

1
2
3 **OUTDOOR AND REFUSE BURNING ORDINANCE FOR THE TOWN OF BRISTOL,**
4 **DANE COUNTY, WISCONSIN**

5
6 **Ordinance No. 2006-1**
7

8
9 **SECTION 1: PURPOSE**
10

11 **1.00 Purpose.** This ordinance is intended to promote the public health, safety and welfare and to
12 safeguard the health, comfort, living conditions, safety and welfare of the citizens of the **Town of**
13 **Bristol** due to the air pollution and fire hazards of open burning, outdoor burning and refuse
14 burning.
15

16 **SECTION 2: APPLICABILITY**

17 **2.00 Applicability.** This ordinance applies to all outdoor burning and refuse burning within the
18 **Town of Bristol**.

19 **2.1.** This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural
20 gas in cooking or grilling appliances in a fashion which is lawful under this ordinance.

21 **2.2.** This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device
22 within a building used for human or animal habitation unless the material being burned includes
23 refuse as defined in Section 4 of this ordinance.

24 **2.3.** This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or
25 kerosene in a device intended for heating, construction or maintenance activities.
26

27 **SECTION 3: SEVERABILITY**

28 **3.00 Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a
29 court of competent jurisdiction, the remainder of this ordinance shall not be affected.
30

31 **SECTION 4: DEFINITIONS**

32 **4.00 Definitions.**

33 **4.1.** "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire
34 intended for disposal of waste wood or refuse.

35 **4.2.** "Clean Wood" means natural wood which has not been painted, varnished or coated with a
36 similar material, has not been pressure treated with preservatives and does not contain resins or
37 glues as in plywood or other composite wood products.

38 **4.3.** "Confidential papers" means printed material containing personal identification or financial
39 information that the owner wishes to destroy.

40 **4.4.** "Fire Chief" means the Chief of the **Sun Prairie Area Fire District** or other person authorized
41 by the Fire Chief

42 **4.5.** "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.

43 **4.6.** "Open Burning" means kindling or maintaining a fire where the products of combustion are
44 emitted directly into the ambient air without passing through a stack or a chimney.

45 **4.7.** "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located
46 within a building intended for habitation by humans or domestic animals.

47 **4.8.** "Refuse" means any waste material except clean wood.
48

49 **SECTION 5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING**
50 **AND REFUSE BURNING**

51 **5.0 General prohibition on outdoor burning and refuse burning.** Open burning, outdoor
52 burning and refuse burning are prohibited in the Town of Bristol unless the burning is specifically
53 permitted by this ordinance.

54 **5.1** Grills, barbecues, deep fryers, smokers and other appliances which cook or prepare food using
55 heat generated by burning charcoal or natural gas in cylinders designed to hold 20 pounds or less of
56 gas, may not be used on second story porches or in enclosed porches or areas. All residential
57 landlords in the Town shall include building rules forbidding such use of grills.

58
59
60 **SECTION 6: MATERIALS THAT MAY NOT BE BURNED**

61 **6.00 Materials that may not be burned.**

62 **6.10** Unless a specific written approval has been obtained from the Department of Natural
63 Resources, the following materials may not be burned in an open fire, incinerator, burn barrel,
64 furnace, stove or any other indoor or outdoor incineration or heating device

65 **6.11.** Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal
66 carcasses, paint or painted materials, furniture, composite shingles, construction or demolition
67 debris or other household or business wastes.

68 **6.12.** Waste oil or other oily wastes except used oil burned in a heating device for energy recovery
69 subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

70 **6.13.** Asphalt and products containing asphalt.

71 **6.14.** Treated or painted wood including but not limited to plywood, composite wood products or
72 other wood products that are painted, varnished or treated with preservatives.

73 **6.15.** Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane
74 foam, and synthetic fabrics, plastic films and plastic containers.

75 **6.16.** Rubber including tires and synthetic rubber-like products.

76 **6.17.** Newspaper, corrugated cardboard, container board, office paper and other materials that must
77 be recycled in accordance with the recycling ordinance except as provided in Section 9 of this
78 ordinance.

79
80 **SECTION 7: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER**
81 **VEGETATIVE MATERIAL**

82
83 **7.00 Burning leaves, brush, clean wood and other vegetative debris.**

84
85 **7.1** Effective upon adoption of this ordinance, open burning of leaves, weeds, brush, stumps, clean
86 wood, trees and other vegetative debris is prohibited within 200 feet of an adjacent structure owned
87 by another person.

88 **7.2.** The regulations contained in sections 7.2 through 7.13 shall apply to burning which is lawful.
89 All allowed open burning shall be conducted in a safe nuisance free manner, when wind and
90 weather conditions are such as to minimize adverse effects and not create a health hazard or a
91 visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in
92 conformance with all local and state fire protection regulations.

93 **7.3.** Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during
94 periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a
95 burning ban applicable to the area.

96 **7.4.** Materials which are burned may be burned only on the property on which the materials were
97 generated.

98 **7.5.** Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance
99 with other applicable provisions of this ordinance, and if done with a written permit from the Sun
100 Prairie Fire Chief or his/her designee.

101 **7.6.** Fires set for forest, prairie or wildlife habitat management are allowed by permit from the Sun
102 Prairie Fire Chief.

