

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN  
Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Outdoor and Open Burning

Code Section(s) <del>created</del> , amended, or <del>repealed</del>	<u>Section 11.02</u>
Presented to Board by	<u>Town Clerk, Town Chair, Fire Chief</u>
Committee Review by	<u>None</u>
Date(s) Public Hearing(s) held (if required)	<u>December 21, 2009</u>
Date adopted	<u>January 4, 2010</u>
Vote	<u>5-0</u>
Date of posting of adoption of ordinance	<u>January 8, 2010</u>
Date of publication of adoption of ordinance	<u>Not required</u>

The Town Board of the Town of Cottage Grove does ordain as follows:

TCG Ord. Section 11.02 entitled "Outdoor and Open Burning" is hereby amended to read as follows:

**11.02 OUTDOOR AND OPEN BURNING**

**(1) PURPOSE**

This ordinance is intended to promote and safeguard the public health, safety and welfare of the citizens of the Town of Cottage Grove due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

**(1)(2) DEFINITIONS**

(a) "Air curtain destructor" means a solid waste disposal operation that combines a fixed wall open pit and a mechanical air supply, which uses an excess of oxygen and turbulence to accomplish the smokeless combustion of clean wood wastes and similar combustible materials.

(b) "Fire Pit" means an area cleared down to bare dirt and hollowed out at least 6 inches deep.

(c) "Fire Ring" means a barrier to keep the fire from escaping from a fire pit, such as stones, a tire rim, or commercially available fire ring at least 11 inches deep.

(d) "Campfire" means a small outdoor fire in a fire pit or surrounded by a fire ring, intended for recreation or cooking, not including a fire intended for disposal of waste wood or refuse.

(e) "Outdoor Furnace" means a furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

(f) "Bonfire" means an open fire kindled to mark a public event, victory celebration, or similar occurrence where dry, combustible material such as wood, paper, and similar items are burned.

(g) "Fire Chief" means the Chief of the Cottage Grove Volunteer Fire Department.

(h) "Open burning" means combustion in which the by-products thereof are emitted directly into the ambient air, without passing thru a stack or chimney; including the combustion occurring at a properly operated air curtain destructor. Open burning does not include the combustion which occurs in any enclosed, or covered unit designed to prevent the escape of any burning materials.

(2)(3) PROHIBITED OUTDOOR AND OPEN BURNING

- (a) Open burning of any wet combustible rubbish, garbage, oily substances, asphalt, rubber or plastic products, or other materials prohibited by state statute or administrative rule.
- (b) Burning of explosive or dangerous material without a permit issued by either the Wisconsin ~~department-Department~~ of ~~natural-Natural resources-Resources~~ (DNR), or the ~~department-Department~~ of ~~industry-Industry~~, ~~labor-Labor~~ and ~~human-Human resources-Relations~~ (DILHR).
- (c) Open burning in an air curtain destructor without first obtaining a permit from the DNR and having received written approval from the town board.

(3)(4) REGULATED OPEN BURNING

- (a) Open burning of trees, stumps, brush, dry leaves, plant clippings, weeds, ~~brush, limbs~~, and other dry combustible materials, including that from clearing and maintenance of rights of way. including any non-enclosed or covered cooking fires.
- (b) Bonfires set for any purpose.
- (c) ~~Open burning of trees, limbs, stumps, brush, or weeds; including that from clearing and maintenance of rights of way. Any non-enclosed or covered cooking fires or campfires.~~
- (d) Open burning of gaseous or liquid waste, or building debris (excluding asphaltic, lead based, and rubber materials); by such methods approved by the DNR.
- (e) Open burning of dry combustible rubbish on lands zoned A-1 Agriculture District (Exclusive).
- (f) Open burning, or fires set for practice and instruction of fire fighters, or testing of fire fighting equipment.

(4)(5) OPEN BURNING PERMITS

(a) DEFINITIONS

1. AG-1 Burn Permit, a yearly permit for zoned A-1 Agriculture District (Exclusive) landowners with a dedicated, ~~inspected, and approved~~ burn site.
2. Open Burning Permit, a yearly permit for daytime burning of materials permitted under section (4), including Agriculture District fires away from a dedicated burn site. Once issued, this permit requires ~~residence-residents~~ to register each open burn via telephone or internet 2 days prior to burning.
3. ~~Special Burn Permit Bonfire Permit, a~~ one time permit issued for the purposes of burning after sunset, ~~bonfires, large brush fires, Agriculture District fires away from approved burn site, etc.~~
4. Campfire Permit, a seasonal permit running from April 1 to October 31 for recreational or cooking fires in a fire pit surrounded by a fire ring.

