

**OUTDOOR AND REFUSE BURNING ORDINANCE  
FOR TOWN OF ROCK, ROCK COUNTY, WISCONSIN  
ORDINANCE NO. 2008-06**

**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 Town of Rock due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

**SECTION 2: APPLICABILITY**

**2.0 Applicability.** This ordinance applies to all outdoor burning and refuse burning within the Town of Rock.

**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.

**2.4.** This ordinance does not apply to the burning of waste oil in a heating device for energy recovery subject to the restrictions in Chapter NR 679, Wisconsin Administrative Code.

**2.5.** This ordinance does not apply to the burning of dead animals in incinerators which use fuel to generate heat for such burning.

**SECTION 3: SEVERABILITY**

**3.0 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 4: DEFINITIONS**

**4.0 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 Department" means the municipal fire department which has contracted with the Town of Rock and has responsibility for the area in which burning occurs.

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.

4.9. "Town Chair" means the chairperson of the Town of Rock, or another person designated and authorized by the Town Chair to act in his absence.

4.10. "Zoning Officer" means the Zoning Officer of the Town of Rock appointed under the Town Zoning Ordinance.

## **SECTION 5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING**

**5.0 General prohibition on outdoor burning and refuse burning.** Open burning, outdoor burning and refuse burning are prohibited in the Town of Rock unless the burning is specifically permitted by this ordinance.

## **SECTION 6: MATERIALS THAT MAY NOT BE BURNED.**

**6.0 Materials that may not be burned.** Unless a specific written approval has been obtained from the Department of Natural Resources and the Fire Department has first been notified of the burning, 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 Rock will not issue a permit for burning any of the following materials without appropriate air pollution control devices and without a written copy of an approval by the Department of Natural Resources.

**6.1.** 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.

**6.2.** Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 679, Wisconsin Administrative Code.

**6.3.** Asphalt and products containing asphalt.

**6.4.** 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.

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

**6.6.** Rubber including tires and synthetic rubber-like products.

**6.7.** 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 10 of this ordinance.

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

**7.0** **Materials that may be burned.** Open burning of leaves, weeds, brush, stumps, clean wood, trees and other vegetative debris is allowed 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, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

**7.2.** Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Town Chair or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

**7.3.** Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with applicable regulations of the Department of Natural Resources.

**7.4.** Unless explicitly allowed elsewhere in this ordinance, a commercial enterprise other than an agricultural or silva-cultural operation may open burn only at a facility approved by and in accordance with applicable regulations of the Department of Natural Resources.

**7.5.** Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

7.6. Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources.

7.7. 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.

7.8. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Town Chair and if in accordance with other provisions of this ordinance.

7.9. In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.

7.10. Open burning under subsections 7.5, 7.7, 7.8 and 7.16 shall be conducted only following notice to the Town Chair and the Fire Department, and other open burning under this section shall be conducted only after first obtaining a burning permit under Section 11 of this Ordinance.

7.11. Open burning under this Section shall be conducted at a location at least 250 feet from the nearest building which is not on the same property.

7.12. Except for campfires and permitted bonfires, open burning shall be conducted only during daylight hours.

7.13. Open burning 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.

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

7.15. 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 Town Chair.

7.16. Open burning of leaves (other than leaves attached to brush and trees) shall occur only in October, November and April unless the Town Chair expressly allows such burning to occur in other months.

## **SECTION 8: BURN BARRELS**

8.0 **Burn barrels.** A burn barrel may be used in the Town of Rock 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 Section 7.

**8.2.** 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.

**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.

**8.5.** The owner of the burn barrel shall obtain an annual permit from the Zoning Officer in accordance with Section 11 of this ordinance.

## **SECTION 9: OUTDOOR WOOD-FIRED FURNACES**

**9.0 Outdoor wood-fired furnaces.** An outdoor wood-fired furnace may be installed and used in the Town of Rock only in accordance with the following provisions:

**9.1.** The outdoor wood-fired furnace shall be installed and used only in an area zoned for agricultural use.

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

**9.3.** The outdoor wood-fired furnace shall be located at least 300 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace.

**9.4.** The outdoor wood-fired furnace shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 500 feet of the outdoor wood-fired furnace, the chimney shall also extend to a point at least two (2) feet higher than the height of the peaks of roofs of all such residences. The Zoning Officer may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors. If smoke from a furnace chimney begins to cause a nuisance for a neighbor, a permit previously issued for such furnace may be revoked.

