

Outdoor and Refuse Burning Ordinance for the LeRoy Sanitary District
Ordinance No. 05-01

SECTION 1: PURPOSE

- 1.0 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 LeRoy Sanitary District due to the air pollution and fire hazards of open burning and refuse burning.

SECTION 2: AUTHORITY

The Town Board has the specific authority to adopt this burning ordinance under State Statute 60.555 and the Town's village powers.

SECTION 3: ADOPTION OF ORDINANCE

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to regulate, permit, and enforce against those persons who are not in compliance with this Ordinance in the LeRoy Sanitary District.

SECTION 4: APPLICABILITY

- 4.0 Applicability.** This ordinance applies to all outdoor burning and refuse burning within the LeRoy Sanitary District.
- 4.1** This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 4.2** 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 5 of this ordinance.
- 4.3** This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended to heating, construction or maintenance activities.

SECTION 5: DEFINITIONS

- 5.0 Definitions.**
- 5.1** "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of wood other than clean wood or refuse.
- 5.2** "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.
- 5.3** "Fire Chief" means the Chief of the Knowles, Kekoskee or Brownsville Fire Department or other person authorized by the Fire Chief.
- 5.4** "Outdoor Burning" means open burning or burning in an outdoor wood furnace.
- 5.5** "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 from an enclosed chimney.
- 5.6** "Outdoor Wood Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

5.7 “Refuse” means any waste material except clean wood.

SECTION 6: MATERIALS THAT MAY NOT BE BURNED

6.0 Materials that may not be burned.

- 6.10** Unless a specific written approval has been obtained from the Department Of Natural Resources, the following material 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** Refuse, 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 preservative.
- 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 9 of this ordinance.

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

7.0 Burning leaves, brush, clean wood, grass and other vegetative growth or debris.

Open burning of leaves, weeds, brush, stumps, clean wood or other vegetative growth or 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. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- 7.2** Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.
- 7.3** 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.
- 7.4** No materials may be burned upon any street, curb, gutter or sidewalk.

SECTION 8: BURN BARRELS

8.0 Burn Barrels

The burn barrel may be used in the LeRoy Sanitary District only in accordance with the following provisions:

- 8.1** The burn barrel shall not be used to burn any of the prohibited material listed in Section 6 of this ordinance and may only be used in accordance with the provisions of Section 7.

SECTION 9: EXEMPTION FOR BURNING CERTAIN PAPERS

9.0 Exemption for burning certain papers.

9.1 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.

9.2 Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft or disclosure of financial records, identification or other confidential information.

SECTION 10: OUTDOOR WOOD FIRED FURNACES

10.0 Outdoor wood fired furnaces

10.1 No person shall install, use or maintain an outdoor wood-fired furnace in the LeRoy Sanitary District.

SECTION 11: LIABILITY

11.0 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 12: RIGHT OF ENTRY AND INSPECTION

12.0 Right of entry and inspection. The Fire Chief or any authorized officer, agent, employee or representative of the Town of LeRoy who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 13: SEVERABILITY

13.0 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 14: ENFORCEMENT AND PENALTIES

14.0 Enforcement and penalties.

14.1 The Fire Chief, Town Board Officers, Dodge County Sheriffs Department are authorized to enforce the provisions of this ordinance.

14.2 Any person who violates any provision of this ordinance or any order, rule or regulation made hereunder shall be fined not less the \$25.00, nor more the \$250.00 for each offense, together with the costs of prosecution, including reasonable attorney's fees. Each day that a violation continues shall be considered a separate offense.

14.3 The Town also reserves the right to obtain any other relief available in law or equity.

Adopted this 6th day of April 2005 by the Town Board of the Town of LeRoy.

Town of LeRoy

**By: Linda Schraufnagel
Chairperson**

Attest:

**By: Raymond Collien
Supervisor #1**

**By: Erma Franke
Town Clerk**

**By: Linus Schraufnagel
Supervisor #2**