

**TOWN OF CENTER
OUTAGAMIE COUNTY, WISCONSIN**

**CHAPTER 4
REGULATIONS ON BURNING**

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4.01 PURPOSE

The purpose of this ordinance is to prohibit or strictly control the burning of materials in **commercially and industrially zoned areas** of the Town of Center because of the air, water, land pollution, and fire hazard and general nuisance which results from such burning. **EXCEPTION: No person or business shall build or burn any bonfire or burn in the open any wood, grass, trash, rubbish, building materials, waste, or other material or permit the same to be done ANYWHERE within the Town of Center bounders when the said waste/debris has originated outside the Town of Center bounders.** It is determined that only by completely prohibiting the outside burning of rubbish, leaves and other combustibles in commercially and industrially zoned areas of the Town of Center can this unnecessary pollution hazard and nuisance be abated.

(2) This ordinance applies only to those areas of the Town of Center that are zoned commercial or industrial (see exception above). Any residential home located in a commercially or industrially zoned area of the Town of Center is exempt from the requirement of obtaining a burning permit for disposing of non-commercial, i.e. residential, refuse.

4.02 REGULATIONS

(1) Department of Natural Resources Regulation 429.04, Limitation on Open Burning, is hereby adopted and incorporated herein, except that pursuant to 429.04(1)(e) the Town of Center strictly prohibits the burning of small amounts of dry combustible rubbish, including wet combustible rubbish, garbage, oily substances, asphalt, plastic or rubber products, and pursuant to 429.04(1)(L) the Town of Center strictly prohibits the burning of small amounts of dry leaves or dry plant clippings.

(2) No person shall build or burn any bonfire or burn in the open any wood, grass, trash, rubbish, building materials, waste, or other material or permit the same to be done within the commercially or industrially zoned areas of the Town upon any public street, court or alley, or upon any public or private premises. This section shall not apply to the burning of wood, coal briquettes, charcoal, or any like substances specially used for interior fireplaces, nor to the burning of charcoal or similar substances, such as coal briquettes, charcoal or like substances, for outdoor purposes of cooking, when such burning is done under controlled circumstances without danger of spread of fire. This ordinance applies only to those areas of the Town of Center that are zoned commercial or industrial. Any residential home located in a commercially or industrially zoned area of the Town of

Center is exempt from the requirement of obtaining a burning permit for disposing of non-commercial, i.e. residential, refuse.

(3) The use of outdoor portable incinerators, drums, barrels or other containers, or outdoor or indoor fireplaces, for the burning of leaves, trash, garbage, building materials or refuse is prohibited.

(4) No person or business shall build or burn any bonfire or burn in the open any wood, grass, trash, rubbish, building materials, waste, or other material or permit the same to be done ANYWHERE within the Town of Center boundaries when the said waste/debris has originated outside the Town of Center boundaries.

4.03 PERMITS

(1) The use of outdoor, permanent incinerators is prohibited except upon application and issuance of an annual permit by the Town Board by a majority vote. All applications for an annual permit shall be submitted to the Town Board, through the Town Clerk, prior to the use or installation of any outdoor permanent incinerator. Permits shall be issued for operation only from 7:00 A.M. to 7:00 P.M. daily based on the prevailing clock time. The operation of permanent incinerators shall be done in a safe and proper manner and manufacturer's specifications on the operation of permanent incinerators shall be followed. Inspection of and approval by the Fire Chief or his designee of outdoor permanent incinerators must be made and an inspection report must be submitted with the application to the Town Board. A copy of the manufacturer's specifications must be submitted with the permit application and all specifications for outdoor incinerators must comply with the Department of Natural Resources Omission Pollution Standards, Rules and Regulations.

(2) Any burning permitted burning in interior fireplaces, outdoors for purposes of outdoor cooking, and any use of portable incinerators shall be done in a safe and nuisance free manner in accordance with Fire Department rules and regulations.

(3) Copies of all burning permits issued shall be immediately forwarded to the Town Clerk, who, with the Fire Department Chief, shall examine all permits issued and examine all regulations necessary to limit existing permits.

(4) Burning permits issued pursuant to this Chapter may be cancelled by the issuing authority, by written notice to the permit holder, setting forth the reasons for cancellation. Burning shall cease immediately upon issuance of said written notice.

(5) The Fire Chief or his designee, when it is unreasonable to dispose of waste materials in any other manner may issue a special limited purpose permit. Copies of any special permits shall be furnished to the Town Clerk.

(6) Permits issued under this Chapter shall be issued for the period of time from July 1st to June 30th of the following year, except that the Town Board may issue permits for shorter periods of time and except for limited purpose special permits, unless otherwise cancelled pursuant to (4) above.

(7) Before a permit is issued, an applicant shall pay the required fee as set by resolution of the Town Board.

(8) Neither the Town Board, the Town of Center, nor any Town of Center employee shall be liable for any fire or other damage done arising from burning authorized by permits issued pursuant to this ordinance.

4.20 PENALTIES

(1) The penalty for violating Chapter 4.01 – 4.03 shall be a forfeiture using the following schedule:

First violation - \$250

Second violation - \$500

Third violation and subsequent violations - \$1000

Every day that a violation occurs or continues to occur is deemed a separate violation for above fines. Frequency of violation shall be the number of violations in the last 12 months, 365 days.

These fines may be assessed by the Town Board or the Fire Chief (or his designee). All fines are assessed against the property owner, regardless of whether the property owner rents the property to a tenant.

- (2) If a property owner or tenant to a property owner permits excessive waste materials to accumulate without disposing of the same by legal means, the Town Board or the Fire Chief (or his designee) may serve, by certified mail or registered mail, a written demand upon said property owner or tenant to dispose of the accumulated waste.
- (3) If Said property owner or tenant fails to (i) dispose of the accumulated waste off site (ii) or applies for a permit and properly burns such waste (4.03 (5)); all within thirty (30) day of such demand, then the Town Board or the Fire Chief (or his designee) may regard the accumulated waste as a fire hazard and may take the necessary steps to burn or otherwise dispose of the accumulated waste off site at the property owner or tenant expense.
- (4) If while in violation of any part of Chapter 4.01 – 4.03 a fire incident or other town action that results in expense to the Town of Center occurs, all-reasonable costs shall be passed on to the property owner violation. This includes but not limited to fire/town equipment and manpower hourly charges, damaged equipment, along with any charges for outside public and private agency/entities whose assistance was needed to remedy the problem.
- (5) If the property owner does not submit fine payment pursuant to Chapter 4.20(4) within thirty (30) days, Town Treasurer shall add said fine payment to the property owner's real estate taxes as a special charge under Wisconsin Statutes Chapter 66.0627.

- (6) If the Town files a lawsuit for enforcement of any part of Chapter 4.01 – 4.20, all costs of such lawsuit shall be added to the fine, including any fine assessed pursuant to Chapter 4.20(4) and (5).

Adopted this ____ day of _____, 2017 by requisite vote of the majority of the Town Supervisors of the Town of Center at an open Town Board meeting.

Robert Toby Palter Jr, Town Chairperson

Steve Schmeichel, Supervisor

Wayne DeBruin, Supervisor

John Baum, Supervisor

Pete Hofacker, Supervisor

Attest:

Amy L. Olson – Town Clerk-Treasurer