

WOOD BURNING, OUTDOOR WOOD-FIRED FURNACES AND REFUSE BURNING ORDINANCE

SECTION 1: PURPOSE

This ordinance is intended to promote the public health, safety and welfare of the citizens of the Town of Plover.

SECTION 2: APPLICABILITY

This ordinance applies to all outdoor burning, within the Town of Plover, of any material, whether or not the fire is contained; however, this Ordinance shall not apply to:

- a. Grilling or cooking using charcoal, wood, propane or natural gas in common cooking or grilling appliances.
- b. Burning in a common furnace, boiler or other heating device outside a building used to provide heat for human or animal habitation unless the material being burned includes refuse as defined in section 4 of this ordinance.
- c. The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- d. Fires for the purpose of warming the person, which comply with the terms of this ordinance for a campfire.

SECTION 3: SEVERABILITY

The provisions of this ordinance are severable. If any part or provision of any section, clause, or provision hereof is invalid or if it's application to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

SECTION 4: DEFINITIONS

- a. **“Campfire”** means a small outdoor fire less than five feet in diameter, intended for recreation, cooking or warming the body, not including a fire intended for disposal of waste wood or refuse. Wood used in a campfire shall be sized appropriately for a

- small campfire and the fire shall be confined by a control device or structure such as a barrel, fire ring or fire pit.
- b. **“Clean wood”** means natural wood which has not been painted, varnished or coated with a similar material that has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
 - c. **“Confidential papers”** means printed material containing personal identification or financial information that the owner wishes to destroy.
 - d. **“DNR”** means any employee of the State of Wisconsin, Department of Natural Resources empowered by that department to act on it’s behalf in the matter at issue.
 - e. **“Fire Chief”** means the Village of Plover Fire Chief or other person authorized by the Fire Chief.
 - f. **“Outdoor Burning”** means open burning or burning in an outdoor wood-fired furnace.
 - g. **“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.
 - h. **“Outdoor Wood-fired Furnace”** means a wood-fired furnace, stove or boiler that is not located in the building intended for habitation by humans or domestic animals.
 - i. **“Refuse”** means any waste material except clean wood.

SECTION 5: 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 ordinance.

SECTION 6: MATERIALS THAT MAY NOT BE BURNED

Unless specific written approval has been obtained from the DNR, 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.

- a. Rubbish or garbage including but not limited to food waste, food wraps, furniture, composite shingles, construction or demolition debris or other household or business waste.
- b. 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.
- c. Asphalt and products containing asphalt.
- d. Treated or painted wood including but not limited to plywood, varnished or treated with preservatives.
- e. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- f. Rubber including tires and synthetic rubber-like products.
- g. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the Portage County recycling ordinance.

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

Open burning of leaves, weeds, brush, stumps, clean wood and other vegetative debris is allowed only by permit issued under Section 12 of this ordinance, subject to special conditions therein and in accordance with the following provisions:

- a. All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions will minimize adverse effects and not create a health hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- b. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin DNR has issued a burning ban or ordinance applicable to the area.
- c. Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by the DNR.
- d. 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 DNR and the Fire Chief.
- e. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance and in accord with all restrictions imposed by the approving authorities.
- f. Fires set for forest, prairies or wildlife habitat management are allowed with the approval of the DNR and the Fire Chief.
- g. Burning of trees, limbs, stumps, brush or weeds for cleaning or maintenance of right-of-way is allowed if approved by the DNR, the Fire Chief and if conducted in accordance with other provisions of this ordinance.
- h. In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the DNR.
- i. Open burning under this section shall only be conducted at a location at least 50 feet from nearest building which is not on the same property.
- j. The Town of Plover is located in an *Extensive Forest Fire Protection Area* defined by state statutes. Generally, burning restrictions run from a period starting January 1st through May 31st of the year whenever the ground is not completely snow-covered AND at other times when burning conditions require it. During these periods, time restrictions are limited to the evening hours and they can change through the seasons of the year.

When DNR issues a *Special Burning Permit*, the permit holder often is allowed to burn through the night time hours provided safety and suppression concerns have been addressed. DNR often issues *Special Burning Permits* for agricultural, highway and right-of-way land clearing for one to two week periods.

- k. When two or more inches of snow cover blanket the Town, burning permits may be issued allowing open burning and burning in a burn barrel between the hours of 8:00 AM and midnight Monday Thru Saturday except legal holidays as defined in 895.20, Wisconsin Statutes. All fire shall be extinguished by midnight.
- l. Open burning and burning in a barrel shall be constantly attended and supervised by competent person of at least eighteen (18) years of age until fire is out and cold. The

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

- m. All piles of materials to be burned shall be sized appropriately so that the fire will be completely out by midnight.
- n. No materials may be burned upon any street, curb, gutter, or sidewalk or on the ice of a lake, pond, and stream or water body.
- o. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet of any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
- p. No open burning may be conducted on days when the DNR has declared an ozone action day applicable to the Town.
- q. *Special Burning Permits* are issued for the purpose of land clearing related to construction projects such as highway or utility right-of-way construction.

