

**Ordinance No. 2004-02**

**AN ORDINANCE TO REPEAL SECTION 5-1-12 RELATING TO BURNING OF CONSTRUCTION DEBRIS AND REPEAL AND RECREATE SECTION 5-2-20 OF THE CODE OF ORDINANCES FOR THE TOWN OF CALEDONIA, RACINE COUNTY, WISCONSIN, RELATING TO OPEN BURNING**

The Town Board of the Town of Caledonia, Racine County, Wisconsin, do ordain as follows:

1. That Section 5-1-12 of the Code of Ordinances relating to the burning of construction debris is repealed.
2. That Section 5-2-20 of the Code of Ordinances for the Town of Caledonia be, and hereby is, repealed and recreated to read as follows:

**“Sec. 5-2-20 OPEN BURNING**

- (a) **Intent.** It is the intent of the Section that all allowed Open Burning is 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) **“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.
  - (2) **“Open Burning”** shall mean any fire from which the products of combustion are emitted directly into the open air without passing through a chimney or stack.
  - (3) **“Recreational or Ceremonial Fire”** shall mean a small camp-type charcoal 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.
  - (4) **“Yard Waste”** shall mean refuse, such as dry leaves and dry plant clippings, from a plant, tree or shrub, not including firewood.
- (c) **Authority of Fire Chief.** This Chapter shall be interpreted, administered, and enforced by the Fire Chief or his or her designee.
- (d) **General Prohibitions.**
  - (1) **Nuisance Prohibited.** No person shall burn any material that creates dense smoke or causes a public nuisance.
  - (2) **Public Nuisance Declared.** The burning of any wet combustible rubbish, flammable or combustible liquids, leather, petroleum based materials, oily substances, asphalt, plastic, rubber products, insulation, Garbage or any material which creates a dense smoke is hereby declared a public nuisance.

- (3) **Burning by Business Prohibited.** Where a business is operated from any structure, home or an attached structure, or the land is zoned business or commercial, no Open Burning is permitted under any condition except for Recreational or Ceremonial Fires if notice to and approval of the Fire Chief is received.
  - (4) **Burning of Construction Debris Prohibited.** The burning of construction debris, such as wood scraps, shingles, insulation, etc. is prohibited, regardless of whether such burning is done by the property owner, contractor, worker or other person responsible for the site.
  - (5) **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 Fire Chief; or when the DNR issues an air-pollution or ozone advisory; or when the wind speeds exceed ten (10) miles per hour; or when extremely dry conditions are observed as may be determined by the Fire Chief.
  - (6) No person under the age of sixteen (16) years is allowed to ignite any fire without the supervision of an adult 21 years of age or older.
- (e) **Restrictions on Open Burning.** Open Burning is hereby prohibited in the Town of Caledonia except for:
- (1) Outdoor fires for cooking.
  - (2) Recreational or Ceremonial Fires.
  - (3) 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.
  - (4) Fires burning clean, dry combustible materials used to thaw the ground for street, sewer or rail repairs.
  - (5) Fires set for the practice and instruction of firefighters or the testing of firefighting equipment.
  - (6) Burning of brush or weeds on zoned agricultural lands including fires for cropland management, insect and rodent control, provided dense smoke is not created and no nuisance occurs.
  - (7) Burning of explosives or dangerous material for which no other safe disposal method exists.
  - (8) Burning of brush, grasses and weeds for the management of established prairies, prairies under restoration or residential green-spaces, for which a Stewardship Plan has been prepared and approved by the Town pursuant to Sec. 14-3-5(h) or Natural Lawn Management Plan has been prepared and approved pursuant to Sec. 8-1-3, provided dense smoke is not created and no nuisance occurs.
  - (9) Burning for the disposal of a small amount of clean, dry, combustible Yard Waste on one (1) or two (2) family residential properties shall comply with the following conditions:

- a. The fire 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, earthen, or concrete container or pit and then such fire shall be at least ten (10) 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 producing flame 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.

(f) **Additional Regulations.**

- (1) Exceptions contained in Section (e)(1) through (3) 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)(4) through (6) have no time limit, but do require prior notification and approval of the Fire Chief under subsection (g) below.
- (3) Exceptions contained in Subsection (e)(7) and (9) are permitted only between the hours of 12:00 noon and 7:00 p.m. prevailing time and require prior notification and approval of the Fire Chief under subsection (g) below.
- (4) The exception contained under Subsection (e)(8) is permitted only between the hours of 12:00 noon and 7:00 p.m. prevailing time and requires prior notification and the submittal of a burn plan at the time of notification in a form acceptable to the Fire Chief. 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 Town in taking any fire prevention measures shall be paid by the person conducting the Open Burning prior to commencing said burn.
- (5) A competent person shall constantly attend all Open Burning until such fire is extinguished.
- (6) Open Burning on Town of Caledonia properties are prohibited except as authorized by Town Officials and as allowed in the Town's park regulations under Title 12 of the Code of Ordinances.
- (7) Upon written request, the 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 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 Town 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 may take any action authorized by this Chapter or the Code of Ordinances.”

3. That this ordinance shall take effect upon adoption and publication as provided by law.

Adopted by the Town Board of the Town of Caledonia, Racine County, Wisconsin, this 5<sup>th</sup> day of April, 2004.

**TOWN OF CALEDONIA**

By: \_\_\_\_\_/s/  
Susan Greenfield, Chairperson

Attest: \_\_\_\_\_/s/  
Wendy M. Christensen, CMC, Clerk