



TOWN OF HARTLAND, SHAWANO COUNTY, WISCONSIN



Open Burning and Refuse Burning Ordinance

Ordinance No. 2012-02

SECTION 1: PURPOSE

1.00 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 Hartland due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

SECTION 2: APPLICABILITY

2.00 Applicability. This ordinance applies to all outdoor burning and refuse burning within the Town of Hartland.

- 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 (including outdoor furnaces), 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

3.00 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

4.00 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 Chief" means the Chief of the Bonduel Area Fire Department or other person authorized by the Fire Chief.
- 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 a chimney.
- 4.7.** "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
- 4.8.** "Refuse" means any waste material except clean wood.

SECTION 5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

5.00 General prohibition on outdoor burning and refuse burning. Open burning, outdoor burning and refuse burning are prohibited in the Town of Hartland unless the burning is specifically permitted by this ordinance.

SECTION 6: MATERIALS THAT MAY NOT BE BURNED

6.00 Materials that may not be burned.

- 6.1 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. The **Town of Hartland** will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.
- 6.2. 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.
- 6.3. 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.
- 6.4. Asphalt and products containing asphalt.
- 6.5. 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.
- 6.6. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- 6.7. Rubber including tires and synthetic rubber-like products.
- 6.8. 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 11 of this ordinance. Paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

SECTION 7: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS

7.00 Burning leaves, brush, clean wood and other vegetative debris.

Open burning of leaves, weeds, brush, stumps, clean wood 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 barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
- 7.3. Burning of trees, limbs, stumps, brush or weeds on personal property for forest management purposes is allowed except during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
- 7.4. Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources.
- 7.5. 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 approved by and in accordance with provisions established by the Fire Chief.
- 7.6. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with other provisions of this ordinance.
- 7.7 Open burning under this section shall only be conducted at a location at least **100 feet** from the nearest building which is not on the same property

SECTION 8: BURN BARRELS

8.00 Burn barrels.

A burn barrel may be used in the **Town of Hartland** only in accordance with the following provisions:

- 8.1. 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 Section 7 of this ordinance.

- 8.2. The burn barrel shall be located at least **100 feet** from the nearest building that is not on the same property as the burn barrel.
- 8.3. The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.
- 8.4. The burn barrel shall not serve a commercial enterprise.

SECTION 9: FIRE DEPARTMENT PRACTICE BURNS

9.00 Fire department practice burns.

Notwithstanding sections 5 and 6 of this ordinance, the **Bonduel Area Fire Department** 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 10: BURNING PERMITS

10.00 Burning Permits.

- 10.1. No person shall start or maintain any open burning without a burning permit issued by the **Town of Hartland Chairman, the Shawano County Sherriff's Department or the WI DNR.**
- 10.2. An outdoor campfire or burning of materials as stated in section 7.3 of this ordinance does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
- 10.3. Any person responsible for burning for any other purposes other than those excluded in section 10.2 above shall obtain a one-time burning permit before starting the fire. The fee for each one-time burning permit shall be **\$2.50**.
- 10.4. When weather conditions warrant, the Fire Chief or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
- 10.5. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.

SECTION 11: LIABILITY

11.00 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.

SECTION 12: ENFORCEMENT AND PENALTIES

12.00 Enforcement and penalties.

- 12.1. The Town Chairman and/or the Shawano County Sherriff's Department are authorized to enforce the provisions of this ordinance.
- 12.2. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than **\$25** or more than **\$250** plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

INTRODUCED: _____ DATE: 2-13-2012

SECONDED: _____

CHAIRMAN: _____ (Robert Woldt)

ATTEST: _____ (Roy Brodhagen, Clerk)