SECTION 8: BURN BARRELS

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

- a. The burn barrel shall not be used to burn 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.
- b. The burn barrel shall be located at least 250 feet from the nearest building not on the same property as the burn barrel.
- c. The burn barrel shall have vent holes not greater than ¼ square inch (.5”X.5” square or 13/16” round), located above the ash line for combustion. DNR recommends placing outdoor incinerators on bare mineral soil or other, non-combustible surface (concrete, patio blocks or paver stones) with a **radius** of at least 5 feet from the outer edge of the barrel.
- d. No burn barrel shall be located on the premises of a commercial enterprise.
- e. A burning permit is not required for burning in a barrel, when such burning takes place during the hours set forth in Section 7(j) and the burn barrel meets the specifications of Section 8(c).

SECTION 9: OUTDOOR WOOD-FIRED FURNACES:

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

- a. The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance.
- b. The outdoor wood-fired furnace shall be located at least 100 feet from the property line of which the furnace is located.
- c. The outdoor wood-fired furnace shall be at least 150 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace.

- d. The outdoor wood-fired furnace shall have a chimney that extends at least 15 feet above the ground's surface. If there are any residences within 250 feet of the outdoor wood-fired furnace, the chimney shall extend at least as high above ground surface as the height of the roofs of all such residences. The Building Inspector may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
- e. The placement of existing outdoor wood-fired furnaces may be grandfathered; however, the height of the chimney has 30 days within which to conform to this ordinance and all uses of the existing outdoor wood-fired furnaces must immediately comply with all restraints of this ordinance.
- f. New installations of outdoor wood-fired furnaces are restricted to placement on a minimum lot size of two acres.

SECTION 10: FIRE DEPARTMENT PRACTICE BURNS

The Village of Plover Fire Department or another area fire department in conjunction with the Village of Plover Fire Department may burn a standing building if necessary for firefighting practice and if the practice burn complies with the requirements of the DNR.

SECTION 11: EXEMPTION FOR BURNING CERTAIN PAPERS

- a. Notwithstanding Section 6(g) of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.
- b. 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.
- c. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
- d. A fire set for burning of a small quantity of confidential paper shall be subject to and comply with Section 7 of this ordinance.

SECTION 12: BURNING PERMITS

- a. No person shall start or maintain any open burning without a burning permit issued by the Village of Plover Fire Chief, the Fire Chief's designee or the DNR fire warden.
- b. All property owners in the Town of Plover area located in the DNR *Extensive Forest Fire Protection Area*, shall obtain a burning permit from an authorized DNR fire warden.
- c. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
- d. Any person who burns leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a burning permit either in person or on-line from the Village of Plover Fire Chief, the Fire Chief's designee or a DNR fire warden.
- e. When weather conditions warrant, the Village of Plover Fire Chief or the DNR may declare a moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.

- f. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional restrictions deemed necessary to protect public health and safety.
- g. Burning permits shall not be issued when sustained wind speeds exceed 10 mph or sustained winds of lesser speed with gusts of 15 mph or more. All previously burning permits become invalid when those conditions exist.
- h. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or burning permit shall void the permit.

SECTION 13: LIABILITY

Any person who starts or uses an outdoor fire shall be liable to the Town of Plover, Village of Plover, and DNR for all fire suppression costs if the fire is in violation of this ordinance or it endangers not covered by the permit or person.

SECTION 14: PERMISSION OF OWNER OR LESSEE REQUIRED FOR FIRES

No person shall set, kindle or maintain or cause any fire, or otherwise authorize such fire to be set, kindled or maintained on any public property or on any private property except: (1) property owned by the person; (2) property leased to the person; or (3) property owned by another with that owner's written consent.

SECTION 15: RIGHT OF ENTRY AND INSPECTION

The Village of Plover Fire Chief or any person designated by the Fire Chief or any authorized officer, agent, or employee of the Town of Plover may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 16: ENFORCEMENT, PENALTIES AND FEES

- a. The Village of Plover Fire Chief or his designee, any Fire Warden appointed by the Town of Plover or any person authorized by the Town of Plover is authorized to enforce the provisions of this ordinance. Forest Rangers and Conservation Wardens have the authority to enforce only state statutes or rules promulgated out of state statutes.
- b. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$100 or no more than \$ 500.00 plus the cost prosecution.
- c. Town-issued permits may be issued upon request to the Town Board or its designee. The Town Board shall establish permit fees, from time to time. State-issued burning permits are free and can now be obtained on-line.
- d. All new wood burners must be approved by the Town Board; installation shall involve administration of the Uniform Building Code by the Building Inspector.

SECTION 16: EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wisconsin Statutes.

Adopted this _15TH_ day of __AUGUST__, 2012.

Tim Karcheski, Chairman

Roger Bentley, Supervisor

Joe Firkus, Suprvisor

James Rowe, Supervisor

William Sniadajewski, Supervisor

Attested by: Joan Scheider,
Clerk/Treasurer