(b) Open burning permits shall be required for all regulated open burning, conducted within the limits of the town, as described in (34)(a-f).

(c) Open burning permits shall be issued by the town chair, ~~fire chief,~~ or their designee.

(d) Open burning permits shall not be required for any activity described in (34)(f), when these activities

are conducted by the Cottage Grove fire department.

(e) Open burning permits shall only be issued to a person with a vested interest in the land described on the permit.

(f) Open burning permits may be denied to any person found to be in violation of any provision of this ordinance, for a period of up to one year from the date of the violation.

(g) Open burning permits shall detail all conditions that apply to the activity being permitted, and a copy of the permit shall be available at the burning site. A current copy of the burning permits are attached as Appendix 11-A, B, C, D with the same force and effect as if it were fully reprinted herein.

#### ~~(5)~~(6) STANDARD OPEN BURNING PERMIT CONDITIONS

(a) A responsible adult shall be in attendance at any fire until it is totally extinguished.

(b) All open burning shall be conducted in a safe manner, when wind and weather conditions are such that they do not create any fire hazards to adjacent properties and the open burning can be safely controlled.

(c) Except for campfires or bonfires, or when specifically noted on the permit as a special condition, no open burning shall be conducted between sunset and sunrise.

(d) Campfires and bonfires shall be extinguished by 10:00 P.M. on Sunday thru Thursday and 11:00 P.M. on Friday or Saturday, or shall be extinguished immediately upon the request of a neighbor due to smoke causing a nuisance on the neighboring property.

~~(d)~~(e) No open burning shall be conducted within 40-20 feet from any structure, hay stack, or fuel storage location, or upon any paved surface within a right-of-way, public or private.

~~(e)~~(f) Adequate firebreaks shall be provided, and arrangements shall be made to notify the fire department in case of an emergency, (i.e.: having a phone available to DIAL 911).

~~(f)~~(g) The open burning shall not be in violation of any federal air control rules, or any state air pollution control rules that are required by applicable federal laws or regulations.

#### (7) OUTDOOR FURNACES

An outdoor furnace may be used in the Town of Cottage Grove only in accordance with the following provisions:

(a) The outdoor furnace shall not be used to burn any of the prohibited materials listed in section (3) of this ordinance.

(b) The outdoor furnace shall be located at least 250 feet from the nearest building which is not on the same property as the outdoor furnace unless written approval of the burning location is obtained from the owner of the nearest building that is not on the same property. A copy of the approval shall be provided to the Town Board prior to commencing burning.

(c) The outdoor furnace shall have a chimney that extends at least 15 feet above the ground surface or higher. The Town Board may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

(d) Outdoor furnace installations completed prior to January 8, 2010 will be considered grandfathered in

for the purposes of (b) and (c) above.

(8) RIGHT OF ENTRY AND INSPECTION

The Fire Chief or any authorized officer, agent, employee or representative of the Town of Cottage Grove who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. 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 sections 66.122 and 66.123, Wis. Stats. In the event of a fire emergency, the Fire Chief and members of the Fire Department may access property to extinguish uncontrolled fire in order to protect the safety of persons and property.

(6)(9) PENALTY FOR VIOLATION

(a) In addition to, and separate from, the possible liability referred to in (69) (b,c) , violations of this ordinance shall be punishable as class D forfeitures, under s. TCG 25.04.

(b) Any violation of this ordinance shall result in the permit being revoked, and the fire being extinguished.

(c) The permit holder, or responsible party where a permit was not obtained, may will be liable for any and all costs incurred by the town <sup>in</sup> responding to and extinguishing any outdoor or open burning, which is in violation of this ordinance, and any other liability resulting from damage caused by the fire.

(10) EFFECTIVE DATE

(a) Original ordinance adopted May 21, 2001


(b) This section shall take effect upon passage and publication.

Amendment adopted this 4<sup>th</sup> day of January, 2010, by a vote of 5 for, 0 against, and 0 abstain.

