

**Town of Black Creek
Outagamie County, Black Creek WI 54106**

Ordinance Series of 1992—Revised 08/10/2026

BURNING ORDINANCE

An ordinance amending the established burning regulations for the Town of Black Creek, as located in Outagamie County, State of Wisconsin.

Be it ordained by the Town Board of Supervisors, Town of Black Creek, located in Outagamie County, State of Wisconsin, as follows:

Chapter No. 4, Municipal Code, Town of Black Creek, entitled "Burning Regulations", is hereby amended to read as follows:

SECTION 1. 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 Black Creek due to the air pollution and fire hazards of open burning, outdoor burning, and refuse burning.

SECTION 2. DNR REGULATIONS, SECTION 154.10. Department of Natural Resources Regulations, Section 154.10, Limitation on Open Burning, are adopted in part of set forth hereinafter; open burning within the Town of Black Creek is prohibited with the following exceptions:

- a. Burning of brush or weeds on agricultural lands;
- b. Fires set for practice and instruction of firemen for testing of fire fighting equipment;
- c. Back fires to control forest fires or fires set for forest for wildlife habitat management where approved by the Department of Natural Resources, and where no reasonable alternative is available;
- d. Burning of small amounts of dry combustible rubbish, excluding oily substances, asphalt, plastic or rubber products in any significant quantity, all of the latter items to be transported to and deposited in the Outagamie County landfill;
- e. Outdoor fires for cooking, ceremonies for recreation;
- f. Burning of small amounts of dry leaves or dry plant clippings;

All allowable open burning shall be conducted within the Town of Black Creek in a safe pollution-free manner, where wind and weather conditions are such to minimize adverse effects.

Specifically excluded, prohibited, as open burning within the Town of Black creek are the following:

- a. Burning of explosive or dangerous materials.
- b. Burning of gaseous or liquid waste.
- c. Burning of materials in open fields, as opposed to agricultural lands.
- d. Burning of 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.

- e. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions of Chapter NR 590, Wisconsin Administrative Code.
- f. Asphalt or products containing asphalt.
- g. 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.
- h. Any plastic materials including, but not limited to, nylon, PVC, ABS, polystyrene, or urethane foam, and synthetic fabrics, plastic films, and plastic containers.
- i. Rubber including tires and synthetic rubber-like substances.

SECTION 3. OPEN FIRE RESTRICTIONS. No person, firm or corporation shall build or burn in the open any wood, grass, trash, rubbish, building materials, waste or other material or permit the same to be done within the Town of Black Creek, or upon any Town road, or upon any public or private premises, except where the same may be accomplished in a safe manner in an outdoor portable incinerator. The use of outdoor portable incinerators, drums, barrels and other containers, or outdoor or indoor fireplaces, for the burning of leaves, trash, garbage and building materials or refuse is allowable. This ordinance does not apply to the burning of woods, coal, briquettes, charcoal or similar substances for outdoor purposes of cooking, all provided that any burning under this ordinance shall be done under controlled circumstances without danger of spread of fire. Fires set for forest, prairie, or wildlife habitat management are allowed with the approval of the Department of Natural Resources. 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.

Open fires shall be constantly attended and supervised by a competent person of at least eighteen 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.

SECTION 4. WHEN BURNING IS PERMITTED. Any burning permitted under the terms and conditions of this ordinance shall be accomplished in a safe and nuisance-free manner, in accordance with Town of Black Creek, Fire Department rules and regulations, the provisions of this Ordinance and applicable State Statutes.

SECTION 5. BURNING PERMITS. Controlled burning not specifically excluded by ordinance (see above) does NOT require a permit. Residents are, however, expected to notify the Black Creek Fire Department BEFORE attempting to conduct a controlled burn. If you have not followed this procedure and someone makes an emergency call for your fire, you will be charged with a fire run. All controlled burns must be done during daylight hours. When contacting the Fire department (920) 984-3444, please leave the following information:

- Your name and the name of the property owner
- Time frame of your burn (start and estimated end)
- What material you are burning
- Your phone number
- The address (including fire number) of the property where the burn will occur.
- Any other pertinent information

This is intended to prevent 911 services from calling emergency vehicles to the area when none are required. In the event that the permit recipient fails to notify the Black Creek Fire Department authorities of this activity, and if the authorities thereafter request fire assistance from any municipality, the permit recipient agrees to be financially responsible for any and all costs incurred by the municipality in making said fire run, and also responsible for the forfeitures set forth hereinafter, when appropriate.

