

**CITY OF MANAWA ORDINANCE
FOR
OUTDOOR BURNING, OPEN BURNING AND BURNING OF REFUSE**

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Section 152-9

Part # A Introduction

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A. Introduction

Most communities in Wisconsin regulate outdoor burning and/or refuse burning in some fashion for the purpose of preventing wildfires, preventing air pollution problems or both. This Ordinance is intended to promote and protect the health, comfort, living conditions, safety, and wellbeing of the citizens of the City of Manawa through regulating the practices of outdoor burning and recreational burning. Outdoor burning and refuse burning are prohibited in the City of Manawa unless the burning is specifically permitted by this ordinance.

B. Definitions

The following words, terms and phrases, whenever they occur in this chapter, shall have the meaning ascribed to them by this section.

- 1. Bonfire** Any large, open fire kindled and maintained to mark a public, school, or religious event, celebration or similar occurrence which only uses large amounts of dry unpainted and untreated wood as burning material and which satisfies the conditions set forth in this ordinance.
- 2. Burning** To undergo a rapid combustion or to consume fuel in such a way as to give off heat, gases and usually light. Combustion is the scientific name for burning.
- 3. Curtilage** The area or space surrounding a structure. Curtilage legally defines boundaries. A term to describe legal levels of privacy.
- 4. Dwelling Unit** Means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.
- 5. Camp Fire** A small out door fire intended for recreational or cooking not including a fire intended for disposal of waste wood or refuse. Campfires, charcoal grills shall be no larger than **3 feet by 3 feet** and with a flame no higher than **4 feet** from the burning surface.
- 6. Clean Wood** Natural wood, which has not been painted, varnished, or coated with similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or composite wood products.
- 7. Confidential Papers** Cardboard, paper, plastic products or anything that is specified in the County of Waupaca Recycling Program. Printed material containing personal identification or financial information that the owner wishes to destroy. means printed material containing personal identification or financial information that the owner wishes to destroy.
- 8. Family** Means one or more persons occupying a single dwelling unit, provided that, unless all members are related by blood, marriage, or adoption, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family.

- 9. Fire Chief** Means the Chief of the Manawa Rural Fire Department or other person authorized by the Fire Chief.
- 10. Garbage** Means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
- 11. Weather Conditions** Wisconsin Department of Natural Resources may declare a burning moratorium on any and all open burning and temporarily suspend previously issued burning permits.
- 12. Dwelling** Any building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- 13. Enforcement Officer** Means the official designated herein or otherwise charged with the responsibilities of administering this chapter, or his authorized representative.
- 14. Environmental Burning** Open burning to dispose of seasonal environmental materials such as; dry leaves, branches, and other dry yard debris and satisfies the conditions set forth in this ordinance.
- 15. Grilling Cooking** Cooking, using charcoal, wood, propane, or natural gas in a cooking or grilling appliance.
- 16. Hotel / Motel** Means a building containing five or more units wherein sleeping accommodations are offered for pay to transients. Rooming houses are not included with the intent of this definition.
- 17. Law Enforcement Officer** An individual who is specifically designated by the City of Manawa otherwise charged with the responsibilities of administering this chapter.
- 18. Liability** A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.
- 19. Multifamily Dwelling:** Means a building containing three or more dwelling units or a structure containing one or more dwelling units in combination with a nonresidential use.
- 20. Nuisance** An act that causes concern, discomfort or anxiety to the sense of another or any reasonable individual.
- 21. Open Burning** Kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.
- 22. Operator** Means any person who has charge, care, or control of a structure or premises which are let or offered for occupancy.
- 23. Ordinance** Compliance with all applicable provisions of this section and any special restrictions deemed necessary to protect public health and safety.
- 24. Openable Area** Means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- 25. Outdoor Solid Fuel Fired Heating Devices** Any equipment, device or apparatus, or any part thereof, which is installed affixed or situated outdoors for primary purpose of combustion of fuel to produce heat or energy used as component of heating system provided heat for any interior space or wastewater source.

