

No. 2022-03
Chapter 96, Burning, Open

96.1 SECTION 1: PURPOSE

- A. 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 Wescott due to the air pollution and fire hazards of open burning and refuse burning.
- B. This ordinance repeals Ordinance 91-7 as amended through Ordinance(s) 98-13, 99-13, This ordinance supersedes all conflicting and contradictory Burning, Open regulations previously enacted by the Town of Wescott.

96.2 SECTION 2: APPLICABILITY

This ordinance applies to all open burning and refuse burning within the Town of Wescott.

- A. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 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 defined in Section 4 of 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.
- D. This Ordinance does not apply when the ground is snow covered.
- E. This Ordinance does not apply for warming a person

96.3 SECTION 3: 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.

96.4 SECTION 4: DEFINITIONS

- A. "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
- B. "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.
- C. "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.
- D. "Fire Chief" means the Chief of the Shawano Area Fire Department or their designee.

- E. "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace. Outdoor wood fire furnace is regulated in the Town of Wescott Zoning Code, Chapter 285.
- F. "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.
- G. "Refuse" means any waste material except clean wood.
- H. "Burn Barrel" means any type of barrel or similar device for the sole purpose of burning refuse.

96.5 SECTION 5: GENERAL PROHIBITION ON OPENBURNING, AND REFUSE BURNING

- A. Prohibited unless specifically allowed by ordinance.
- B. Open burning in any allowed area within the Town of Wescott is prohibited in excess of 6x6x6 feet.
- C. Prohibited in the "No Burn Area"
- D. Location of "No Burn Area"**
Town South boundary line with City of Shawano, West of 47/55, to Wolf River and North to end of Old Keshena Road to ditch/creek
- E. Prohibited in the Fire Protection Area unless allowed or permitted by WI DNR subject to Wisconsin Statutes, the Wisconsin Administrative Code and any applicable DNR rule, regulation or condition of permit. The Fire Protection Area in the Town of Wescott shall be the area North of Curt Black Road, East of STH 47-55 and North or West of CTH H (also known as Lake Dr). When permitted by WI DNR, burning in the Fire Protection Area must comply with all remaining requirements of this Ordinance, with the exception of 96.5 (F). When this Ordinance conflicts with any statute, code, rule, regulation or condition of burning in the Fire Protection Area, the most restrictive regulations or condition shall apply.
- F. Prohibited in all other areas Monday-Friday from 12:00am-6:00pm, Saturdays and Sundays, and legal holidays from 12:00am-7:00am
- G. No Person shall use or maintain a burn barrel in the Town of Wescott.

96.6 SECTION 6 MATERIALS THAT MAY NOT BE BURNED

- A. 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, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device.
- B. 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.
- C. 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.
 - D. Asphalt and products containing asphalt.
 - E. 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.
 - F. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - G. Rubber including tires and synthetic rubber-like products.
 - H. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in the below subsection
 - a. (1). Notwithstanding 96.6 Subsection H of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance
 - b. (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.
 - c. (3). Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning
 - d. (4). A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.A, 7.B, 7.C, 7.F, 7. J 7.K, 7.L and 7.M of this ordinance.

96.7 SECTION 7: OPEN BURNING LEAVES, BRUSH, CLEAN AND OTHER VEGETATIVE DERBIS

- A. 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.
- B. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
- C. Open burning shall be conducted only on the property on which the materials were generated, unless specifically licensed as an approved Departmental of Natural Resource facility.
- D. Unless explicitly allowed elsewhere in this ordinance, a commercial enterprise other than an agricultural or silvicultural operation may open burn

- only at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.
- E. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.
 - F. Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resource
 - G. 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..
 - H. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with other provisions of this ordinance.
 - I. In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.
 - J. Open burning under this section shall only be conducted at a location at least 100 feet, from the nearest building which is not on the same property.
 - K. Open burning shall be constantly attended and supervised by a person of at least eighteen (18) 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.
 - L. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
 - M. No open burning may be conducted on days when the Department of Natural Resources has declared an Air Quality Watch or Air Quality Advisory for ozone or fine particle pollution applicable to the Town of Wescott.

96.8 SECTION 8: 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.

96.9 SECTION 9: RIGHT OF ENTRY AND INSPECTION

The Fire Chief or any authorized officer, agent, employee or representative of the Town of Wescott of who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: 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.

96.10 SECTION 10: VIOLATION AND PENALTIES

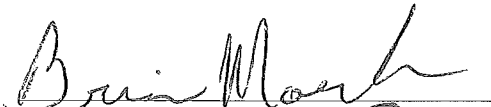
Any person who violates this chapter shall, upon conviction, be subject to the forfeiture amount in the Fine and Forfeiture Schedule of the Town of Wescott that shall be set from time to time by resolution by the Town of Wescott. Each violation and each day a violation continues or occurs shall constitute a separate offense.

96.11 SECTION 11 : ENFORCEMENT BY CITATION PROCEDURE

This chapter may be enforced by the Issuance of Citation for Violation of Town Ordinances Procedure adopted by Ord. No. 2-81 or its successor.

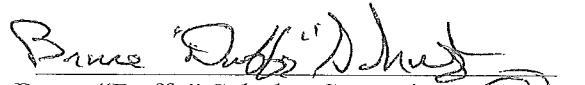
96.12 SECTION 12 : EFFECTIVE DATE


This chapter shall take effect upon passage and publication as provided by law.


Brian Moesch, Chairman Yes No


Terry Moede Supervisor Yes No


Michael Stupecky, Supervisor Yes No


Bruce "Duffy" Schultz, Supervisor Yes No


Marlene Brown, Supervisor Yes No


Attest: Angela Vreeke, Clerk

Adopted this 9th day of June, 2022

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Posted in the following locations on:

June 13, 2022 1) Town Website www.townofwescott.com 2) Town Office, Old Keshena Rd 3) Town Fire Station, Lake Drive