Any authorized officer, agent, employee, or representative of the Town of Black Creek who presents credentials may inspect the property for the purpose of ascertaining compliance with the provisions of this ordinance. 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 6. FOREST FIRE DEFINED; FOREST FIRE REGULATIONS AND PENALTIES.

The term "forest fire", as used in this ordinance means uncontrolled, wild or running fires occurring on forest, marsh, field, cut-over or other lands or involving farm, city or village property and improvements incidental to the uncontrolled, wild or running fires occasioned on forest, marsh, field, cutover or other lands.

- a. Any person, firm or corporation who shall set a fire or assist in the setting of a fire, including a back fire, in any lands in this township, not his, her or its own, or not under his, her or its control, shall totally extinguish such fire before leaving it, and upon failure to do so shall be subjected to a forfeiture of not less than \$10.00, nor more than \$100.00 over and above Fire Department charges.
- b. Any person, firm or corporation who sets a fire or assists in the setting of a fire, including a back fire, upon his, her or its own land or lands under his, her or its control, and allows such fire to escape and become a forest fire, shall suffer a forfeiture of not less than \$10.00, nor more than \$200.00 over and above Fire Department charges.
- c. The above Section shall apply to any fire that escapes from and becomes a forest fire from either an outdoor portable incinerator, or from the burning of grass or ditch areas. In such cases, all such persons, firms or corporations assisting in the setting of such a fire, and when such fire shall escape, shall be subject to a forfeiture of not less than \$10.00, nor more than \$100.00 over and above Fire Department charges.

SECTION 7. PENALTIES. Any person who shall violate any provision of this Ordinance (except for Section 8) for a first offense penalty shall be punished by a forfeiture of not less than \$50.00, nor more than \$500.00. For a second offense penalty, if a person has been convicted of a violation of this ordinance within one (1) year, upon the second conviction thereof within a one (1) year period, the forfeiture shall be not less than \$500.00, nor more than \$1,000.00. In default of payment of such forfeiture under this Section or under Section 8, violator may be imprisoned in the County Jail for a period not to exceed thirty (30) days. Each day that a violation continues under this Section or under Section 8 shall constitute a separate offense.

The Town does hereby adopt a schedule of cash deposits-bond schedule as follows:

- a. First offense violation, Section 6a, \$50.00; second offense violation, \$100.00
- b. First offense violation, Section 6b, \$100.00; second offense violation, \$200.00
- c. First offense violation, Section 6c, \$100.00; second offense violation, \$200.00

- d. Violation of all other provisions of this Ordinance, \$75.00 for first offense violation; \$100.00 for second offense violation.

SECTION 8. REIMBURSEMENT OF TOWN EXPENSES – FOREST FIRE. The Town of Black Creek does hereby incorporate, by reference, in its entirety, Section 26.14(9)(b), Wisconsin Statutes, dealing with liability for expenses incurred in the suppression of a forest fire. The Town reserved the right where any person, firm or corporation shall cause a forest fire to be started in the Town of Black Creek, to recoup all Town fire expenses pertinent thereto, by a civil action suit against the violator.

SECTION 9. REPEALING OF PRIOR ORDINANCES. From and after the date of adoption of this Ordinance, all prior ordinances, rules and regulations of the Town of Black Creek, inconsistent herewith, are repealed in their entirety.

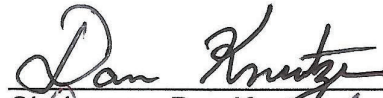
SECTION 10. SEVERABILITY. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provisions or its application.

SECTION 11. EFFECTIVE DATE. This Ordinance shall become effective on the date of passage and publication.

SECTION 12. INTERPRETATION. If a question arises as to the interpretation of this ordinance, a restrictive interpretation so as to prohibit burning in the Town of Black Creek shall be accorded this ordinance.

Dated introduced, approved and adopted:

TOWN OF BLACK CREEK



Chairman—Dan Knutzen



Supervisor #1—Donald Stingle



Supervisor #2—Tom Neubert

ATTEST:



Scott Johnson, Clerk

Number Voted For _____
Number Voted Against _____