILHR 14, Wis. Adm. Code, the Director of Public Works shall approve the application, and a burning permit shall be subsequently issued to the applicant. A copy of any burning permit, and the application therefore, shall be kept on file with the Chief of Police. No burning permit issued shall be valid for more than thirty (30) days from the date when issued.
- (d) **Open Burning Regulations.** The following regulations shall be applicable when an open burning permit has been issued:
 - (1) All open burning conducted pursuant to a permit shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse affects, and in conformance with local and state fire protection regulation. Open burning permits shall not be used to covertly burn plastic, construction debris or other prohibited materials.
 - (2) The size of the pile of material to be burned shall not exceed four (4) feet in any direction measured horizontally, or three (3) feet measured vertically.
 - (3) The pile of material being burned shall be at least fifty (50) feet away from any structure, wood or lumber pile, wooden fence, trees, or bushes. Provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items or the fire shall otherwise be contained in an approved incinerator or burner device which is located at least fifteen (15) feet away from any structure, wood or lumber pile, wooden fence, trees, or bush(es).
 - (4) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.
 - (5) Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
 - (6) No materials may be burned upon any street, curb, gutter, or sidewalk.
- (7) Permits shall not be issued for burning barrels.

State Law Reference: Ch. ILHR 14, Wis. Adm. Code.