

**Outdoor and Refuse Burning Ordinance for the Town of Marshfield,
Wisconsin.**

**Ordinance No. 09-04
Amended 3-8-12**

TABLE OF CONTENTS

Part I

Section 1	Purpose -----	p. 2
Section 2	Applicability -----	p. 2
Section 3	Severability-----	p.2
Section 4	Definitions -----	p. 2
Section 5	General prohibition on outdoor burning and—refuse burning ---	p. 3
Section 6	Materials that may not be burned -----	p. 3
Section 7	Burning leaves, brush, clean wood and – other vegetative debris-	p. 4
Section 8	Burn barrels -----	p. 5
Section 9	Outdoor wood-fired furnaces -----	p. 5
Section 10	Fire department practice burns -----	p. 5
Section 11	Exemption for burning certain papers-----	p. 6
Section 12	Burning Permits -----	p. 6
Section 13	Liability -----	p. 7
Section 14	Right of entry and inspection -----	p. 7
Section 15	Enforcement and penalties -----	p. 7

Part II Reference Materials

Burn Barrels: Unhealthy, Unnecessary, Unneighborly and Usually Illegal p.7

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 Marshfield 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 Marshfield
- 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 Hewitt 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 Marshfield 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, farm 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 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 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 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. No commercial enterprise may open burn.

7.4. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance and the approval of the Fire Chief or designee.

7.5. Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Fire Chief or designee.

7.6. 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.

7.7. 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.

7.8. Open burning under section 7 shall be conducted only following issuance of and in accordance with a permit issued under Section 11 of this ordinance.

7.9. 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.

7.10. The size of the piles to be burned shall not exceed 6' X 6' X 6' tall. Any piles exceeding this size will need the fire department to oversee the burn and will have a fee associated with it.

7.11. 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.

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

7.13. Except for barbeque, gas and charcoal grills, no burning shall be undertaken within 50 feet from any combustible material or building on the same property unless authorized by the Fire Chief.

SECTION 8: BURN BARRELS

8.00 Burn Barrels.

A burn barrel may be used without a permit in the Town of Marshfield 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 Subsections 7.1-7.3, 7.8 and 7.10 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 and 50 feet from any combustible material or building on the same property.

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: OUTDOOR WOOD-FIRED FURNACES

9.00 Outdoor wood-fired furnaces.

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

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

9.2. Front setback must be 100 feet from the center of the road. Side setback is 50 feet in residential zoning and 100 feet in all other zonings.

SECTION 10: FIRE DEPARTMENT PRACTICE BURNS

10.00 Fire department practice burns.

Except as provided in this section for fire department practice burns, an existing unwanted building in the Town of Marshfield may not be burned. A building, which is no longer standing, may not be used for a practice burn.

10.1. An existing building may be burned only by the Hewitt Area Fire Department and only if the Fire Chief determines that the burning is necessary for practice and instruction of fire fighters or firefighting equipment and all appropriate DNR permits have been obtained.

10.2. Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice.

10.3. A demolition notification shall be submitted to the Department of Natural Resources and all asbestos removed prior to the practice burn.

10.4. All ash shall be disposed of in an approved landfill or at an alternative location approved by the Department of Natural Resources.

10.5. At least one week before a planned practice burn the Fire Chief or designee shall notify residents within 1,200 feet of the site of the proposed burn.

SECTION 11: EXEMPTION FOR BURNING CERTAIN PAPERS

11.00 Exemption for burning certain papers.

11.1. 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

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 burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.1-3, 7.6, and 7.8-12 of this ordinance.

SECTION 12: BURNING PERMITS

12.00 Burning Permits.

12.1. No person shall start or maintain any open burning without a burning permit issued by the Fire Chief or Designee.

12.2. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.

12.3. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a one-time burning permit before starting the fire.

12.4. 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.

12.5. 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.

12.6. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

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 authorized officer, agent, employee or representative of the Hewitt Area Fire Department 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 15: ENFORCEMENT AND PENALTIES

15.00 Enforcement and penalties.

15.1. The Fire Chief or Assistant Chief of the Hewitt Area Fire Department is 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 \$25.00 or more than \$250.00 plus the cost of Equipment and manpower to extinguish if needed. Penalties are doubled for second and subsequent offenses.

This ordinance shall take and be in force from and after its passage and posting as provided by law.

Passed 9-10-09, Posted on 9-10-09 & Effective date 9-10-09

Allen W. Breu, Chairman

Janet A. Meyer, Clerk

Amended 3-8-12, Posted 4-3-12 & Effective Date 4-3-12.

Changed 7.10 The size of the piles to be burned shall not exceed **from 8'X8'X8' to 6' X 6' X 6'** tall. Any piles exceeding this size will need the fire department to oversee the burn and will have a fee associated with it.

Added 9.2. Front setback must be 100 feet from the center of the road. Side setback is 50 feet in residential zoning and 100 feet in all other zonings.

Allen W. Breu, Chairman

Janet A. Meyer, Clerk

SAMPLE OF PENALTY WORDING FROM GARBAGE ORDINANCE

(1) Penalties for violating any section of 1.01 through 1.11 of this code may be assessed as follows:

(a) See Ordinance #09-03 Recycling & Sanitation Code Penalties.