

**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:

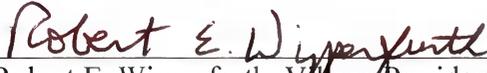
SECTION 1. Chapter 24, Article III of the Windsor Code of Ordinances is hereby amended as set forth herein Exhibit A attached hereto.

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 4th, 2020, by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR



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

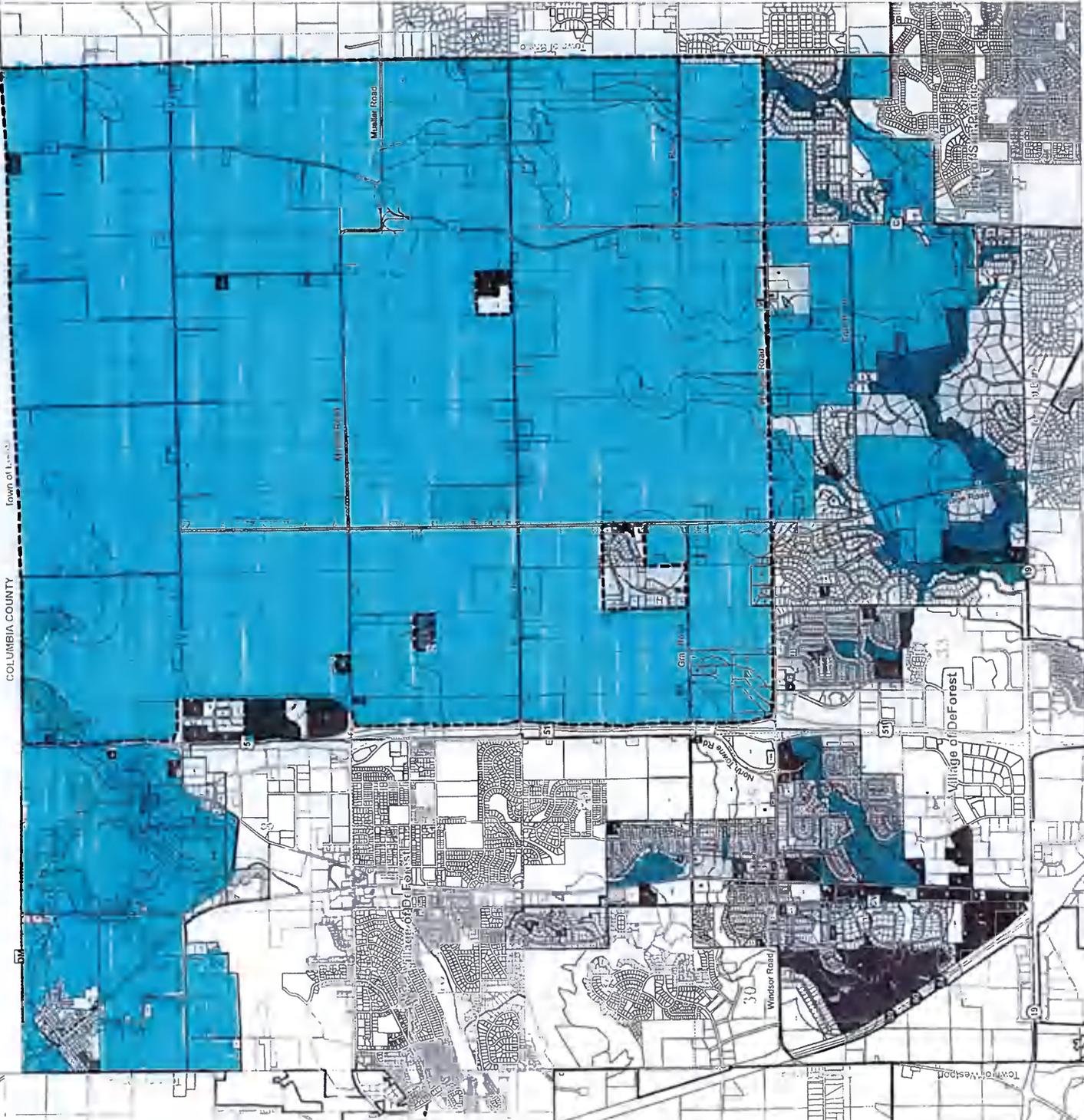
Revised Zoning Overlay

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

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

Amendments Since Last Zoning Map Adoption

Revisions to Windsor Zoning Ordinance (Amended) (2018)



Windsor



1 **CHAPTER 24. - FIRE PREVENTION AND PROTECTION**
2 **ARTICLE III. - ~~OPEN AND OUTDOOR BURNING~~**

3
4 **DIVISION 1. - GENERALLY**

5 Sec. 24-44. - Findings and intent.

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

18 Sec. 24-45. - Penalties.

- 19 1) *Failure to obtain a **burn** permit violation fee.* Any person, **firm or corporation** who fails to obtain
20 a **burn** permit before starting an activity regulated by this article shall be subject to citation and
21 forfeiture **in the amount set forth in the Village Deposit Schedule** for unlawful burning, which
22 forfeiture amount is set by resolution of the Village Board in the deposit schedule.
- 23 2) ~~Burning on non-burning days.~~ Any person who burns on a day not specified in section 24-67 as
24 an allowable burn date shall be subject to citation and forfeiture for unlawful burning, which
25 forfeiture amount is set by resolution of the Village Board in the deposit schedule.
- 26 3) *Cost of emergency response.* A person, **firm or corporation** in violation of this article may also be
27 responsible for the cost of fire protection personnel and equipment used in responding to or
28 extinguishing a fire maintained in violation of this article.