- 26. Owner** Means the owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a building or premises, or their authorized agents.
- 27. Premises** A lot, plot, or parcel of land, including the buildings or structures thereon.
- 28. Rooming House** Means any building or any part thereof containing rooming units in which space is let by the owner or operator and having common bathroom facilities.
- 29. Recreational Fires** Campfires, charcoal grills shall be no larger than 3 feet by 3 feet and with a flame no higher than 4 feet from the burning surface. Only clean untreated unpainted wood or charcoal shall be burned in a recreational fire. Burning of grass, leaves, or brush (to include pine branches) is prohibited and not considered a recreational fire. If the primary purpose of the fire is to dispose of the material being burned, it is not considered a recreational fire regardless of size. The fire shall not be left unattended. The fire shall be completely extinguished and cool to the touch before the area is vacated. Open burning for outdoor recreation and / or cooking purpose in an enclosure designed specifically for ember and flame containment, such as rock pits, fireplaces, or barbecue grills which use only charcoal, propane gas, or dry unpainted and untreated wood as the burning material and which satisfies the conditions set forth in this ordinance.
- 30. Refuse** Worthless or unwanted objects or materials; Also known as garbage, rubbish or trash. Any waste material except clean wood.
- 31. Rooming Unit** Means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- 32. Rubbish 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 - Any combustible and noncombustible waste material, except garbage, and the term "rubbish" shall include the residue from the burning of wood, coal or any other kind of combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials. Garbage - The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- 33. RIGHT OF ENTRY & INSPECTION** The Fire Chief, Fire Inspectors, any Law Enforcement Officers or their designees may inspect any property for the purpose of ascertaining compliance with the provisions of this section. Special Note: 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 Wisconsin state Statutes 66.122 and 66.123.
- 34. Rubber** Synthetic rubber like products. A durable elastic polymeric substance made from the latex of a tropical plant or synthetic material.
- 35. Rubbish** Means combustible and noncombustible waste materials, except garbage, and the term "rubbish" shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials.
- 36. Single-family Dwelling** Means a building containing a single-family, or not more than five unrelated persons.
- 37. Structure** An object or building that is not moveable by two or fewer adults and or on a permanent foundation or concrete slab. A structure means an assembly of materials forming a construction for occupancy or use, including, among other things, buildings, stadiums, tents, reviewing stands, platforms, staging, observation towers, radio towers, water tanks, trestles, piers, wharves, open sheds, coal bins, shelters, fences, and display signs.

38. Two-family dwelling, duplex

Means a building comprising two single-family dwellings.

39. Yard

Means an open unoccupied space on the same lot with a building extending along the entire length of a street or rear or interior lot line.

C. ENFORCEMENT PENALTIES

The Fire Chief, or his designee and the City of Manawa law enforcement agents are authorized to enforce the provisions of this section. Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in the penalty section of this code. Any violation of the conditions of a burning permit shall be deemed a violation of this section. Any violation of this section will force the burning permit to enter a null and void status. Chronic Nuisance violators will be subject to suspensions of burning privileges for up to one year. Suspensions are at the sole discretion of the Fire and Police Chief or their designees.

**City of Manawa
Environmental Burning Ordinance**

Ordinance No. 152

PURPOSE

SECTION 152-10

A. Purpose. The purpose of this section is to prohibit or strictly control the burning of materials in the City of Manawa. The City recognizes that unregulated fires pose hazards which include air and water pollution that may result from such burning. This ordinance 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 the City of Manawa due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

B. PROHIBITED ACTS

1. Prohibited Acts. No person shall build or burn any bonfire or burn in the open any wood, grass, trash, rubbish or other material or permit the same to be done within the City of Manawa upon any public street, court or alley, or upon any premises. The use of outdoor portable incinerators, drums, barrels or other containers, or outdoor or inside fireplaces for the burning of leaves, trash, garbage or refuse is prohibited. **EXEMPTION** may be made by written request to the Fire Chief and City Council.

