

ORDINANCE 09.2020

ORDINANCE RESCINDING AND REPLACING ORDINANCE NO. 10-08 AND CREATING LIMITED BURNING ORDINANCE

The Town Board of the Town of Polk, Washington County, Wisconsin, upon proper notice and with quorum present and voting, hereby ordains the following rescinding and replacing the Town's current Burning Permits Ordinance and creating a new Limiting Burning Ordinance:

Section 1. Purpose

(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 Polk due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

Section 2. Applicability

(1) Applicability. This ordinance applies to all outdoor burning and refuse burning within the Town of Polk

(a) This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances. However, grilling or cooking appliances are not permitted on properties containing multifamily residences with three or more units, unless there is common area approved by the Fire Chief for such grilling or cooking.

(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 not allowed to be burned under 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. Limited Burning Permitted.

(1) The burning of branches, brush, leaves, garden waste, and weeds is permitted within the Town of Polk.

Section 4. Requirements for Burning

(1) Prior to burning any permitted materials in the Town of Polk, a person must meet the following requirements:

(a) Contact the Washington County Sheriff's Department to report that a limited burn will be performed.

(b) A person must attend to the fire during the limited permitted burn. "Attending" means a person has a physical presence with a means to extinguish the fire, including a rake, shovel, hose connections and other materials used as fire safety precautions.

- (c) A person shall not use accelerants such as gasoline or any other chemicals that would escalate the limited burn.
- (d) A person shall not burn when there is a presence of unsafe burning conditions, such as high winds, dry conditions, or any other hazards.
- (e) The location of the limited burn shall be a minimum of 50 feet from any occupied dwellings, wood structures, streets, alleys, property lines, or any other buildings or structures.

Section 5. Materials Prohibited from Burning.

(1) 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, furnace, stove or any other indoor or outdoor incineration or heating device:

- (a) Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, foam, composite shingles, construction or demolition debris or other household or business wastes.
- (b) 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.
- (c) Asphalt and products containing asphalt.
- (d) 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.
- (e) Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- (f) Rubber, including tires and synthetic rubber-like products.
- (g) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled.

Section 6. Liability and Forfeitures

(1) 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.

(2) Responsibility for Fire. Any damage caused to another person's property by burning of any kind, whether authorized or not, shall be the responsibility of the person(s) responsible for igniting the fire. The Town will charge the cost of fire investigation and extinguishment to the perpetrator of the fire.

(3) Forfeitures.

- (a) The Fire Chief and Town Board Members are authorized to enforce the provisions of this ordinance.

(b) The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$50 or more than \$250 plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

The Town Clerk and Town Attorney are hereby authorized and directed to take all action necessary to incorporate and implement this Limited Burning Ordinance.

This Ordinance shall be published or posted as required by law

Dated this 9th day of June, 2020.

TOWN OF POLK

By: Albert J. Schulteis
Albert J. Schulteis, Chairman

Dennis Sang
Supervisor Dennis Sang

Robert C. Roecker
Supervisor Robert Roecker

Attest:

Sandra Rotar
Sandra Rotar, Town Clerk