29 Sec. 24-46 – 24-63. - Reserved.

30 **DIVISION 2. - REGULATIONS**

31 Sec. 24-64. ~~Open burning prohibited.~~

- 32 1) ~~Generally; exception.~~ No person, firm or corporation shall set, maintain or build any outdoor fire
33 within the limits of the Village upon any property zoned commercial, industrial or residential (or
34 which are predominantly commercial, industrial or residential in nature regardless of zoning
35 classification), except as permitted under this article.
- 36 2) ~~Prohibition includes construction site burning.~~ This prohibition on burning includes burning of
37 construction waste and debris at construction sites.

38 Sec. 24-65. ~~Applicability and exemptions.~~

39 The following are exceptions to the general prohibition of outdoor burning:

- 40 1) ~~Cooking in contained device or structure.~~ Outdoor cooking over a fire contained in a device or
41 structure designed for such use is permissible.

- 42 2) ~~Approved controlled burning of vegetation.~~ Controlled burning of grass or similar vegetation for
43 environmental management purposes, with the prior written approval of the Town Clerk, or
44 designee, upon the recommendation of the Fire Chief, may be permitted; this exception is not
45 to be used for the burning of grass, leaves or other lawn debris.
- 46 3) ~~Approved campfires and bonfires.~~ Ceremonial campfires or bonfires, with prior written approval
47 of the Clerk, or designee, upon the recommendation of the Fire Chief, may be permitted.
- 48 4) ~~Burning pursuant to Village permit.~~ Open burning when a permit is issued, provided it is not in
49 conflict with the intent of this article.
- 50 5) ~~Recreational fire pits.~~ Fires in recreational fire pits of the type and conducted in the manner
51 required by this article are permitted.

52 Sec. 24-66. – Method of conducting permitted outdoor burning.

53 The following regulations shall be applicable when an open burning permit has been issued:

- 54 1) ~~Generally.~~ All open burning conducted pursuant to a permit shall be performed in a safe,
55 pollution free manner, when wind and weather conditions are such as to minimize adverse
56 effects, and in conformance with local and State fire protection regulations. Open burning
57 permits shall not be used to covertly burn refuse, plastic, construction debris or other prohibited
58 materials.
- 59 2) ~~Size of burn pile restricted; exception.~~ The size of the pile of leaf and yard material to be burned
60 shall not exceed four feet in any direction measured horizontally, or three feet measured
61 vertically, unless a waiver is recommended by the Fire Chief.
- 62 3) ~~Distance from structures and vegetation.~~ The pile of material being burned shall be at least 50
63 feet away from any structure, wood or lumber pile, wooden fence, trees, or bushes. Provisions
64 shall be made to prevent the fire from spreading to within 50 feet of such items or the fire shall
65 otherwise be contained in an approved incinerator, burner, device or site which is located at
66 least 15 feet from any structure, wood or lumber pile, wooden fence, trees, or bushes.
- 67 4) ~~Disposal of ashes.~~ Any ashes created by burning such material as is lawful under this article are
68 to be disposed of in a manner authorized by law.
- 69 5) ~~Supervision; availability of fire extinguishing equipment.~~ Open burning shall be constantly
70 attended and supervised by a competent person of at least 16 years of age until such fire is
71 extinguished. This person shall have readily available for use such fire extinguishing equipment
72 as may be necessary for the total control of the fire while burning or extinguishing such fire.
- 73 6) ~~Burning not allowed on public rights of way; exception.~~ No materials may be burned upon any
74 road, curb, gutter, path or public right of way. Work conducted by Village or County
75 maintenance personnel are exempt from this prohibition.
- 76 7) ~~Burn barrels and leaf burning times restricted.~~ Permits shall not be issued for burning barrels or
77 for leaf burning during restricted times in areas governed by this article.

78 Sec. 24-67. – Special seasonal exception for leaf burning.

- 79 1) ~~Fire Chief's discretion to approve leaf burning.~~ In order to accommodate non-agricultural
80 property owners and residents desiring to collect and dispose of large volumes of leaves from
81 trees on their property, the Fire Chief, in his or her sole discretion, may allow the burning of
82 leaves during the times and days specified below without a permit. These days and times are
83 also established to allow individuals who choose not to burn leaves or who are affected by
84 smoke to have the opportunity to enjoy outdoor activities during the spring and fall:

85 a. — 12:00 noon until 7:00 p.m., the third Sunday in October;

