

CHAPTER 7

TOWN OF DECATUR BURNING ORDINANCE

SECTION 1:

PURPOSE: 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 Town of Decatur due to potential air pollution and fire hazard of open burning and refuse burning.

SECTION 2:

APPLICABILITY: This ordinance applies to all outdoor burning and refuse burning within the Town of Decatur.

2.1 This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2.2 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 4 of this ordinance.

2.3 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.

SECTION 3:

SEVERABILITY:

3.0 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.

SECTION 4:

DEFINITIONS:

4.1 “Campfire” means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

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

4.3 “Confidential Papers” means printed material containing personal identification or financial information that the owner wishes to destroy.

4.4 “Fire Warden” means the Town Chairperson of the Town of Decatur or other persons authorized by the Town Chairperson.

4.5 “Outdoor Burning” means open burning or burning in an outdoor wood-fired furnace.

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

4.7 “Outdoor Furnace” means any furnace, stove or boiler that is not located within the building it is intended to heat.

4.8 "Refuse" means any waste material except clean wood.

4.9 "Subdivision" means a lot, parcel, or tract of land which has been divided into three (3) or more parcels or building sites for the purpose of sale or building development.

SECTION 5:

GENERAL PROHIBITION OF OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

5.0 General prohibition on Outdoor Burning and Refuse Burning. Open burning, outdoor burning and refuse burning are prohibited in the Town of Decatur unless the burning is specifically permitted by this ordinance.

SECTION 6:

MATERIALS THAT MAY NOT BE BURNED

6.0 Materials That May Not Be Burned. 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:

6.1 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.

6.2 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.

6.3 Asphalt and products containing asphalt.

6.4 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.

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

6.6 Rubber including tires and synthetic rubber-like products.

6.7 Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section 10 of this ordinance.

SECTION 7:

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

7.0 Burning Leaves, Brush, Clean Wood and Other Vegetative Debris. Open burning of leaves, weeds, brush, stumps, clean wood, or other vegetative debris is allowed only in accordance with the following provisions:

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

7.2 Except for gas, wood, and charcoal barbecue grills, no open burning shall be undertaken during periods when either the Fire Warden or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

7.3 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 Department of Natural Resources or the Fire Warden.

7.4 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 Department of Natural Resources or the Fire Warden.

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

7.6 Fires set for forest, prairie or wildlife habitat management are allowed if conducted within the provisions of this ordinance.

7.7 Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. All such outdoor campfires and small bonfires shall be conducted in a safe, nuisance free manner, when wind and weather conditions are such as to minimize effects and not create a health hazard or a visibility problem. Bonfires are allowed only if in accordance with the provisions of this ordinance.

7.8 Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of right-of-ways is allowed if it is in accordance with other provisions of this ordinance.

7.9 In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources or the Fire Warden.

7.10 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 and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

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

7.12 Except for gas, wood and charcoal barbeque grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Warden.

7.13 No open burning may be conducted on days when the Department of Natural Resources has declared an ozone action day applicable to the Town of Decatur.

7.14 No open burning shall be allowed when the Town Fire Warden or designee has determined that burning shall not be allowed for reason of safety or other reasons and notice has been posted at the Town Hall and the three designated places of posting of the Town as determined by the Annual Town Meeting.

7.15 The required procedure for conducting controlled burns under Sections 7.5, 7.6 and 7.8 is to call the Green county sheriff's Office and state your name, phone number, location and nature of burn, and estimated time frame of burn.

SECTION 8: **BURN BARRELS**

8.1 Burn barrels may be used in the Town of Decatur only in accordance with the following provisions

8.2 The burn barrel shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance and may only be used in accordance with the provisions of subsections of Section 7 deemed appropriate of this ordinance.

8.3 The burn barrel shall be located at least 10 feet from the property line and at least 50 feet from the nearest building that is not on the same property as the burn barrel.

8.4 The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen

8.5 The burn barrel shall not serve a commercial enterprise.

SECTION 9:
OUTDOOR FURNACES

9.0 Outdoor Furnaces. Outdoor furnaces that are wood-fired or corn-fired are permitted in the Town of Decatur. An outdoor furnace may be installed and used in the Town of Decatur only in accordance with the following provisions.