**TOWN OF COTTAGE GROVE**

  
\_\_\_\_\_  
Kris Hampton, Town Chair

**ATTEST:**

  
\_\_\_\_\_  
Kim Banigan, Town Clerk

Approved as to form as of this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**ANDERSON & KENT, S.C.**

\_\_\_\_\_  
Constance L. Anderson  
Cottage Grove Town Attorney

**TOWN OF COTTAGE GROVE – AG-1 OPEN BURNING PERMIT**  
**(~~APPROVED BURN SITE ONLY~~ Valid for a dedicated burn site on lands zoned A-1EX only)**

**FIRE INSPECTOR'S APPROVAL**

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PERMIT VALID FOR CALENDAR YEAR \_\_\_\_\_

OPEN BURN LOCATION \_\_\_\_\_  
(Street Address, NOT PO Box)

MATERIALS TO BE BURNED \_\_\_\_\_ AMOUNT \_\_\_\_\_

RESPONSIBLE PARTY NAME [Include Middle Initial] \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

PERMIT ISSUED By \_\_\_\_\_ Date \_\_\_\_\_

I hereby agree to comply with ALL the conditions detailed below. I further understand that any violation of these conditions may result in my being held liable for costs and other forfeitures identified in sections 11.02 and 25.04 of the code of ordinances of the town.

RESPONSIBLE PARTY Signature \_\_\_\_\_ Date \_\_\_\_\_

**AG-1 OPEN BURNING PERMIT CONDITIONS**

**\*\*THE FOLLOWING ARE PROHIBITED...WITHOUT EXCEPTION...WITHIN THE TOWN OF COTTAGE GROVE\*\***

1. Open burning of any wet combustible rubbish, garbage, oily substances, asphalt, rubber products, or other materials prohibited by state statute or administrative rule.
2. Burning of explosive or dangerous material without a permit issued either by the Wisconsin Department of Natural Resources [DNR], or the Department of Industry, Labor and Human [Resources Relations](#) [DILHR].
3. Open burning in an air curtain destructor without first obtaining a permit from the DNR and having received [written](#) approval from the Town Board.

**THE FOLLOWING SHALL BE COMPLIED WITH...AT ALL TIMES...DURING THE OPEN BURNING ACTIVITY**

1. A responsible adult shall be in attendance at any fire until it is totally extinguished.
2. All open burning shall be conducted in a safe manner, when wind and weather conditions are such that they do not create any fire hazards to adjacent properties and the open burning can be safely controlled.
3. No open burning shall be conducted between sunset and sunrise.
4. No open burning shall be conducted within **4020** feet from any structure, hay stack, or fuel storage location; or upon any paved surface within a right-of-way, public or private.
5. Adequate firebreaks shall be provided, and arrangements shall be made to notify the fire department in case of any emergency, [ie: having a phone available to DIAL 911].
6. The open burning shall not be in violation of any federal air control rules, or any state air pollution control rules that are required by applicable federal laws or regulations.
7. SPECIAL CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_

# TOWN OF COTTAGE GROVE – OPEN BURNING PERMIT

PERMIT VALID FOR CALENDAR YEAR \_\_\_\_\_

OPEN BURN LOCATION \_\_\_\_\_  
(Street Address, NOT PO Box)

MATERIALS TO BE BURNED \_\_\_\_\_ AMOUNT \_\_\_\_\_

RESPONSIBLE PARTY NAME [Include Middle Initial] \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

PERMIT ISSUED By \_\_\_\_\_ Date \_\_\_\_\_

I hereby agree to comply with ALL the conditions detailed below. I further understand that any violation of these conditions may result in my being held liable for costs and other forfeitures identified in sections 11.02 and 25.04 of the code of ordinances of the town.

RESPONSIBLE PARTY Signature \_\_\_\_\_ Date \_\_\_\_\_

## OPEN BURNING PERMIT CONDITIONS

### **\*\*THE FOLLOWING ARE PROHIBITED...WITHOUT EXCEPTION...WITHIN THE TOWN OF COTTAGE GROVE\*\***

1. Open burning of any wet combustible rubbish, garbage, oily substances, asphalt, rubber products, or other materials prohibited by state statute or administrative rule.
2. Burning of explosive or dangerous material without a permit issued either by the Wisconsin Department of Natural Resources [DNR], or the Department of Industry, Labor and Human ~~Resources~~ Relations [DILHR].
3. Open burning in an air curtain destructor without first obtaining a permit from the DNR and having received written approval from the Town Board.