**9.5.** The owner of the outdoor wood-fired furnace shall obtain an annual permit from the Zoning Officer in accordance with Section 11 of this ordinance if the furnace is located within 500 feet of a residence which is not on the same property as the outdoor wood-fired furnace.

**9.6.** Notwithstanding the other provisions of this section, outdoor wood-fired furnaces in existence at the time of adoption of this ordinance may continue to be operated, provided that they comply with subparagraph 9.4 and are operated in compliance with subparagraph 9.2.

9.7. In addition to wood, outdoor wood-fired furnaces may be used to burn corn and switch grass.

## **SECTION 10: EXEMPTION FOR BURNING CERTAIN PAPERS**

### **10.0 Exemption for burning certain papers.**

10.1. Notwithstanding Subsection 6.07 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.

10.2. 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.

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

10.4. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.1 through 7.3, 7.7, and 7.11 through 7.15 of this ordinance.

## **SECTION 11: BURNING PERMITS**

### **11.0 Burning Permits.**

11.1. No person shall start or maintain any open burning without a burning permit issued by the Zoning Officer, except open burning under subsections 7.5, 7.7, 7.8 and 7.16 is allowed without a permit, provided that notice is first given to the Town Chair and the Fire Department.

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

11.3. The owner or occupant of the property shall obtain an annual burning permit for each burn barrel or outdoor wood-fired furnace (if the furnace is located within 500 feet of a residence not located on the same property as the furnace) before using the burn barrel or outdoor wood-fired furnace. The fee for each annual burning permit shall be \$25 or such other fee as may be created by resolution of the Town Board. An annual permit expires on December 31 of each year.

11.4. When weather conditions warrant, the Town Chair 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.

11.5. 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.

11.6. 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 12: LIABILITY**

12.0 **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 13: RIGHT OF ENTRY AND INSPECTION**

13.0 **Right of entry and inspection.** The Town Chair, the Zoning Officer or any authorized officer, agent, employee or representative of the Town of Rock who presents credentials may inspect any 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 14: ENFORCEMENT AND PENALTIES**

### **14.0 Enforcement and penalties.**

14.1. The Town Board, the Town Chair and the Zoning Officer are authorized to enforce the provisions of this ordinance.

14.2. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$50 or more than \$500 plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

14.3. Section III of the Town of Rock citation ordinance, Ordinance No. 2008-01, is hereby amended to include a provision allowing issuance of a citation for violation of this Ordinance, with the cash deposit to be based upon a violation penalty of \$250 for first offense and \$500 for second and subsequent offenses, a penalty surcharge of \$60 for first offense and \$120 for second and subsequent offenses, jail surcharge of \$10, crime laboratories and drug law enforcement surcharge of \$7, and total deposit of \$327 for first offense and \$637 for second and subsequent offenses.

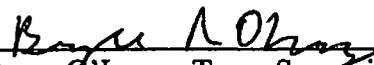
## **SECTION 15: EFFECTIVE DATE**

15.0 **Effective Date.** This ordinance shall take effect and be in full force from and after its passage and publication as provided by law.

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This Ordinance is adopted by the Town Board of the Town of Rock, Rock County, Wisconsin, this 8<sup>th</sup> day of September, 2008.

  
Mark Gunn, Town Chairperson

  
Bryce O'Leary, Town Supervisor

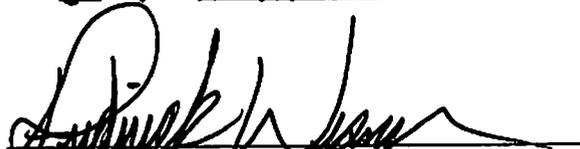
  
Dean Connell, Town Supervisor

**CERTIFICATE**

I hereby certify that the above Ordinance was adopted by the Town Board of the Town of Rock on the 8<sup>th</sup> day of Sept, 2008, and that on the 13<sup>th</sup> day of Sept, 2008, a copy of the Ordinance was published in the Janesville Gazette, the official newspaper of the Town of Rock.

  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 6<sup>th</sup> day of October, 2008.

  
Notary Public, Rock County, State of WI  
My commission is permanent or  
expires: \_\_\_\_\_