

Outdoor and Refuse Burning Ordinance,
Municipal Code, County of Vernon, Wisconsin.

Chapter No.
Ordinance No.

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 County of Vernon due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning. It is further intended to allow for the restriction or prohibition of outdoor and refuse burning under specific conditions detailed within the ordinance.

SECTION 2: APPLICABILITY

2.00 Applicability. This ordinance applies to all outdoor burning and refuse burning within the County of Vernon. This county ordinance does not apply to incorporated municipalities. If a provision in a town ordinance in this county covers a provision contained in this county ordinance, the town ordinance controls.

- 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.** "Bonfire" means a large, open fire kindled and maintained to mark a public event, celebration or similar occurrence which only uses dry, untreated and unpainted wood as the burning material.
- 4.2.** "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
- 4.3.** "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.
- 4.4.** "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.
- 4.5.** "Fire Chief" means any of the Chiefs of Fire Departments within Vernon County or other persons authorized by said Fire Chiefs.
- 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 Burning" means open burning or burning in an outdoor wood-fired furnace.
- 4.8.** "Outdoor Wood-Fired Furnace" means outdoor residential wood-fired furnaces, stoves or boilers.
- 4.9.** "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 County of Vernon unless the burning is specifically permitted by this ordinance or is otherwise approved by the Department of Natural Resources.

SECTION 6: EMERGENCY RESTRICTIONS ON OPEN BURNING

6.00 Declarations of emergency restrictions and the process of informing the public

6.1 Emergency burning restrictions may be implemented in all or part of Vernon County under the direction of at least three Chiefs of the Vernon County Fire Mutual Aid Association or Wisconsin Department of Natural Resources. These restrictions may include, but are not limited to, those found in Wis. Admin. Code § NR 30.05.

6.2 Notice of such emergency burning restrictions shall be filed with the Vernon County Emergency Management Office, which shall issue a public notice by means which may include, but are not limited to: local media broadcasts, postings on the County and/or relevant Department website, notification of town chairs and/or notification of the Vernon County Sheriff's Office Dispatch Division.

SECTION 7: MATERIALS THAT MAY NOT BE BURNED

7.00 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.

7.1. 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.

7.2. 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.

7.3. Asphalt and products containing asphalt.

7.4. 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.

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

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

7.7. Newspaper, corrugated cardboard, container board, office paper and other recyclable materials.

SECTION 8: RESTRICTIONS ON OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS

8.00 Restrictions and/or bans on the burning of leaves, brush, clean wood and other vegetative debris.

Open burning of leaves, weeds, brush, stumps, clean wood or other vegetative debris is allowed only in accordance with the following provisions:

8.1. 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.

8.2. 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 Department of Natural Resources and the Fire Chief. This includes, but is not limited to, commercial enterprises which produce wood products or materials as a waste product.

- 8.3.** Open burning of weeds or brush on agricultural lands is allowed if reported to the Fire Chief or Vernon County Sherriff's Office or local law enforcement, and if conducted in accordance with the provisions of this ordinance.
- 8.4.** 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 conducted in accordance the provisions of this ordinance.
- 8.5.** Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if reported to the Fire Chief or Vernon County Sherriff's Office or local law enforcement, and if in accordance with the provisions of this ordinance.
- 8.6.** 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.
- 8.7.** Except for campfires and permitted bonfires, any open burning shall be started during daylight hours.
- 8.8.** Open burning shall be constantly attended to and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- 8.9.** No materials may be burned upon any road, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
- 8.10.** 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.

SECTION 9: BURN BARRELS

9.00 Burn barrels.

A burn barrel may be used in the County of Vernon 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 7 of this ordinance and may only be used in accordance with the provisions of Section 6 of this ordinance.
- 9.2.** 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.
- 9.3.** The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a wire screen resilient enough to survive the duration of the combustion and sufficient to minimize the release of the products of combustion.
- 9.4.** The burn barrel shall not serve a commercial enterprise.

SECTION 10: FIRE DEPARTMENT PRACTICE BURNS

10.00 Fire department practice burns.

Notwithstanding Sections 5, 6 and 7 of this ordinance, all Fire Departments within the County of Vernon 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 11: EXEMPTION FOR BURNING CERTAIN PAPERS

11.00 Exemption for burning certain papers.

- 11.1.** Notwithstanding section 7.7 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.** Confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information, in accordance with the provisions of this ordinance.
- 11.3.** Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

SECTION 12: OUTDOOR WOOD-FIRED FURNACES

12.00 Outdoor wood-fired furnaces.

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

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

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

12.3. The outdoor wood-fired furnace shall have a chimney of a height which complies with manufacturer's standards, so long as the chimney height is sufficient to prevent a nuisance or danger from occurring.

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 their authorized designee, presenting proper credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance and pursuant to Wis. Stat. § 213.095.

SECTION 15: ENFORCEMENT AND PENALTIES

15.00 Enforcement and penalties.

15.1. The Fire Chiefs and local law enforcement 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 twenty-five dollars (\$25) or more than two hundred fifty dollars (\$250) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

Which Materials Are Legal To Burn?

Which of these household materials can be **legally** burned in a burn barrel or an open fire on the same property where generated?

State law does not prohibit burning small dry quantities of the household materials with a **4**mark, if they are burned on the same property where generated. Local ordinances may be more restrictive; check with your local municipality before burning. (The number listed after the materials below refers to the legal explanations of why the item may or may not be burned.)