### **THE FOLLOWING SHALL BE COMPLIED WITH...AT ALL TIMES...DURING THE OPEN BURNING ACTIVITY**

1. A responsible adult shall be in attendance at any fire until it is totally extinguished.
2. All open burning shall be conducted in a safe manner, when wind and weather conditions are such that they do not create any fire hazards to adjacent properties and the open burning can be safely controlled.
3. No open burning shall be conducted between sunset and sunrise.
4. No open burning shall be conducted within 4020 feet from any structure, hay stack, or fuel storage location; or upon any paved surface within a right-of-way, public or private.
5. Adequate firebreaks shall be provided, and arrangements shall be made to notify the fire department in case of any emergency, [ie: having a phone available to DIAL 911].
6. The open burning shall not be in violation of any federal air control rules, or any state air pollution control rules that are required by applicable federal laws or regulations.
7. SPECIAL CONDITION \_\_\_\_\_

## HOW TO REGISTER YOUR OPEN BURN NOTIFICATION WITH THE COTTAGE GROVE FIRE DEPARTMENT

- 1) As a Town of Cottage Grove Resident you must first have been issued a YEARLY permit from the Town of Cottage or their designee. (This explains the ordinance, what is and is not allowed by the DNR and the Cottage Grove Fire Department for open burning.) This department will verify that a permit has been issued.
- 2) You must register by phone 2 days prior to burning. This will allow a 3 day window to burn. Here is how to do this:
  - A) Dial the Cottage Grove Town Hall's phone number at 839-5021 ext. 12 and follow the instructions given.
  - B) State your name, phone number and address where the open burn is taking place
  - C) State who the responsible party will be. (This person must be on site during the burn.)
  - D) State the type of material and size to be burned. (Ex. Brush pile, leaves approximately 4 ft. H x 6 ft. L x 6 ft. W)
  - E) The day the scheduled burn will take place.

The department's answering machine will record this information also recording the date and the time for verification use only.

You may also register your open burn online at:  
[www.cottagegrovefire.org/openburn.html](http://www.cottagegrovefire.org/openburn.html)



# TOWN OF COTTAGE GROVE – ~~SPECIAL BURNING~~ BONFIRE PERMIT

PERMIT VALID FROM \_\_\_\_\_ TO \_\_\_\_\_

~~OPEN BURN~~ BONFIRE LOCATION \_\_\_\_\_  
(Street Address, NOT PO Box)

MATERIALS TO BE BURNED \_\_\_\_\_ AMOUNT \_\_\_\_\_

RESPONSIBLE PARTY NAME [Include Middle Initial] \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

PERMIT ISSUED By \_\_\_\_\_ Date \_\_\_\_\_

I hereby agree to comply with ALL the conditions detailed below. I further understand that any violation of these conditions may result in my being held liable for costs and other forfeitures identified in sections 11.02 and 25.04 of the code of ordinances of the town.

RESPONSIBLE PARTY Signature \_\_\_\_\_ Date \_\_\_\_\_

## ~~OPEN BURNING~~ BONFIRE PERMIT CONDITIONS

**\*\*THE FOLLOWING ARE PROHIBITED...WITHOUT EXCEPTION...WITHIN THE TOWN OF COTTAGE GROVE\*\***

1. Open burning of any wet combustible rubbish, garbage, oily substances, asphalt, rubber products, or other materials prohibited by state statute or administrative rule.
2. Burning of explosive or dangerous material without a permit issued either by the Wisconsin Department of Natural Resources [DNR], or the Department of Industry, Labor and Human ~~Resources~~ Relations [DILHR].
3. Open burning in an air curtain destructor without first obtaining a permit from the DNR and having received written approval from the Town Board.

**THE FOLLOWING SHALL BE COMPLIED WITH...AT ALL TIMES...DURING THE ~~OPEN BURNING~~ BONFIRE ACTIVITY**

1. A responsible adult shall be in attendance at any fire until it is totally extinguished.
2. All open burning shall be conducted in a safe manner, when wind and weather conditions are such that they do not create any fire hazards to adjacent properties and the open burning can be safely controlled.
3. No open burning shall be conducted within ~~40-20~~ feet from any structure, hay stack, or fuel storage location; or upon any paved surface within a right-of-way, public or private.
4. Bonfires shall be extinguished by 10:00 P.M. on Sunday thru Thursday and 11:00 P.M. on Friday or Saturday, or shall be extinguished immediately upon the request of a neighbor due to smoke causing a nuisance on the neighboring property.
5. Adequate firebreaks shall be provided, and arrangements shall be made to notify the fire department in case of any emergency, [ie: having a phone available to DIAL 911].
6. The open burning shall not be in violation of any federal air control rules, or any state air pollution control rules that are required by applicable federal laws or regulations.
7. SPECIAL CONDITIONS \_\_\_\_\_  
\_\_\_\_\_



