

**SECTION 10.07 OPEN BURNING REGULATIONS  
MUNICIPAL CODE OF THE VILLAGE OF NASHOTAH**

- (1) DEFINITION. Whenever used in this section, unless a different meaning is apparent from the context, open burning shall mean: combustion which creates fire and/or smoke, from which the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.
- (2) OPEN BURNING PROHIBITED. Open burning is prohibited in the Village of Nashotah except as specifically allowed in this section.
- (3) EXCEPTIONS. Notwithstanding the prohibition against open burning in the Village of Nashotah, the following open burning is allowed by individuals subject to the regulations and permit requirements of this section.
- (a) Burning of brush or weeds on lands.
  - (b) Fires set for practice in instruction of fire fighters or testing of fire fighting equipment.
  - (c) Burning of small amounts of dry combustible solid waste. The solid waste shall not include the following:
    - 1. Wet combustible rubbish;
    - 2. Garbage;
    - 3. Oily substances;
    - 4. Asphalt;
    - 5. Tires;
    - 6. Plastic; or
    - 7. Rubber products.
  - (d) Outdoor fires for cooking, ceremonies or recreation.
  - (e) Burning of trees, wood, brush or demolition materials, excluding asphaltic or rubber material, but only if the methods approved by the State of Wisconsin Department of Natural Resources are followed.
  - (f) Small open flames for welding, acetylene torches, safety flares, heating tar or similar application.
  - (g) Burning of dry leaves and dry plant clippings.
- (4) REGULATIONS. In those circumstances where the terms of this section allow open burning within the Village of Nashotah, that open burning must be done in a manner that complies with the following regulations.
- (a) Size. The material to be burned shall not be larger than 4' in width, by 4' in depth, by 3' in height.
  - (b) Location. The material to be burned must at all times be at least 50' away from any structure and from any wooded, brushy or combustible area and provisions shall be made to prevent the fire from spreading within 50' of such items.
  - (c) Ignition. No open burn shall be ignited with flammable or combustible liquids. This regulation does not apply, however, to outdoor cooking fires that are contained within a grill or camp stove.
  - (d) Supervision. The open burn area shall be attended by a competent person who is at least 16 years of age until the fire is completely extinguished.
  - (e) Time. No burn shall commence prior to dawn, and the burn shall be completely extinguished prior to dusk.
  - (f) Wind. No open burning shall take place when the wind velocity exceeds nine miles per hour.
  - (g) Exceptions. Any exception to the regulations described in this subsection may be made only upon the express written

permission of the Chief of the Fire Department, and that exception shall be limited to a specific burn on a specific date.

(5)

PERMIT REQUIRED.

(a)

Prior to commencing any open burning activities, except the activities described in §§10.07(3)(d) and 10.07(3)(f), a permit must first be obtained. The permit shall state the name of the person applying for the same, the location where the fire is to be set, and the hours when such burning is allowed. The permit shall be issued only to the owner or agent of the premises on which the fire is to be set, and shall be valid for the time period indicated on the permit, which shall not be longer than through December 31st of the year in which it is issued. A permit under this section may not be issued to businesses. A permit for said fire may be denied depending on wind, weather conditions, proximity of adjoining improvements, and the general condition, quantities and characteristics of the area and/or the materials to be burned, and the surrounding area or other failure to follow these regulations. No fee shall be charged for the issuance of such a permit.

(b)

Revocation of Permits. Burning permits issued under this section may be revoked after written notice to the permit holder and an opportunity to be heard by the Fire Chief, upon a finding by the Chief of the Fire Department:

1.

That said permit is being used by any person other than the person to whom it was issued; or

2.

That any regulation of this section has been violated; or

3.

That the conditions and limitations set forth in said permit have been violated; or

4.

That violations set forth in any written notice served upon the permitted have not been corrected within the time required by said notice; or

5.

That said permit is being used for any premises or location other than that for which it was issued.

(6)

PENALTY. Persons violating any provision of this section shall be subject to any and all penalties described in 25.04 of this Code, and those penalties may be in addition to or independent of any revocation of a burning permit.