

# **Outdoor and Refuse Burning Ordinance for the Town of Rush River, Wisconsin**

**Ordinance No. 2005-01**

## **SECTION 1: PURPOSE**

**1:00 Purpose.** This ordinance is intended to promote public health, safety and welfare and to safeguard the health, comfort, living conditions, safety, and welfare of the Town of Rush River due to the air pollution and fire hazards of open burning and refuse burning.

## **SECTION 2: APPLICABILITY**

**2:00 Applicability.** This ordinance applies to all burning and refuse burning within the Town of Rush River.

**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**

**3:00 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" mean printed material containing personal identification or financial information that the owner wishes to destroy.

**4.4** "Fire Chief" means the Chief of the United Fire District or other persons 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 chimney.

**4.7** "Outdoor Wood/Corn-fired Furnace" means a wood/corn -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 open burning and refuse burning.** Open burning, outdoor burning and refuse burning are prohibited in the Town of Rush River 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.

**6.2** Rubbish or garbage including animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household and business wastes.

- 6.3 Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to 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 Newspapers, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the State Recycling Statutes as provided in Section 11 of this ordinance.

## **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, trees and 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 or airfields. Open burning shall be conducted in conformance with all local and state fire protection laws.
- 7.2 Except for barbeque, 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 Open burning shall be conducted only on property which the materials were generated or at a facility approved by and in accordance with provisions established by the Wisconsin Department of Natural Resources and the Fire Chief.
- 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 Wisconsin Department of Natural Resources and the Fire Chief.
- 7.5 Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.
- 7.6 Fires set in forest, prairie or wild life habitat management are allowed with the approval of the Wisconsin Department of Natural Resources.
- 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. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
- 7.8 Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of right-of-ways is allowed if approved by the Fire Chief and 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 Wisconsin Department of Natural Resources.
- 7.10 Open burning under this section shall be conducted only in accordance with Section 11 of this ordinance.
- 7.11 Open burning under this section shall only be conducted at a location at least 250 feet from the nearest building which is not on the same property.
- 7.12 Except for campfires and permitted bonfires, open burning shall only be conducted as in Section 12: Town of Rush River Policy Letter.
- 7.13 Open burning shall be constantly attended and supervised by a competent person of at least 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.
- 7.14 No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
- 7.15 Except for barbeque, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible wall or partition, exterior window opening, exit or exit access unless authorized by the Fire Chief.

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

#### **SECTION 8: BURN BARRELS**

##### **8:00 Burn Barrels**

A burn barrel may be used in the Town of Rush River only in accordance with the following provisions.

8.1 The burn barrel shall not be used to burn any of the prohibited materials 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 250 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 heavy wire screen.

8.4 The burn barrel shall not serve as a commercial enterprise.

#### **SECTION 9: OUTDOOR WOOD/CORN-FIRED FURNACES**

##### **9:00 Outdoor wood/corn-fired furnaces**

An outdoor wood/corn-fired furnace may be installed and used in the Town of Rush River only in accordance with the following provisions.

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

9.2 The outdoor wood/corn-fired furnace shall be located at least 250 feet from the nearest building which is not on the same property as the outdoor wood/corn-fired furnace.

9.3 The outdoor wood/corn-fired furnace shall have a chimney that extends at least 12 feet above ground surface.

#### **SECTION 10: FIRE DEPARTMENT PRACTICE BURNS**

##### **10:00 Fire department practice burns**

Notwithstanding Sections 5 and 6 of this ordinance, the United Fire District may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the Wisconsin Department of Natural Resources.

#### **SECTION 11: EXEMPTION FOR BURNING CERTAIN PAPERS**

##### **11:00 Exemption for burning certain papers**

11.1 Notwithstanding Subsection 6.8 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 the 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 the burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.1-7.3, 7.6 and 7.11-7.15 of this ordinance.

#### **SECTION 12: BURNING PERMITS**

##### **12:00 Burning Permits**

Burning permits will no longer be issued by any Town Board Member after January 1, 2005. It will be the responsibility of the person wishing to have ANY type of fire to call the Dispatch Center before starting a fire. The Dispatch Center telephone number is 684-2112. If your fire is reported and the Fire Department comes out, you will be billed for the fire call, if you have not called the Dispatch Center. The Dispatch Center is open 24 hours a day, 365 days a year.

Burning of asphalt, rubber (tires, etc.), plastic or oily substances are prohibited.

Further Restrictions:

1. Burn late in the day when the temperature is lower and humidity is higher.
2. Burn when the winds are gentle.
3. Have fire fighting tools on the site before you start the fire.
4. An adequate fire break must be around the material to be burned.
5. The fire must be TOTALLY EXTINGUISHED before you leave the area.
6. YOU are responsible if your fire gets away, and become liable for all expenses incurred in suppressing the fire and will be responsible for all damage caused by the fire. We suggest you check the fire protection

you have in you insurance policy to see if you have adequate coverage.

If conditions are such that any burning is too dangerous, such as dry, windy conditions, the Town Chairman, DNR, Fire Chief or a designated representative of the Town Board will notify the Dispatch Office to put a burning ban in effect until the notice is recinded.

**SECTION 13: LIABILITY**

**13:00 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 14: RIGHT OF ENTRY AND INSPECTION**

**14:00 Right of entry and inspection**

The Fire Chief or any other authorized officer, agent, employee or representative of the Town of Rush River 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. Statutes.

**SECTION 15: ENFORCEMENT AND PENALTIES**

**15:00 Enforcement and penalties**

15.1 The Fire Chief and Town of Rush River Chairman are authorized to enforce the provisions of this ordinance.

15.2 The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than 50 dollars or the cost of a fire call plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

**SECTION 16: ORDINANCE ADOPTION AND PUBLICATION**

**16:00 Ordinance adoption and publication**

This ordinance shall take effect upon adoption and publication.

Adopted: 8 March, 2005.

**TOWN OF RUSH RIVER**

By: Donald E. Schumacher  
Donald Schumacher, Town Chairman

Attest: Delores Vrieze, Clerk  
Delores Vrieze, Town Clerk

I, Delores Vrieze, Town Clerk, do hereby certify I posted this Ordinance in the following three(3) public places in the Town of Rush River on March 9, 2005.

1. Arctic Glass
2. Town Hall
3. Clerk - home/office

Delores Vrieze, Clerk  
Delores Vrieze, Town Clerk

Plus Published in paper, BALDWIN BULLETIN, MARCH 15, 2005.