- 86 b. ~~12:00 noon until 7:00 p.m., the fourth Sunday in October;~~
- 87 c. ~~12:00 noon until 7:00 p.m., the first Sunday in November;~~
- 88 d. ~~12:00 noon until 7:00 p.m., the third Sunday in November;~~
- 89 e. ~~3:00 p.m. until 7:00 p.m., the third Wednesday in November;~~
- 90 f. ~~12:00 noon until 7:00 p.m., the fourth Sunday in April; and~~
- 91 g. ~~12:00 noon until 7:00 p.m., the first Sunday in May.~~

92 ~~2) *Alternate burning dates may be authorized by Village President.* In the event inclement weather~~
93 ~~makes burning impractical during a majority of designated dates for fall or spring open burning~~
94 ~~specified in this section, the Village President may designate alternative dates for burning. Such~~
95 ~~alternative dates may not exceed the number seasonally authorized by this article.~~

96 ~~3) *Burning to be conducted in safe manner during proper weather conditions.* Burning must be~~
97 ~~performed or conducted in a safe manner when wind and weather conditions are such that~~
98 ~~nuisance impacts to neighboring properties will be minimized.~~

99 ~~4) *Burn to be supervised and fire extinguishing equipment available.* Burning sites must be~~
100 ~~constantly attended and supervised by an adult until such fire is extinguished. This person shall~~
101 ~~have readily available for use such fire extinguishing equipment as may be necessary for total~~
102 ~~control of the fire while burning or extinguishing such fire.~~

103 ~~5) *Distance from structures, poles, wires and combustible material.* The perimeter of the leaf fire~~
104 ~~must be at least 25 feet from any building, utility pole, overhead wire, or any other combustible~~
105 ~~material, excluding vegetation.~~

106 ~~6) *Burning not permitted on public rights-of-way.* No leaf burning is permitted in any street, curb,~~
107 ~~gutter, or path.~~

108 ~~7) *Ashes may not be deposited in surface water.* No leaf burning is permitted in such proximity to~~
109 ~~streams, lakes, ponds, or ditches that storm runoff could carry ashes into surface waters.~~

110 ~~Sec. 24-68. Outdoor recreational fire pits.~~

111 ~~1) *Compliance with this section required.* Outdoor recreational fire pits shall be in full compliance~~
112 ~~with all requirements of this section to be deemed an allowable use.~~

113 ~~2) *Location.* Outdoor recreational fire pits are permitted only in the rear yards of parcels zoned~~
114 ~~residential or which are predominantly residential in nature. Outdoor recreational fire pits shall~~
115 ~~be located a minimum of 25 feet from any structure and a minimum of 15 feet from any lot line.~~

116 ~~3) *Hours during which burning allowed.* Outdoor recreational fire pits shall be extinguished by~~
117 ~~11:30 p.m. or when left unattended.~~

118 ~~4) *Construction specifications.* Outdoor recreational fire pits shall be lined with an incombustible~~
119 ~~material and shall be no greater than 36 inches in diameter.~~

120 ~~5) *Only wood and charcoal to be burned.* Only clean wood or charcoal may be burned in such fire~~
121 ~~pits. Garbage, refuse, plastics, yard waste, construction debris or other similar such materials~~
122 ~~shall not be burned in outdoor recreational fire pits, except that a small amount of paper may~~
123 ~~be used as kindling to start combustion of wood in the fire pit.~~

124 ~~6) *Penalties for violations.* Violators of this section shall be subject to the general penalty~~
125 ~~provisions of section 1-15. In addition, violators may be subject to fees for the response of fire~~
126 ~~department and other emergency personnel if a fire in violation is extinguished or responded to~~
127 ~~by such personnel.~~

128 Sec. 24-64. - Prohibition.

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

139 Sec. 24-65. - Exemptions.

- 140 1) The following are exceptions to the prohibition of outdoor burning that do not require the
141 issuance of a burn permit:
- 142 a. Cooking over a fire contained in a device or structure designed for such use.
 - 143 b. Burning in an outdoor recreational fire pits pursuant to section 24-67.
- 144 2) The following are exceptions to the prohibition of outdoor burning subject to section 24-66 and
145 issuance of a burn permit:
- 146 a. Outdoor burning of grass or similar vegetation for environmental management
147 purposes. This exception does not include the burning of grass, leaves or other lawn
148 debris.
 - 149 b. Controlled burning of principal and accessory structures for public safety purposes.
 - 150 c. Outdoor burning on properties located outside of the urbanized areas of the Village as
151 depicted on the Outdoor Burn Map incorporated herein by reference.
 - 152 d. Outdoor burning on properties located within the Agricultural Enterprise Area (AEA) as
153 depicted on the Outdoor Burn Map incorporated herein by reference.

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

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

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

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

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

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

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

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

190 Sec. 24-69 – 24-94. - Reserved.

191 DIVISION 3. - BURN PERMITS

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

193 ~~Before the setting or starting of any open burning permitted under this section, a permit~~
194 ~~authorizing the burn shall be first obtained by the owner, operator, or agent from the Fire Chief or~~
195 ~~designee. Application for a burning permit shall be made in writing upon a form furnished by the Fire~~
196 ~~Department.~~

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

200 Sec. 24-96. - Reserved.

201 Sec. 24-97. - Issuance.

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

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

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

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

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

211 Secs. 24-100 – 24-120. - Reserved.