

An ordinance is created by Town of Eaton Village Powers Authority regulating Outdoor burning, burners and fires.

The Town of Eaton Board do Ordain as follows:

Ordinance 2018 - 3

**REGULATION OF OUTDOOR AND REFUSE BURNING FOR Town of Eaton,  
Manitowoc Co.**

**SECTION 1: APPLICABILITY:**

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

**1.2** 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 or hazardous materials.

**SECTION 2: DEFINITIONS:**

**2.0** Definitions.

**2.1** "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

**2.2** "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.

**2.3** "Fire Chief" means the Chief of any fire department providing service within the Township of Eaton, or other person authorized or designated by the Fire Chief.

**2.4** "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.

**2.5** "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.

**2.6** "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.

**2.7** "Refuse" means any waste material except clean wood.

**SECTION 3: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND  
REFUSE BURNING:**

Open burning, outdoor burning and refuse burning are prohibited in the Town of Eaton unless the burning is specifically permitted by this ordinance.

## **SECTION 4: MATERIALS THAT MAY NOT BE BURNED:**

### **4.0 Materials that may not be burned.**

- 4.1** 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, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device.
- 4.2** 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.
- 4.3** Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 679, Wisconsin Administrative Code.
- 4.4** Asphalt and products containing asphalt.
- 4.5** 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.
- 4.6** Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- 4.7** Rubber including tires and synthetic rubber-like products.
- 4.8** Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance or statute.

## **SECTION 5: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS:**

- 5.0 Burning leaves, brush, clean wood and other vegetable debris.** Open burning of leaves, weeds, brush, stumps, clean wood and other vegetative debris, is allowed only in accordance with the following provisions:
- 5.1** 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. The smoke, soot, other combustion byproducts may not pass on to others property creating a nuisance or health hazard for occupants of said land or residence(s) within the path of the products of combustion. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- 5.2** Except for the barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
- 5.3** Open burning shall be conducted only on the property on which the materials were generated.
- 5.4** Open burning of weeds or brush on agricultural lands is allowed if it does not create a nuisance.
- 5.5** Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed as long as it does not create a nuisance.
- 5.6** Open burning under this section shall be conducted only following issuance of and in accordance with a permit issued by the fire chief or designee.



**5.7** Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person should have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

**5.8** No open burning may be conducted on days when the Department of Natural Resources has declared an ozone action day applicable to the Town of Eaton.

## **SECTION 6: BURN BARRELS:**

### **6.0 Burn barrels.**

A burn barrel may be used in the Town of Eaton if it is only used to burn household materials that are not specifically prohibited by this ordinance or state law and do not create a nuisance or other fire hazard.

## **SECTION 7: OUTDOOR WOOD-FIRED FURNACES**

**7.1** The outdoor wood-fired furnace must be approved and employed for use as a furnace in accordance with the applicable and accepted codes, laws, regulations and rules.

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

**7.3** The outdoor wood-fired furnace shall be located at least 200 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace.

**7.4** The outdoor wood-fired furnace shall have a chimney that extends at least as high above the ground surface as the height of the roof of the building which it serves. A lesser height may be approved on a case-by-case basis, if necessary, to comply with manufacturer's recommendations and if the smoke or soot from the lower chimney height does not create a nuisance or health hazard for neighbors.

**7.5** The owner or occupant of the property shall obtain a one-time permit from the Fire Chief and cosigned by the Town Chairperson or designee before using the outdoor wood-fired furnace.

**7.6** Existing outdoor wood-fired furnaces will need approval from the town board or designee to verify compliance with this ordinance requirements and to affirm that a hazard or safety issue does not exist. Owners of existing outdoor wood furnaces have 3 months to obtain such permit. After which time any use of said furnace shall be in violation of this ordinance and the owner is subject to enforcement action as described below.

## **SECTION 8: BURNING PERMITS:**

### **8.0 Burning permits.**

No person shall start or maintain any open burning without a burning permit issued by the Fire Chief or designee. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.

**8.1** Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 5 of this ordinance shall obtain a one-time burning permit before starting the fire.

**8.2** 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.

**8.3** 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.

**9.0 Enforcement and penalties.**

**9.1 Penalties.**

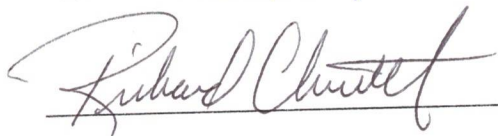
Violations of this ordinance shall be punishable by a forfeiture of not less than \$100.00 nor more than \$500.00. The Town Constable will be responsible for enforcement of Town Ordinances. At any time the Town Constable or other Town Official may contact the Manitowoc County Sheriff's office for enforcement action. Multiple violations will result in higher forfeiture.

This ordinance shall take effect on the day after publication.

Introduced: 10/8/18

Adopted: 12/10/18

Approved: 12/10/18

  
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Richard Christel, Chairman