**TOWN OF COTTAGE GROVE – CAMPFIRE PERMIT**

PERMIT VALID FROM APRIL 1, \_\_\_\_ THRU OCTOBER 31, \_\_\_\_

CAMPFIRE LOCATION \_\_\_\_\_  
(Street Address, NOT PO Box)

RESPONSIBLE PARTY NAME [Include Middle Initial] \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

PERMIT ISSUED By \_\_\_\_\_ Date \_\_\_\_\_

I hereby agree to comply with ALL the conditions detailed below. I further understand that any violation of these conditions may result in my being held liable for costs and other forfeitures identified in sections 11.02 and 25.04 of the code of ordinances of the town.

RESPONSIBLE PARTY Signature \_\_\_\_\_ Date \_\_\_\_\_

**CAMPFIRE PERMIT CONDITIONS**

**THE FOLLOWING ARE PROHIBITED WITHOUT EXCEPTION WITHIN THE TOWN OF COTTAGE GROVE**

1. Open burning of any wet combustible rubbish, garbage, oily substances, asphalt, rubber products, or other materials prohibited by state statute or administrative rule.
2. Burning of explosive or dangerous material without a permit issued either by the Wisconsin Department of Natural Resources [DNR], or the Department of Industry, Labor and Human Relations [DILHR].
3. Open burning in an air curtain destructor without first obtaining a permit from the DNR and having received written approval from the Town Board.

**THE FOLLOWING SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CAMPFIRE ACTIVITY**

1. A responsible adult shall be in attendance at any fire until it is totally extinguished.
2. All open burning shall be conducted in a safe manner, when wind and weather conditions are such that they do not create any fire hazards to adjacent properties and the open burning can be safely controlled.
3. No open burning shall be conducted within 20 feet from any structure, hay stack, or fuel storage location; or upon any paved surface within a right-of-way, public or private.
4. Campfires shall be extinguished by 10:00 P.M. on Sunday thru Thursday and 11:00 P.M. on Friday or Saturday, or shall be extinguished immediately upon the request of a neighbor due to smoke causing a nuisance on the neighboring property.
5. Adequate firebreaks shall be provided, and arrangements shall be made to notify the fire department in case of any emergency, [ie: having a phone available to DIAL 911]. Campfires must be contained in a fire pit and fire ring.
6. The open burning shall not be in violation of any federal air control rules, or any state air pollution control rules that are required by applicable federal laws or regulations.
7. SPECIAL CONDITIONS \_\_\_\_\_

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**Important: Please read How to Safely Build and Extinguish a Campfire on Reverse**

## HOW TO SAFELY BUILD AND EXTINGUISH A CAMPFIRE

**Site Location/Preparation:** Find a level spot away from overhanging branches, brush or dry grass. Keep away from the base of a hill. Escaped fires travel uphill fast. With a shovel, clear a circle 10 feet wide down to bare dirt. Hollow out a fire pit 6 inches deep and 2 feet across at the center of the cleared circle. Pile the dirt around the fire pit. Keep your fire small. Consider placing stones, a tire rim or a commercially available fire ring around your fire pit to help contain the fire.

**Be Prepared:** Have a shovel and a pail of water near the campfire site.

**Attend to Your Fire:** Never leave your campfire unattended, even for a few minutes.

**Drown the Fire:** Drown your campfire ½ hour before you “break camp”. Use a shovel to separate the burning pieces of wood in the fire pit.

**Stir and Mix:** Stir and mix water with the ashes until the fire is out. Don’t try to bury the fire under dirt, it can smolder for hours and then escape.

**Drown Briquettes:** Charcoal briquettes should be extinguished by dumping into a metal pail of water, mixing thoroughly, and then place into the fire pit.

**Feel the Ashes:** Feel the ashes to be sure the fire is out. Check the area within 50 feet of the fire for sparks or embers that may have escaped.