9.1 The outdoor furnace shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance.

9.2 Regulations on the location of the outdoor furnace shall be as follows:

If located 50 feet or less to any residence NOT served by the furnace, the stack must be at least 2 feet higher than the eave line of that residence.

If located more than 50 feet but less than 100 feet to any residence NOT served by that furnace, the stack must be at least 75% of the height of the eave line of that residence, plus an additional 2 feet.

If located more than 100 feet but less than 150 feet to any residence NOT served by the furnace, the stack must be 50% of the height of the eave line of that residence, plus an additional 2 feet.

If located more than 150 feet but less than 200 feet to any residence NOT served by the furnace, the stack must be at least 25% of the height of the eave line of that residence, plus an additional 2 feet.

This provision shall not apply to outdoor furnaces installed prior to the effective date of this ordinance.

9.3 The owner of the outdoor furnace shall obtain a permit from the Town in accordance with Section 12 of this ordinance when the furnace is first installed. This provision shall not apply to outdoor furnaces installed prior to the effective date of this ordinance.

SECTION 10:
FIRE DEPARTMENT PRACTICE BURNS

10.0 Fire Department Practice Burns. Notwithstanding sections 5 and 6 of this ordinance the Brodhead Rural Fire Association, Albany Fire Department, or Juda and Community Fire Departments may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

SECTION 11:
EXEMPTION FOR BURNING CERTAIN PAPERS

11.0 Exemption for Burning Certain Papers

11.1 Notwithstanding Subsection 6.7 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.

11.2 Small quantities of confidential papers from a residence may be burned if necessary to prevent theft of financial records, identification or other confidential information.

11.3 Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

11.4 A fire set for burning of a small quantity of confidential papers shall be subject to and comply with subsections 7.1 to 7.3, and 7.11 to 7.13 of this ordinance.

SECTION 12:
OUTDOOR FURNACE PERMITS

12.0 Outdoor Furnace Permits. The owner or occupant of the property shall obtain a permit for an outdoor furnace under regulations of Chapter 9 Building Codes Town of Decatur Code of Ordinances when the furnace is first installed. No outdoor furnace may be installed without obtaining a permit from the Town of Decatur and paying the permit fee established. An outdoor furnace installed at the time of construction of a dwelling or other structure shall be included in the permit for that dwelling or structure. An outdoor furnace installed at a time other than the time of construction of the dwelling or structure it serves shall require all permits as deemed necessary under Chapter 9 Building Codes of the Town of Decatur Code of Ordinances. This section shall not apply to outdoor furnaces installed prior to the effective date of this ordinance.

12.1 A permit issued under this section shall require compliance with all applicable provisions of this ordinance and all Building Codes put forth by the Town of Decatur and the State of Wisconsin.

12.2 Installation of an outdoor furnace without first obtaining a permit shall be a violation of this ordinance.

12.3 Any violation of this ordinance shall void the permit.

SECTION 13:
LIABILITY

13.0 Liability. A person utilizing or maintaining an outdoor fire may be responsible for all fire suppression costs and any other liability from damage caused by the fire.

SECTION 14:
RIGHT OF ENTRY AND INSPECTION

14.0 Right of Entry and Inspection. The Fire Warden or any authorized officer, agent, employee or representative of the Town of Decatur may inspect any property 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 Section 66.0119 of the Wisconsin Statutes.

SECTION 15:
ENFORCEMENT AND PENALTIES

15.1 The Fire Warden, Green County Sheriff, and Building Inspector are authorized to enforce the provisions of this ordinance.

15.2 The penalty for violation of any portion of this ordinance shall be a fine of not less than \$20.00 nor more than \$500.00 for each offense.

15.3 In addition to the penalty listed above, any person causing damage by such violation may be subject to an additional penalty consisting of the total cost of fire suppression incurred by the Town of Decatur, and any fire department involved in bringing such violation under control.

Adopted this 17th day of January, 2017

By the Town Board of the Town of Decatur

Allen Schneider, Town Chairperson

Ronald L. Schwartzlow, 1st Supervisor

Robert A. Gadow, 2nd Supervisor

Attested by:

Ann L. Schwartz, Clerk/Treasurer