A. EXEMPTION

The **Manawa School District** will be exempt from this ordinance and may hold a bon-fire once a year for the annual School District Homecoming celebration. The bon-fire must take place on School District property, monitored by the Fire Department and last no more than 4 hours. Both Fire Chief and Police Chief will have authority to bring the bon-fire and the gathering to a closure in the event of adverse mitigating circumstances. There will not be a need for the Manawa School District to apply for a permit every year being that this is a reoccurring event. A formal permit application process has been waived by the Manawa City Council and is approved on a yearly basis as long as compliance is met with all guidelines and procedures. However, a written advisory notice will be sent to the Fire Chief, Police Chief, City Clerk and the Mayor. The correspondence shall include the date and time of such event and the emergency contact individual. The Advisory Notice will be made one month prior to the event.

C. APPLICABILITY

Applicability. This ordinance applies to all outdoor burning and refuse burning within the City of Manawa, Waupaca County, Wisconsin.

- 1.** This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.** This ordinance 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 of this ordinance.
- 3.** This ordinance 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. SEVERABILITY

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

E. GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

1. General prohibition on outdoor burning and refuse burning.

Open burning, outdoor burning and refuse burning are prohibited in the City of Manawa unless the burning is specifically permitted by this ordinance.

F. MATERIALS THAT MAY NOT BE BURNED

State administrative rules prohibit indoor or outdoor burning of the materials listed in subsections 152-10B with certain limited exceptions that require air pollution controls and a written approval obtained from the City of Manawa and / or the Manawa Rural Fire Department. A municipality does not have the discretion to allow burning of materials prohibited by state law.

1. Materials that may not be burned.

A. Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The City of Manawa will not issue a permit for burning any of the following materials without air pollution control devices and written consent of an approval from the City of Manawa and / or Manawa Rural Fire Department.

B. 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.

C. 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.

D. Asphalt and products containing asphalt.

E. 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.

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

G. Rubber including tires and synthetic rubber-like products.

H. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with recycling ordinances.

G. OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS

1. Burning leaves, brush, clean wood, tree stumps, and other vegetative debris.

Open burning of leaves, weeds, brush, stumps, clean wood, trees, stumps, and other vegetative debris is prohibited during the following time periods:

*January 1st, to March 31st
June 1st, to September 30th
December 1st, to December 31st*

Open burning of leaves, weeds, brush, stumps, clean wood other vegetative debris is allowed only in accordance with the following time periods:

*April 1st, to May 31st
October 1st, to November 30th*

Hours of burning within permitted time frames will be allowed from **6:00pm** to **10:00pm** in accordance to city ordinance.

2. 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, a nuisance or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

3. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief, his designee or the City of Manawa has issued a burning ban applicable to the area.

4. Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Fire Chief, his designee or the City of Manawa.

5. Unless explicitly allowed elsewhere in this ordinance, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Fire Chief, his designee or the City of Manawa.

6. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

7. All burning shall be done with *neighborly considerations constantly in mind*. Amounts or plumes of smoke which contain unpleasant aromas and toxic compounds often include dioxins, furans, and carcinogens blowing and gravitating in the direction of the nearby residence is considered; *Unneighborly*. If the Fire Chief, Police Chief, or their designees, determine the existence of unhealthy conditions they may order the termination of the source of the smoke. It is the duty of the enforcement official to bring the situation to a level that ensures public safety, and a healthy and peaceful environment.

8. Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Fire Chief, his designee and the City of Manawa.

9. Outdoor campfires and bonfires for cooking recreation are allowed provided that the fire is confined by a structure such as a barrel, fire ring, or fire pit.

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

11. In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Fire Chief, his designee or the City of Manawa.

12. Open burning under this section shall only be conducted at a location at least **20 feet** from the nearest building dwelling or structure which is not on the same property.

13. 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 per set hours and is cool to the human touch. The person shall have a continual supply of water readily available to reach the source of the fire. There shall be an adequate supply of garden hose readily available to reach the source of the fire. Fire extinguishers and other fire-retardant apparatus may supplement the source of your adequate water supply.