103 **7.7.** Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed
104 provided that the fire is confined by a control device or structure such as a fire ring or fire pit.
105 Bonfires are allowed only if approved by and in accordance with provisions established by the Fire
106 Chief.

107 **7.8** Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is
108 allowed if approved by the Fire Chief and if in accordance with other provisions of this ordinance.

109 **7.9.** In emergency situations such as natural disasters burning that would otherwise be prohibited is
110 allowed if specifically approved by the Department of Natural Resources and the Sun Prairie Fire
111 Chief.

112 **7.10** Open burning under this section shall only be conducted at a location at least 200 feet from the
113 nearest building which is not on the same property.

114 **7.11.** Except for campfires and permitted bonfires, open burning shall only be conducted during
115 daylight hours.

116 **7.12.** Open burning shall be constantly attended and supervised by a competent person of at least
117 eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily
118 available for use such fire extinguishing equipment as may be necessary for the total control of the
119 fire. A person who undertakes open burning shall be strictly liable for all damages caused by a fire
120 the person sets.

121 **7.13.** No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake,
122 pond, stream or waterbody.

123 **7.14.** Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 150 feet
124 of any combustible material, combustible wall or partition, exterior window opening, exit access or
125 exit unless authorized by the Fire Chief.

126 **7.15.** No open burning may be conducted on days when the Department of Natural Resources has
127 declared an ozone action day applicable to the **Town of Bristol** .

128 **7.16.** With the exception of campfires, any open burning allowed by this ordinance requires that the
129 proposed burning be reported to the Sun Prairie Volunteer Fire Department by calling the fire
130 department non-emergency phone number and leaving the required information on the answering
131 machine at the fire station. This must be done before burning can begin.

132 **7.17** The Town Board may designate dates and times during which open burning of leaves, brush,
133 yard waste and clean wood generated on a property may be burned on that property by the owner or
134 the owner's designee. No other materials or accelerants may be burned. This section does not
135 permit burning of any wet yard waste, or of grass clippings, paper, garbage, painted or treated
136 wood, building materials or waste. The Town Board may reduce the required setback distance in
137 the case of spring and fall yard waste burn dates.

138

139 **SECTION 8: BURN BARRELS**

140

141 **8.00 Burn barrels.**

142 **Upon adoption of this ordinance,** no person shall use or maintain a burn barrel in any lot within a
143 platted subdivision in the **Town of Bristol**.

144 A burn barrel may be used in the Town of Bristol only in accordance with the following provisions:
145 **8.1.** The burn barrel shall not be used to burn any of the prohibited materials listed in Section 6 of
146 this ordinance and may only be used in accordance with the provisions of Section 7 of this
147 ordinance.
148 **8.2.** Any burn barrels shall be located at least 200 feet from the nearest building that is not on the
149 same property as the burn barrel.
150 **8.3.** The burn barrel shall have vent holes above the ash line for combustion air and shall be
151 covered with a heavy wire screen.
152 **8.4.** The burn barrel shall not serve a commercial enterprise.

153
154 **SECTION 9: SMALL QUANTITY BURN EXEMPTIONS.**

155
156 **9.1.** Notwithstanding Subsection 6.17 of this ordinance, paper and cardboard products may be used
157 as a starter fuel for a fire that is allowed under this ordinance
158 **9.2.** Small quantities of confidential papers from a residence may be burned if necessary to prevent
159 the theft of financial records, identification or other confidential information.
160 **9.3.** Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner
161 other than burning.
162 **9.4.** A fire set for burning of a small quantity of confidential papers shall be subject to and comply
163 with Subsections 7.1-7.3, 7.6, and 7.11-7.15 of this ordinance.

164
165 **SECTION 10: LIABILITY**

166 **10.00 Liability.** A person utilizing or maintaining an outdoor fire shall be responsible for all fire
167 suppression costs and any other liability resulting from damage caused by the fire.

168
169 **SECTION 11: RIGHT OF ENTRY AND INSPECTION**

170 **11.00 Right of entry and inspection.** The Fire Chief or any authorized officer, agent, employee or
171 representative of the Town of Bristol who presents credentials may inspect any property for the
172 purpose of ascertaining compliance with the provisions of this ordinance. Note: If the owner or
173 occupant of the premises denies access to the property for this purpose, a special inspection warrant
174 may be obtained in accordance with sections 66.122 and 66.123, Wis. Stats. In the event of a fire
175 emergency, the Fire Chief and members of the Fire Department may access property to extinguish
176 uncontrolled fire in order to protect the safety of persons and property.

177
178 **SECTION 12: ENFORCEMENT AND PENALTIES**

179 **12.00 Enforcement and penalties.**

180 **12.1.** The Fire Chief, the Dane County Sheriff's Department and the Town of Bristol are
181 authorized to enforce the provisions of this ordinance.
182 **12.2.** The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than
183 \$50 or more than \$500 plus the cost of prosecution. Penalties are doubled for second and
184 subsequent offenses.

185
186 Adopted: May 8, 2006 Published: May 18, 2006

187
188 Dated this 8th day of May, 2006.

189 Amended: October 9, 2006 and July 13, 2011.

190
191 _____, Gerald Derr, Town Chairperson

192
193
194
195
196
197
198
199
200
201
202

_____, Scott Grove, Town Supervisor

_____, Dave Templeton, Town Supervisor

Attest:

_____, Sandra Klister, Bristol Clerk