

WHEATLAND TOWNSHIP BURNING ORDINANCE OUTDOOR AND REFUSE BURNING

Purpose.

This article 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 county due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning. It is further intended to allow for the restriction or prohibition of outdoor and refuse burning under specific conditions detailed within the article.

(Ord. No.)

Applicability.

This article applies to all outdoor burning and refuse burning within Wheatland Township

(1)

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

(2)

This article 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 Definitions

(3)

This article does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

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

Definitions.

Bonfire means a large, open fire kindled and maintained to mark a public event, celebration or similar occurrence which only uses dry, untreated and unpainted wood as the burning material.

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

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.

Confidential papers means printed material containing personal identification or financial information that the owner wishes to destroy.

Fire chief means any of the chiefs of fire departments within the county or other persons authorized by said fire chiefs.

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 a chimney.

Outdoor burning means open burning or burning in an outdoor wood-fired furnace.

Refuse means any waste material except clean wood.

General prohibition on open burning, outdoor burning and refuse burning.

Open burning, outdoor burning and refuse burning are prohibited in the Town unless the burning is specifically permitted by this article or is otherwise approved by the department of natural resources.

Emergency restrictions on open burning.

Declarations of emergency restrictions and the process of informing the public.

(1)

Emergency burning restrictions may be implemented in Wheatland Township. If weather conditions become dangerous and or if Vernon County and or the Wisconsin DNR have burn bans Wheatland can follow the restrictions they put in affect. These restrictions may include, but are not limited to, those found in Wis. Admin. Code § NR 30.05.

(2)

Notice of such emergency burning restrictions shall be filed, which shall issue a public notice by means which may include, but are not limited to: local media broadcasts, posting on the notice board outside Wheatland fire department and/or relevant department website, notification of town chairs and/or notification of the county sheriff's office dispatch division by Fire Chief.

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.

(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.

(2)

Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Wisconsin Administrative Code, NR 590.

(3)

Asphalt and products containing asphalt.

(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.

(5)

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

(6)

Rubber including tires and synthetic rubber-like products.

Restrictions on open burning of leaves, brush, clean wood and other vegetative debris.

Restrictions and/or bans on the burning of 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:

(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.

(2)

Unless explicitly allowed elsewhere in this article, 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 and the fire chief. This includes, but is not limited to, commercial enterprises which produce wood products or materials as a waste product.

(3)

Open burning of weeds or brush on agricultural lands is allowed if reported to the fire chief or the county sheriff's office or local law enforcement, and if conducted in accordance with the provisions of this article.

(4)

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. Bonfires are allowed only if conducted in accordance with the provisions of this article.

(5)

Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if reported to the fire chief or the county sheriff's office or local law enforcement, and if in accordance with the provisions of this article.

(6)

Except for campfires and permitted bonfires, any open burning shall be started during daylight hours.

(7)

Open burning shall be attended to and supervised by a competent person of at least 18 years of age until the fire is extinguished and is cold. This person shall have readily available for use fire extinguishing equipment.

(8)

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

(9)

Except for barbecue, gas and charcoal 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 chief.

Fire department practice burns.

Wheatland Fire Department or fire departments helping 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.

Exemption for burning certain papers.

(a)

Paper and cardboard products may be used as a starter fuel for a fire that is allowed under this article.

(b)

Confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information, in accordance with the provisions of this article.

(c)

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

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.

NOTIFICATION OF BURN.

The Police Department will be notified of intent to burn through Vernon County Dispatch.

Right of entry and inspection.

The Fire Chief shall have all the rights of entry and inspection found in Wis. Stat. § 213.095.

Enforcement and penalties.

(a)

The fire chiefs and local law enforcement are authorized to enforce the provisions of this article.

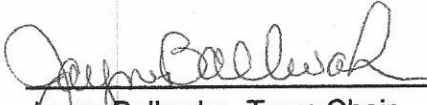
(b)

The penalty for violation of any portion of this article: First offense a warning; Second offense \$250.00 plus the cost of prosecution. Penalties are doubled for third and subsequent offenses.

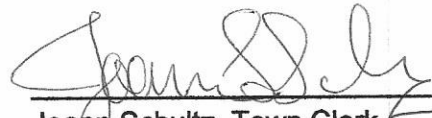
EFFECTIVE DATE. This ordinance is effective upon publication or posting. The Town Clerk shall properly post and publish this ordinance as required under Section 60.80, Wis. Stats.

Adopted this 24th day of September, 2020.

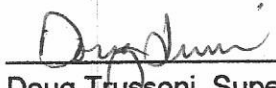
TOWN OF WHEATLAND



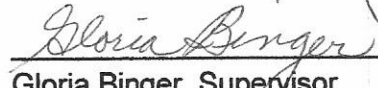
Jayne Ballwahn, Town Chair



Joann Schultz, Town Clerk



Doug Trussoni, Supervisor



Gloria Binger, Supervisor