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

15. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within **20-feet** from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

H. BURN BARRELS

1. Burn barrels.

A burn barrel may be used in the City of Manawa, County of Waupaca only in accordance with the following provisions and approval from the Manawa City Council and the Fire Chief or his designee. Permits may be sought through the City of Manawa Clerks Office.

I. FIRE DEPARTMENT PRACTICE BURNS

Fire department practice burns shall adhere to all state administrative rules and regulations governing fire department practice burns. See s. NR 502.11(2)(c), Wis. Adm. Code for compliance measures. City of Manawa Fire Department practice burns ordinances will be as stringent as state rules and regulations. The Fire Department will follow NFPA 1402 Standards on live fire Training Evolutions.

1. Fire department practice burns.

The Manawa Rural Fire Department may burn a standing building or structures, if necessary, for fire-fighting practice and if the practice burn complies with the requirements of the Department of Natural Resources and City of Manawa Ordinances and provisions.

- A.** Fire department practice burns may be conducted on existing unwanted buildings in the City of Manawa, County of Waupaca. A building, which is no longer standing, may not be used for a practice burn.
- B.** An existing building may be burned only by the Manawa Rural Fire Department and only if the Fire Chief determines that the burning is necessary for practice and instruction of fire fighters or fire-fighting equipment.
- C.** Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice.
- D.** A demolition notification shall be submitted to the Department of Natural Resources and all asbestos removed prior to the practice burn.
- E.** All ash shall be disposed of in an approved landfill or at an alternative location approved by the Department of Natural Resources.
- F.** At least 2 weeks or 14 days before a planned practice burn the Fire Chief or designee shall notify residents within one thousand feet (1000) of the site of the proposed burn. The Fire Chief or his designee shall make all efforts in contacting each and every person within one thousand feet (1000) feet of the practice burn. The Police Department and Sheriff's Department will be notified of such burn in written form, whether written in electronic-mail form or formal letter.

J. LIABILITY

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

K. RIGHT OF ENTRY AND INSPECTION

- 1. Right of entry and inspection.** The Fire Chief or his designee, or the Police Chief or his designee, or City employee or representative may inspect any property within the City for the purpose of ascertaining compliance with the provisions of this ordinance. 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 sections 66.122 and 66.123, Wis. Stats.

L. ENFORCEMENT AND PENALTIES

1. Enforcement and penalties.

A. The Fire Chief or Police Chief or their designees are authorized to enforce the provisions of this ordinance.

B. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than **two hundred dollars (\$200)** or not more than **six hundred dollars (\$600)** plus the cost of prosecution. Penalties are doubled for second and subsequent offenses. Violators shall be subject to restitution figures and police and fire administrative service fees.

C. Chronic Nuisance violators will be subject to fines and forfeitures and a formal letter of reprimand from the Fire Chief, or Police Chief or their designees. Your burning privileges may be subject to a suspension for up to one year. This will be determined by the Fire Chief or Police Chief, Mayor or City Council or their designees.

The Fire Chief or Police Chief will be authorized to enforce the following penalties;

PENALTIES;

D. The main purpose of such Ordinance is to first educate, and secondly to enforce the laws that protect our citizens. Failure to comply with such orders from the Fire Chief or Police Chief will result in the following penalties;

1st	Offense	\$200.00	
2nd	Offense	\$400.00	- loss of burning privileges for one year may be imposed.
3rd	Offense	\$600.00	- mandatory of loss of burning privileges for one year.

The Fire Chief, Police Chief, or their designee, have the authority to deem infractions to be unneighborly, having a lack of neighborly consideration, potential health risks, and a hazard to public safety and wellbeing of neighbors and citizens. The Fire Chief, Police Chief or their designees are vested with authority to determine the existence of unhealthy conditions. They may immediately order the termination of the source of the smoke. It is the duty of the enforcement official to bring the situation to closure and to a level that ensures public safety, neighborly contentment and to maintain a healthy and peaceful environment.