

Chapter 13

Illegal Burning Ordinance

- 13.01 Authority
 - 13.02 Purpose
 - 13.03 Applicability
 - 13.04 Severability
 - 13.05 Definitions
 - 13.06 Materials that may not be burned
 - 13.07 Materials that may be burned
 - 13.08 Right of entry and inspection
 - 13.09 Enforcement and Penalties
 - 13.10 Effective Date
-

13.01 Authority. The Kewaunee County Board of Supervisors adopts the provisions of this ordinance pursuant to the authority and intent of Sections 59.03, 59.54(6) and 285.73 of the Wisconsin Statutes.

13.02 Purpose. This ordinance is intended to promote and safeguard public health, comfort, living conditions, safety and welfare of the citizens of the County of Kewaunee due to the air pollution of illegal burning.

13.03 Applicability. This ordinance applies to all outdoor burning and refuse burning within the County of Kewaunee. This county ordinance does not apply to incorporated municipalities.

13.04 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.

13.05 Definitions.

- (1) "*Campfire*" means a small outdoor fire containing clean wood intended for recreation or cooking. Campfire does not include a fire intended for disposal of materials.
- (2) "*Clean Wood*" means natural wood that 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.

- (3) *"Confidential Papers"* means printed material containing personal identification or financial information that the owner wishes to destroy.
- (4) *"Open Burning" or "Open Fire"* 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.

13.06 Materials that may not be burned. 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, campfire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device:

- (1) Food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris.
- (2) Corrugated cardboard, newspapers, magazines, waste mail, catalogues or any other paper material that can be recycled.
- (3) 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.
- (4) Asphalt and products containing asphalt.
- (5) 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) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films, plastic containers, silage bags, silage covers, plastic tarps and plastic garbage bags.
- (7) Rubber including tires and synthetic rubber-like products.

13.07 Materials that may be burned. Burning shall be conducted in a safe manner when wind and weather conditions are such as to minimize adverse effects and in conformance with local and state fire protection regulations. The following list contains materials that may be lawfully burned:

- (1) Clean wood, trees, limbs, stumps, brush or weeds.
- (2) Fires set for practice and instruction of fire fighters, or testing of firefighting equipment.
- (3) Backfires to control forest fires or fires set for forest or wildlife habitat management with approval of the Wisconsin Department of Natural Resources where no reasonable alternative is available.
- (4) Paper material to kindle a fire.
- (5) Confidential papers.
- (6) Materials burned for cooking, ceremonies or recreation.
- (7) Open flames for welding, acetylene torches, safety flares, heating tar or similar applications.
- (8) Gaseous or liquid waste in a manner approved by the Wisconsin Department of Natural Resources.
- (9) Dry leaves and dry plant clippings.

13.08 Right of entry and inspection. The Kewaunee County Sheriff or any authorized officer, agent, employee or representative of the County of Kewaunee who presents credentials may inspect, based upon probable cause, 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 applied for and obtained in accordance with Wis. Stat. §66.0119.

13.09 Enforcement and Penalties.

- (1) The Kewaunee County Sheriff and Sheriff's Deputies are authorized to enforce the provisions of this ordinance.
- (2) The penalty for violation of any portion of this ordinance shall be a forfeiture of not more than \$1,000.00 plus the cost of prosecution.
- (3) Pursuant to Wis. Stats. §66.0113. The county may also enforce the provisions of this ordinance by filing a summons and complaint pursuant to the Wisconsin Rules of Civil Procedure.
- (4) The Deposit for any citation issued pursuant to this ordinance shall be \$50.00 plus the cost of prosecution. The deposit for second and subsequent offenses occurring within 24 months shall be \$100.00 plus the cost of prosecution.

13.10 Effective Date. This Ordinance shall take effect upon passage and publication.