

Town of Green Valley

BURNING ORDINANCE

Ordinance # 2006-02

Enacted 9-13-06

Table of Contents:

Section 1 - Title and Purpose
Section 2 - Applicability
Section 3 - Definitions
Section 4 - Severability
Section 5 - Outdoor Furnaces
Section 6 - Materials that May NOT be Burned
Section 7 - Authority to charge
Section 8 - Responsibility
Section 9 - Exemption
Section 10 - Liability
Section 11 - Enforcement & Penalties
Section 12 - Effective Date

SECTION 1. TITLE AND 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 Green Valley, Shawano County due to the air pollution and fire hazards outdoor furnaces.

This ordinance shall be called the Town of Green Valley Burning Ordinance and shall apply to all fires within the Town.

SECTION 2: APPLICABILITY

This ordinance applies to all outdoor furnaces within the Town of Green Valley, Shawano County, Wisconsin.

- A. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. 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.
- C. 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. DEFINITIONS

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.

Outdoor Furnace: means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

Refuse: means any waste material except clean wood.

SECTION 4. 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 5: OUTDOOR FURNACES

An outdoor furnace may be used in the Town of Green Valley, only in accordance with the following provisions:

- A. The outdoor furnace shall not used to burn any of the prohibited materials listed in Section 6 of this ordinance.
- B. Nuisance: Should any solid fuel-fired outdoor heating device permitted under this ordinance become hazardous, harmful, noxious, or a nuisance to the surrounding area so that it substantially interferes with the comfortable enjoyment of life, health, or safety of another person or the public, said device may be declared a nuisance by a duly authorized Town representative. The owner shall correct, improve or abate the nuisance, using whatever means is necessary in accordance with this sub-section. If the nuisance cannot be abated, then operation of the device shall be discontinued until a solution to the nuisance can be found.

SECTION 6. MATERIALS THAT MAY NOT BE BURNED

[State of Wisconsin administrative rules prohibit burning of the materials listed in subsections 6.10 - 6.17 with certain limited exceptions that require air pollution controls and a written approval from the Department of Natural Resources. Municipalities do not have the discretion to allow burning of materials prohibited by state law.]

- 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 Green Valley, Shawano County, 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 recycling ordinance except as provided in this ordinance.

SECTION 7: AUTHORITY TO CHARGE

The Town of Green Valley grants authority for fire service billing, pursuant to its authority under Wisconsin State Statute, 60.55(2)(b) and Wisconsin Act 532. This authority is granted to the office of the Town Clerk.

The property owner of the real estate within the Town of Green Valley for which fire protection is provided shall, as determined, be responsible for the costs of the fire call as listed in Wisconsin Statutes and Town of Green Valley Fee Schedule. [This section shall not apply to the costs of any other department responding at the request of an authorized department under mutual aid.]

The Town of Green Valley may charge a fee to the property owners or responsible parties, not to exceed the limits established by state statute and the Town of Green Valley Fee Schedule for any fire within the Town of Green Valley. The Town of Green Valley shall issue a written billing for the fires they bill to aid the property owner in collecting from their insurance company. Charging for uninsured fires is at the discretion of the Town Board.

To cover the cost of bill preparation, mailing and accounting, an administrative fee may be charged, as listed in the Town of Green Valley Fee Schedule.

Failure to pay the billing within 60 days may have interest added at the allowable rate of 1.5% per month to the balance due. Billings shall include information about the interest charges.

SECTION 8: RESPONSIBILITY

Property owners are responsible to maintain control of any fire. When there is a question about conditions for open burning, the Town Chairman should be contacted.

Any person wanting a controlled burn shall notify the Shawano County Sheriff's Department prior to starting the fire. If a fire is reported, but the Sheriff's Department has **NOT** been notified, you will be subject to charges as designated by the Town Board of Supervisors.

Under extreme conditions, NO burning is allowed until after 6:00 PM and then, only with permission.

Any person responsible for lighting fires in the Town of Green Valley shall assume all risks associated with such fire. Compliance with the requirements of this ordinance shall not relieve such person from the ultimate responsibility to ensure that the fire is conducted safely and appropriately with due regard for the health, safety and welfare of all persons and property potentially affected by the fire.

Pursuant to Wisconsin St. Statute 26.14, any person who sets a or assists in the setting of a fire, including a back fire on any lands in this state and fails to totally extinguish such before leaving it shall forfeit to the State of Wisconsin fines and penalties as listed in State Statute 26.14 and imprisoned for not more than 30 days or both for each subsequent offense.

SECTION 9: EXEMPTION

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

- A. 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.
- B. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

SECTION 10: 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 11: ENFORCEMENT AND PENALTIES

Chairperson of the Town Board of Supervisors or their designee is authorized to enforce the provisions of this ordinance.


The penalty for violation of any portion of this ordinance shall be forfeiture as stated in the Town of Green Valley Fee Schedule and/or Wisconsin Statutes plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

Section 12. EFFECTIVE DATE


Effective Date: The provisions of this ordinance shall take effect 9-13-06


Passed on 9-13-06
Vote: for 3 Against 0


Posted in the following public places
within 30 days after board passage:
on 9-13-06
Cluster boxes in Green Valley
Fire Station in Pulcifer
Community Center in Advance


Arl Rudie, Town Chairperson

Attested By:


Janalee Jenerou, Clerk


Gary Uelmen, Supervisor


Terry Tipton, Supervisor