

CHAPTER 978. BURNING OF GRASS, LEAVES, AND GARBAGE.

978.01. Purpose. This chapter 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 and visitors to the City of Ashland due to the air pollution and fire hazards of open burning, outdoor burning, and refuse burning.

978.02. Applicability. This chapter applies to all outdoor burning and refuse burning within the City of Ashland, except as provided below

(a) This chapter does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

(b) This chapter 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 978.04.

(c) This chapter does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(d) This chapter does not apply to an outdoor wood fired furnace as defined in Section 978.04.

(e) Sec. 978.08 does not apply to:

(1) The fire area located on the Northland College campus west of Wheeler Hall; and

(2) Campfires built within 20 feet of the Lake Superior shore on snow or ice or, before June 1, on sand, provided such fires are not built on Maslowski Beach, Sixth Avenue Beach, Kreher Park beach, or Bayview Park beach west of the pier, as such parks and beaches are designated under Section 463.04, Ashland City Ordinances.

978.03. Reserved.

978.04. Definitions.

(a) "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

(b) "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.

(c) "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.

(d) "Extinguished" in relation to a fire means that there are no flames, glowing embers, smoke, or steam, and that all combustible materials are cold to the touch.

(e) "Fire Chief" means the Chief of the Ashland Fire Department or other person authorized by the Fire Chief.

(f) "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.

(g) "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.

(h) "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.

(i) "Refuse" means any waste material except clean wood.

978.05. General prohibition on outdoor burning and refuse burning. Open burning, outdoor burning, and refuse burning are prohibited in the City of Ashland unless the burning is specifically permitted by this chapter.

978.06. Materials that may be burned. Unless a specific written approval has been obtained from the Fire Chief or the Department of Natural Resources, only the following materials may be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. *

(a) Clean wood.

(b) Brush.

(c) Weeds, as allowed under Section 978.07 and papers as allowed under Section 978.11.

978.07. Burning brush, clean wood, and weeds. Open burning of weeds, brush, stumps, and clean wood 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) 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, except for barbecue gas, and charcoal grills, unless such fires are included in the burning ban.

(c) Grass, leaves, weeds, brush, and tree trunks, stumps, and limbs may be burned in areas zoned for agricultural use, upon receiving permission from the Fire Chief, provided that the

burning is for agricultural purposes only. Prior to the actual start of burning, the permittee shall notify the Fire Department and the Dispatch Center for the Ashland Police Department. The permittee and the property owner where the burning occurs shall be responsible for any damage caused by the fire. Refuse other than grass, leaves, weeds, brush and tree trunks, stumps, and limbs, may not be burned pursuant to this section.

(d) Grass, leaves, weeds, brush, and tree trunks, stumps, and limbs may be burned in areas zoned for industrial use, upon receiving permission from the Fire Chief, provided that the burning is for the purpose of site development for new construction only. Before issuing any permit under this section, the Fire Chief shall perform an on-site inspection of the area where the burning is to occur and may impose conditions on the permit, including but not limited to requirements for on-site fire suppression equipment and personnel, and time and weather requirements. Prior to the actual start of burning, the permittee shall notify the Fire Department and the Dispatch Center for the Ashland Police Department. The permittee and the property owner where the burning occurs shall be responsible for any damage caused by the fire. Refuse other than grass, leaves, weeds, brush and tree trunks, stumps, and limbs, may not be burned pursuant to this section.

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

(f) Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.

(g) Burning of trees, trunks, stumps and limbs, brush, or weeds is allowed only when snow cover is present at the burn site, or if it is not, then only if approved by the Fire Chief and if in accordance with other provisions of this chapter.

(h) In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.

(i) Except for barbecue gas, and charcoal grills, open burning under this section shall only be conducted at a location at least 10 feet from the property line.

(j) 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, as defined in Section 978.04(d). The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

(k) No materials may be burned upon any street, curb, gutter or sidewalk.

(l) Except for barbecue, gas and charcoal grills, 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.

(m) No open burning may be conducted on days when the Fire Chief issues a burning ban.

(n) Any otherwise lawful fire may be prohibited, or if already in progress, may be ordered extinguished, by the Fire Chief or any law enforcement officer of the City of Ashland, if the atmospheric conditions are such as to make the fire a hazard to public health or safety or to public or private property, or if the fire is producing excessive flame or smoke so as to endanger public health or safety or public or private property.

978.08. Backyard fire rings. Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided:

(a) The fire is confined by a control device or structure such as an enclosure, fire ring, or fire pit, no more than three feet wide at its widest point.

(b) All other provisions contained in this chapter are followed.

(c) No complaints related to such fires are received. If a complaint is received while a fire is burning, the Fire Chief or any law enforcement officer may order the fire extinguished. The Fire Chief may also prohibit all outdoor campfires and small bonfires at the address based on safety, health, or nuisance concerns, or may place specific conditions on allowing outdoor campfires and small bonfires at the address. The Fire Chief shall inform the complainant of any action taken as a result of the complaint. Any party aggrieved by the Fire Chief's response to a complaint may have that response reviewed by the City Council's Committee of the Whole. Upon review, the Committee of the Whole shall determine if safety, health, or nuisance concerns make it advisable to prohibit, limit, or condition outdoor campfires and small bonfires at the address. The decision of the Committee of the Whole shall be the final decision of the City.

978.09. Burn barrels. No person shall use or maintain a burn barrel in the City of Ashland.

978.10. Fire department practice burns. The Ashland Fire Department or Wisconsin Indianhead Technical College may burn a standing building if necessary or useful for fire-fighting practice upon compliance with any applicable requirements of the Department of Natural Resources.

978.11 Exemption for burning certain papers.

(a) Notwithstanding Section 978.06, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.

(b) 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.

(c) Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

(d) A fire set for burning of a small quantity of confidential papers shall be subject to and comply with all other requirements of this ordinance.

978.12 Burning permits.

(a) The Fire Chief is authorized to issue burning permits under subsections 978.07(c), (d), and (f).

(b) A burning permit issued under this chapter shall require compliance with all applicable provisions of this chapter and any additional special restrictions deemed necessary to protect public health and safety.

(c) Any violation of the conditions of a burning permit shall be deemed a violation of this chapter. Any violation of this chapter or the burning permit shall void the permit.

(d) A permit shall only be issued upon payment of the permit fee as established in the City's Comprehensive Fee Schedule.

978.13. Sky lanterns.

(a) Definition. A "sky lantern" is a small hot air balloon made of paper or other fabric with an opening at the bottom where a small fire is suspended.

(b) Prohibition. No person shall light, launch, or allow to become airborne any sky lantern.

978.14. Liability. A person starting, using, or maintaining an outdoor fire; or lighting, launching, or allowing to become airborne a sky lantern; shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

978.15. Right of entry and inspection. The Fire Chief or law enforcement officer or Building Inspector of the City of Ashland may inspect any property for the purpose of ascertaining compliance with the provisions of this chapter. 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 Sec. 66.0199 Wis. Stats.

978.16. Enforcement and penalties.

(a) The Fire Chief and any law enforcement officer of the City of Ashland are authorized to enforce the provisions of this chapter.

(b) The penalty for violation of any portion of this chapter shall be a forfeiture of not less than \$50 or more than \$1,000 plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

* Materials such as those listed below (but not limited to those listed below) are banned because burning them can cause adverse effects to human health and the environment or because they can be recycled.

(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.

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