

**VILLAGE OF WINDSOR  
ORDINANCE 2020-04**

**AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES  
REGARDING OPEN AND OUTDOOR BURNING**

**WHEREAS**, the Village Staff recommends certain amendments be made to the Village of Windsor Code of Ordinances regarding open and outdoor burning; and

**WHEREAS**, the Village Board finds it to be in the public interest to amend Chapter 24 concerning open and outdoor burning.

**NOW, THEREFORE**, the Village Board of the Village of Windsor, Dane County, Wisconsin do ordain as follows:

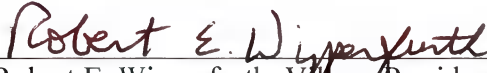
**SECTION 1.** Chapter 24, Article III of the Windsor Code of Ordinances is hereby amended as set forth herein Exhibit A attached hereto.

**SECTION 2.** All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.


**SECTION 3.** This ordinance shall take effect upon passage and publication as provided by law.

The above and foregoing Ordinance was duly adopted at a meeting of the Village Board of the Village of Windsor held on June 4<sup>th</sup>, 2020, by a vote of 5 in favor and 0 opposed.

**VILLAGE OF WINDSOR**

  
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Robert E. Wipperfurth, Village President

*Attested by:*

  
\_\_\_\_\_  
Christine Capstran, Village Clerk

Published: 6-11-2020

Effective: 6-12-2020

**CHAPTER 24. - FIRE PREVENTION AND PROTECTION**  
**ARTICLE III. - OUTDOOR BURNING**

**DIVISION 1. - GENERALLY**

Sec. 24-44. - Findings and intent.

- 1) The Village Board has the power to act for the health, safety, welfare and convenience of the public, and carries this power into effect by adopting this article regulating outdoor burning.
- 2) The Village is served by a fire department with limited resources. Responding to large numbers of open burning incidents in urbanized areas of the Village has become an increasing problem for the fire department, making inappropriate demands on firefighters' time and threatening the department's ability to respond to major fires and persons requiring emergency medical services. The Village Board wishes to safeguard these essential emergency services.
- 3) Outdoor burning in urbanized areas may cause health problems for residents with compromised immune systems, cancer, emphysema, asthma and other respiratory illnesses.
- 4) State recycling laws increasingly require that certain materials be recycled or composted instead of being discarded or burned.

Sec. 24-45. - Penalties.

- 1) *Failure to obtain a burn permit violation fee.* Any person, firm or corporation who fails to obtain a burn permit before starting an activity regulated by this article shall be subject to citation and forfeiture in the amount set forth in the Village Deposit Schedule.
- 2) *Cost of emergency response.* A person, firm or corporation in violation of this article may also be responsible for the cost of fire protection personnel and equipment used in responding to or extinguishing a fire maintained in violation of this article.

Sec. 24-46 – 24-63. - Reserved.

**DIVISION 2. - REGULATIONS**

Sec. 24-64. - Prohibition.

- 1) Except as permitted under this article, no person, firm or corporation shall conduct outdoor burning within the urbanized areas of the Village defined as a property:
  - a. Located in a Residential District (R-1, R-2, R-3, R-4, MF-2, MF-3, ER or CR), Commercial District (C-1 or C-2), or Nonmetallic Mining Operation District (NMO); or
  - b. Located in a platted subdivision or condominium; or
  - c. Located in the water or sewer utility district.
- 2) Outdoor burning, including the burning of garbage, plastic products, oils, asphalt products, paper products containing inks, rubber products, construction waste and debris, and other similar products as determined by the fire department, is prohibited.
- 3) Outdoor burning upon any road, curb, gutter, path or public right-of-way is prohibited.

Sec. 24-65. - Exemptions.

- 1) The following are exceptions to the prohibition of outdoor burning that do not require the issuance of a burn permit:
  - a. Cooking over a fire contained in a device or structure designed for such use.

- b. Burning in an outdoor recreational fire pits pursuant to section 24-67.
- 2) The following are exceptions to the prohibition of outdoor burning subject to section 24-66 and issuance of a burn permit:
- a. Outdoor burning of grass or similar vegetation for environmental management purposes. This exception does not include the burning of grass, leaves or other lawn debris.
  - b. Controlled burning of principal and accessory structures for public safety purposes.
  - c. Outdoor burning on properties located outside of the urbanized areas of the Village as depicted on the Outdoor Burn Map incorporated herein by reference.
  - d. Outdoor burning on properties located within the Agricultural Enterprise Area (AEA) as depicted on the Outdoor Burn Map incorporated herein by reference.

