

# **Outdoor and Refuse Burning Ordinance for the Town of Herman, Shawano County, Wisconsin.**

Ordinance No. 7814

## **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 Herman 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 Herman

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

**4.4** "Fire Chief" means the Chief of the Gresham 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 Town of Herman 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

**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 recycling ordinance except as provided in Section 11 of this ordinance.

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

##### **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 the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area. **It is the responsibility of the person doing the burning to determine whether a burning ban is in effect by contacting the DNR.**

7.3 Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

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 in accordance with other provisions of this ordinance

7.7 In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.

7.8 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

7.9 Except for campfires and permitted bonfires, open burning shall only be conducted between sunrise and 11 PM

7.10 **Open** burning shall be constantly attended and supervised by a competent person of at least eighteen (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.

7.11 No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.

7.12 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.

7.13 No open burning may be conducted on days when the Department of Natural Resources has declared an Air Quality Watch or Air Quality Advisory for ozone or fine particle pollution applicable to the Town of Herman

## **SECTION 8: BURN BARRELS**

### **8.00 Burn barrels.**

No person shall use or maintain a burn barrel in the Town of Herman

**SECTION 9: FIRE DEPARTMENT PRACTICE BURNS**

**9.00 Fire department practice burns.**

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

**10.00 Exemption for burning certain papers**

**10.1 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

**10.2 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.

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


**10.4** A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.1,7.2, 7.5, and 7.8-7.13 of this ordinance.

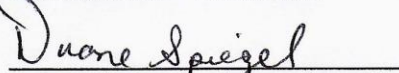
**SECTION 11: LIABILITY**


**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. **It is highly recommended that the Shawano County Sheriff's Department be notified when outdoor burning is planned so that emergency personnel are not sent if the fire is reported.**

**Adopted this 10th day of June, 2014**

**Approved:**

  
**Joe DeBaker – Chairman**

  
**Duane Spiegel – Supervisor #1**

  
**Howard Schultz – Supervisor #2**

**Certified:**

  
**Lori Schmidt – Clerk**