- | | | |
|-------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Plastic Milk Jug 1,5 | <input type="checkbox"/> Corrugated Cardboard 5 | <input type="checkbox"/> Plastic Soda Bottles 1,2 |
| 4 Leaves (dry) 8 | <input type="checkbox"/> Asphalt Sealant 1 | <input type="checkbox"/> Magazines / Catalogues 5 |
| <input type="checkbox"/> Treated Lumber 3 | <input type="checkbox"/> Plastic Food Wrap 1 | 4 Waste Mail 7 |
| <input type="checkbox"/> Newspaper 5 | <input type="checkbox"/> Plywood 6 | <input type="checkbox"/> OSB / Composite Board 6 |
| <input type="checkbox"/> Insulated Electrical Wire 1 | <input type="checkbox"/> Plastic Pipe 1 | <input type="checkbox"/> Plastic Weed Barrier 1 |
| <input type="checkbox"/> Rubber Hose 1 | <input type="checkbox"/> Food Waste / Garbage 4 | <input type="checkbox"/> Water Softener Salt Bag 1,2 |
| <input type="checkbox"/> Tires 1 | <input type="checkbox"/> Wooden Furniture 3 | 4 Paper Plates / Cups 10 |
| 4 Tree Branches 8,9 | <input type="checkbox"/> Plastic siding 1 | 4 Napkins / Paper Towel 10 |
| <input type="checkbox"/> Plastic Garbage Bags 1 | <input type="checkbox"/> Aluminum Beer Cans 5 | 4 Paper Grocery Bags 7 |
| <input type="checkbox"/> Waste Oil 4 | 4 Pine Needles 8 | <input type="checkbox"/> Plastic Vapor Barrier 1 |
| <input type="checkbox"/> Asphalt Shingles 1 | <input type="checkbox"/> Nylon Carpet 1,2 | <input type="checkbox"/> Plastic Toys 1 |
| <input type="checkbox"/> Painted Siding 3 | <input type="checkbox"/> Polystyrene Plates 1,2 | <input type="checkbox"/> Old Building 11 |
| 4 Clean Dry Firewood 9 | <input type="checkbox"/> Tar Paper 1 | 4 Untreated Unpainted Lumber 9 |
| <input type="checkbox"/> Nylon Upholstery Fabric 1,2 | <input type="checkbox"/> Polystyrene Foam Packaging 1,2 | |
| | <input type="checkbox"/> Urethane Foam Pad 1,2 | |

Explanations & Alternatives:



1. All plastic, rubber and asphalt materials are prohibited from open burning under state law.
2. This synthetic material is “plastic” and may not be burned.
3. Wood that is painted or chemically treated may not be burned under state law.
4. These materials are specifically prohibited from open burning under state law.
5. These materials must be recycled under state and local recycling laws. They cannot be burned. (It is legal to use a small amount of paper or cardboard material to kindle a fire.)
6. These materials contain resins and glues making them unsuitable for burning. They are not “dry unpainted, untreated wood” as referenced and exempted in the law.
7. Even though state law allows burning after removing any plastic, many local recycling programs cover these materials. Recycling is a better alternative. If recycling is not an option, proper disposal is better than burning.
8. Even though state law allows burning, composting and/or beneficial use of this material is a better alternative.
9. Clean dry unpainted untreated wood is legal to burn, but if it isn’t going to be beneficially used for heating, consider options other than burning.
10. This waste paper material is not recyclable. Proper disposal is a better option than burning. Wet paper or paper mixed with plastic can’t be burned.
11. Individuals or businesses may not burn a building. The only exception is that a building

may be burned only by a fire department for training purposes after notification to DNR and removal of illegal materials.

Remember:



- All materials emit **pollutants** when burned. Generally, the materials that cause the most toxic emissions are those that are prohibited from burning under state law. Try to avoid burning any waste material.
- If prohibited and allowed materials are **mixed**, they cannot be burned. Any prohibited materials must be removed before the allowed materials are burned.
- Check **local ordinances!** A local municipality may ban the burning of any material even if statewide regulations allow it.
- Check for **burning permits**. Even if the material is legal to burn, the DNR or the local municipality often requires a burning permit. During periods of high fire hazard, burning may be prohibited.
- Consider other **alternatives**. Even if the material is legal to burn, more environmentally sound alternatives are available.
- This information only applies to small quantities of **household** waste being burned on the same property where generated. The regulations do not allow **businesses** to burn the same materials that a household may. If in question, consult the regulations.

Additional Information:



- For additional information, contact your DNR service center or log onto the DNR Open Burning Web site: <http://dnr.wi.gov/org/caer/ce/ob/>.
- Does your municipality have an open burning ordinance? Check with your local clerk or fire chief.
- For additional information on burning permits log onto the DNR Forest Fire Prevention Web site: <http://dnr.wi.gov/org/land/forestry/Fire/index.htm>.
- The open burning regulations are in ch. NR 429 and s. NR 502.11, Wis. Adm. Code.
- For games, educational resources and fun on open burning activities, students and teachers should log on to Air Defenders web site: <http://www.airdefenders.org/>. This site is filled with information and activities all about open burning and respiratory health.
- Looking for a presentation about open burning? Contact the Department of Natural Resources Bureau of Air Management at 608-266-7718.
- You can download an electronic copy of this Model Ordinance from the WDNR Web site <http://www.dnr.state.wi.us/org/caer/ce/ob/>. The Ordinance is available as a PDF or as a Microsoft Word document.
- For more information on open burning, and what is happening nationally on the issue, log onto EPA's Open Burning Web site: <http://www.epa.gov.epaoswer/non-hw/muncpl/backyard/>.

