

ORDINANCE# 12-12-2005
Township of Waterford
Racine County, Wisconsin

An Outdoor and Refuse Burning Ordinance for the Town of Waterford Wisconsin.

THE TOWN BOARD of the Township of Waterford, at its regular monthly and duly noticed meeting does hereby Ordain and Pass the following Ordinance:

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 Waterford 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 Waterford.

2.1. 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.

2.2. 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.

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

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 Tichigan Volunteer Fire Company, Inc. 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 Waterford 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.

6.10 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 Waterford 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.

6.11. 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.

6.12. 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.

6.13. Asphalt and products containing asphalt.

6.14. 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.

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

6.16. Rubber including tires and synthetic rubber-like products.

6.17. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the local recycling ordinance except as provided in Section 12 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 trimmings (less than six (6) inches in diameter) and other vegetative debris is allowed only in accordance with the following provisions

7.1. Open burning shall be conducted only on the property on which the materials were generated.

7.2. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance, with notification to Racine County and the Fire Chief.

7.3. 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.

7.4. Open burning under this section shall only be conducted at a location at least 30 feet from the nearest building which is not on the same property.

7.5. No open burn shall exceed four (4) feet square and four (4) feet in height.

7.6. Open burning shall only be conducted Monday through Sunday between the hours of 10:00 AM to 7:00 PM.

7.7. Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until the fire is extinguished and is cold. The person shall have readily available a water supply for use and such fire extinguishing equipment as may be necessary for the total control of the fire, within a radius of seventy-five feet around the fire or burning activity.

SECTION 8: CAMPFIRES / BONFIRES

8.00 Outdoor campfires and bonfires.

A campfire or bonfire may be used in the Town of Waterford only in accordance with the following provisions:

8.1. Outdoor campfires and small bonfires for cooking or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, manufactured outdoor fireplace or fire pit.

8.2. Control devices shall be constructed of metal, concrete or brick in such a manner as to prevent the escape of burning embers.

8.3. Persons constructing a permanent structure, barrel, fire ring, manufactured outdoor fireplace or fire pit, for the containing campfires or bonfires, must obtain a written permit from the Fire Chief and must follow all applicable building codes.

8.4. No person shall kindle, start or permit such a contained fire to burn within 20 feet of a building or wooden structure, or in any street or alley.

8.5. No outdoor campfire or small bonfire shall exceed three (3) feet in diameter and three (3) feet in height.

8.6. Campfires and bonfires are not permitted between the hours of 1:00 AM and continuing through sunrise the following morning.

8.7. Campfires and bonfires shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until the fire is extinguished and is cold. The person shall have readily available a water supply for use and such fire extinguishing equipment as may be necessary for the total control of the fire, within a radius of seventy-five feet around the fire or burning activity.

8.8. All wood materials shall be clean wood, not to exceed eight (8) inches in diameter and shall fit within the designated burn area. Fires may be ignited with a small quantity of paper; the use of flammable or combustible liquids for ignition is prohibited. Materials referenced in Section 6 are prohibited.

8.9. The Fire Chief, with permission of the Town Chairman or his duly authorized representative, may for ceremonial or recreational purposes, allow for larger bonfires at his discretion, providing that the burn

materials used meet with Section 6 of this ordinance and Fire Department personnel and apparatus are on-site for the duration of the burn.

SECTION 9: BURN BARRELS

9.00 Burn barrels.

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

- 9.1.** 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.
- 9.2.** The burn barrel shall be located at least 50 feet from the nearest building that is not on the same property as the burn barrel.
- 9.3.** The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.
- 9.4.** The burn barrel shall not serve a commercial enterprise.

SECTION 10: OUTDOOR WOOD-FIRED FURNACES

10.00 Outdoor wood-fired furnaces.

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

- 10.1.** The outdoor wood-fired furnace shall be installed and used only in an area zoned for agricultural use.
- 10.2.** The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance.
- 10.3.** The outdoor wood-fired furnace shall be located at least 75 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace.
- 10.4.** The outdoor wood-fired furnace shall have a chimney that extends at least 10 feet above the ground surface. If there are any residences within 500 feet, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Fire Chief 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.

SECTION 11: FIRE DEPARTMENT PRACTICE BURNS

11.00 Fire department practice burns.

Notwithstanding sections 5 and 6 of this ordinance, the 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 12: EXEMPTION FOR BURNING CERTAIN PAPERS

12.00 Exemption for burning certain papers.

- 12.1.** Notwithstanding Subsection 6.17 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance
- 12.2.** 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.
- 12.3.** Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
- 12.4.** A fire set for burning of a small quantity of confidential papers shall be subject to and comply with applicable subsections of this ordinance.

SECTION 13: PROHIBITED CONDITIONS

13.00 Prohibited Burning Conditions

- 13.1.** Except for barbecue, gas and charcoal grills, no campfires or bonfires 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, or an ozone alert has been declared by Racine County or the National Weather Service.
- 13.2.** No person shall cause or permit the emission of dense smoke from any premises owned or occupied by such person.
- 13.3.** All allowed open burning shall be conducted in a safe nuisance free manner, when wind speed does not exceed nine (9) miles per hour and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- 13.4.** When weather conditions warrant, the Fire Chief or Police Chief, with the permission of the Town Chairman, or his duly authorized representative, or the Department of Natural Resources may declare a

burning moratorium on all open burning and temporarily suspend all open burning, including campfires and bonfires.

SECTION 14: PERMITS

14.00 Permits.

14.1. The Town of Waterford does not require a permit for open burn, campfire or bonfire. Persons are responsible for the content of this ordinance.

14.2. Persons are required to obtain building permits as required for purposes stated in Section 8 and 10.

14.3. No person shall start, kindle or permit any burning at anytime during the provisions as stated in Section 13.

SECTION 15: LIABILITY

15.00 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 16: RIGHT OF ENTRY AND INSPECTION

16.00 Right of entry and inspection. The Fire Chief, with permission of the Town Chairman or his duly authorized representative, or any authorized officer, agent, employee or representative of the Town of Waterford 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. Stats.

SECTION 17: ENFORCEMENT AND PENALTIES

17.00 Enforcement and penalties.

17.1. The Fire Chief, with permission of the Town Chairman or his duly authorized representative, or any duly authorized officer for the fire department, Police Chief and authorized law enforcement officers are authorized to enforce the provisions of this ordinance.

17.2. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$10 or more than \$500 plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

PASSED AND ADOPTED this 12th day of December 2005, to take effect upon posting/publication as required by law.

ROBERT E. LANGMESSER
Town Chairman

ATTEST:

TINA MAYER
Town Clerk