Sec. 24-66. - Outdoor burning pursuant to approval by the fire department.

The following regulations shall be applicable when a burn permit has been issued by the fire department:

- 1) All outdoor burning conducted pursuant to a burn permit shall be performed in a safe, pollution-free manner, when wind and weather conditions are such that smoke/debris will affect other properties, and in conformance with all state and local fire protection regulations.
- 2) All outdoor burning shall be constantly supervised by a competent adult, at least 16 years of age, until such outdoor burning is extinguished. The adult shall have readily available fire extinguishing equipment as may be necessary for the control of the outdoor burning until extinguished.
- 3) The perimeter of the outdoor burn pile or site must be at least 50 feet from any structures, utilities, and any other combustible material.
- 4) Any ashes created by the outdoor burning are to be disposed of in a manner authorized by law.

Sec. 24-67. - Outdoor recreational fire pits.

The following regulations shall be applicable to outdoor recreational fire pits:

- 1) Outdoor recreational fire pits shall be operated in full compliance with the requirements of this article.
- 2) Outdoor recreational fire pits shall be constantly supervised by a competent adult, at least 16 years of age, until such fire is extinguished. The adult shall have readily available fire extinguishing equipment as may be necessary for the control of the outdoor burning until extinguished.
- 3) Outdoor recreational fire pits are permissible in the rear yards only and shall be located a minimum of 10 feet from any principal or accessory structure and a minimum of 10 feet from any lot line of limited common area lot line.
- 4) Outdoor recreational fire pits shall be extinguished by 11:30 p.m. or when left unattended.
- 5) Outdoor recreational fire pits shall be lined with a non-combustible material and shall be no greater than 36 inches in diameter.
- 6) Only clean wood or charcoal may be burned in outdoor recreational fire pits.
- 7) Only outdoor recreational fire pits which are commercially manufactured for that purpose, or approved by the fire department, shall be used.

Sec. 24-68. - Special exception pursuant to approval by Village Board.

The Village Board may grant a special exemption from only the provision of this section 24-64(1) upon application by a person, firm or corporation demonstrating such a special exemption will not be contrary to the intent of this article, owing to special conditions, a literal enforcement of the provisions of section 24-61(1) will result in practical difficulty, so that the intent of section 24-61(1) shall be observed, public safety and welfare secured, and substantial justice done.

Sec. 24-69 – 24-94. - Reserved.

### **DIVISION 3. - BURN PERMITS**

Sec. 24-95. - When required; application.

All outdoor burning permissible under this article, with the exception of section 24-65(1), requires the person, firm or corporation to obtain a burn permit from the Fire Chief or designee. Application for a burn permit shall be made in writing upon a form furnished by the fire department.

Sec. 24-96. - Reserved.

Sec. 24-97. - Issuance.

If the Fire Chief or designee, finds that the proposed outdoor burning complies with all Village ordinances and applicable state and local fire protection regulations, including without limitation Wis. Admin. Code § NR 429.04, he or she shall approve the application, and a burn permit shall be subsequently issued to the person, firm or corporation.

Sec. 24-98. - Copy of burn permit to be kept on file.

A copy of any burn permit, and the application therefor, shall be kept on file with the fire department.

Sec. 24-99. - Duration of burn permit.

No burn permit issued shall be valid for more than 14 days from the date when issued.

Secs. 24-100 – 24-120. - Reserved.

Village of Windsor  
**-Zoning-Map**  
*Outdoor Buses*

Adopted: December 6, 2018

**Outdoor Busing Permit**  
 VIA BURA PERMIT

Zoning Districts

A-1(EX) Exclusive Agriculture

A-1 Agriculture

A-2(1), A-2(2), A-2(3), A-2(4), A-2 & A-3 Agriculture

A-3 Agricultural Business

C-1 Limited Commercial

C-2 Central Commercial

G1 Governmental & Institutional District

R-1, R-2, R-3 & R-4 Single Family Residential

MF-2 Two-Family Residential

MF-3 Multiple Family Residential

ER Estate Residential

CR Countryside Residential

RE-1 Recreational

CO-1 Consistency

Revised Zoning Overlay

Approved Rezoning (as Noted) Becomes Effective Upon  
 Reopening of PAI or CSM  
 Effective Conditional Use Permit

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Amendments Since Last Zoning Map Adoption

Revisions to Windsor Zoning Ordinance (Amended) (2018)

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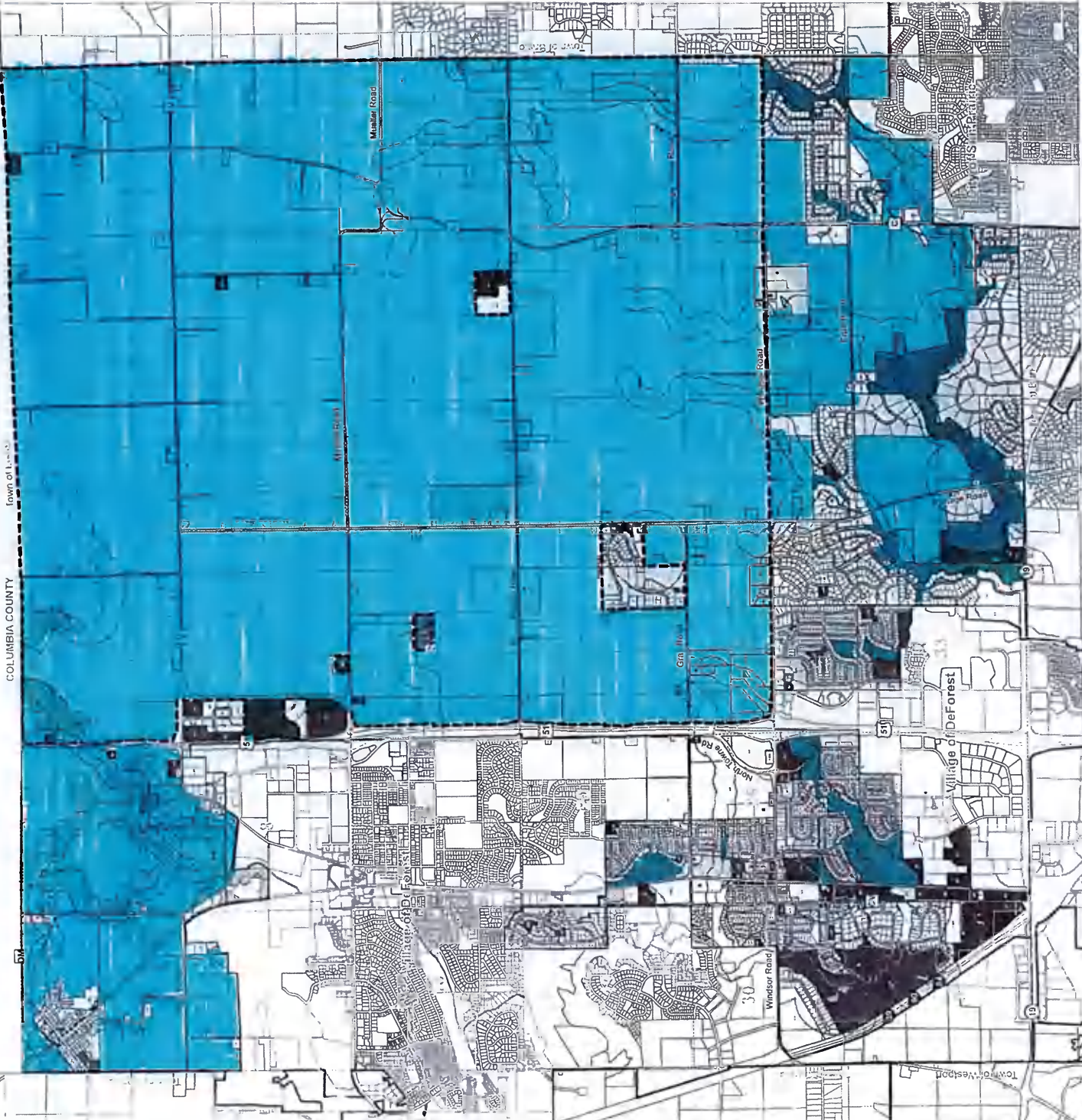
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