



County Code

TITLE 7 – PENAL PROVISIONS

7-4-27-1: APPROVED BURNING

7-4-27: OPEN OUTDOOR BURNING The purpose of this section is to protect the health, safety and welfare of the citizens of Green County and their property by establishing minimum standards for the prevention of fire.

7-4-27-1: **APPROVED BURNING** Open burning shall be permitted at all times as permitted by current state and federal law, without limitation, except during periods of fire ban. During periods of fire ban, burning shall be allowed only as follows:

1. Fires in any UL approved container.
2. A grill or fireplace which has been specifically designed and constructed so as to provide the safe burning of combustibles.
3. Burning related to the training of any local municipal fire department or which is specifically authorized by and under the supervision of a local municipal fire department.
4. Burning related to fire prevention either sponsored by or under the supervision of the Wisconsin Department of Natural Resources or the Green County Fire Chief's Association.

7-4-27-3: **ENFORCEMENT**

A. Any open burning ban issued as above, shall remain in effect until lifted by the Green County Sheriff's Department upon the written request of the Green County Fire Chief's Association. A 48-hour advance notification of the open burning ban shall be made by the Green County Sheriff through local media, including radio, television and newspaper, as well as posting notice with the Green County Clerk's office before the ban can take effect.

B. Any person who violates this ordinance shall be subject to the penalties contained in Section 7-4-31-C of the Green County Code. (Ord. 98-0301)

7-4-31: SCHEDULE OF FORFEITURES

C. Class Three Forfeiture: Any person who violates an ordinance punishable by a Class Three forfeiture shall be subject to a forfeiture of not more than two hundred dollars (\$200.00).

Wisconsin Statewide Law on Open Burning: Which Materials Are Legal To Burn?

Which of these household materials can be legally burned in a burn barrel or an open fire on the same property where generated?

State law does not prohibit burning small dry quantities of the household materials with a ✓mark, if they are burned on the same property where generated. Local ordinances may be more restrictive; check with your local municipality before burning. (The number listed after the materials below refers to the legal explanations of why the item may or may not be burned.)

- | | | |
|--|---|--|
| <input type="checkbox"/> Plastic Milk Jug 1,5 | <input type="checkbox"/> Corrugated Cardboard 5 | <input type="checkbox"/> Urethane Foam Pad 1,2 |
| ✓ Leaves (dry) 8 | <input type="checkbox"/> Asphalt Sealant 1 | <input type="checkbox"/> Plastic Soda Bottles 1,2 |
| <input type="checkbox"/> Treated Lumber 3 | <input type="checkbox"/> Plastic Food Wrap 1 | <input type="checkbox"/> Magazines / Catalogues 5 |
| <input type="checkbox"/> Newspaper 5 | <input type="checkbox"/> Plywood 6 | ✓ Waste Mail 7 |
| <input type="checkbox"/> Insulated Electrical Wire 1 | <input type="checkbox"/> Plastic Pipe 1 | <input type="checkbox"/> OSB / Composite Board 6 |
| <input type="checkbox"/> Rubber Hose 1 | <input type="checkbox"/> Food Waste / Garbage 4 | <input type="checkbox"/> Plastic Weed Barrier 1 |
| <input type="checkbox"/> Tires 1 | <input type="checkbox"/> Wooden Furniture 3 | <input type="checkbox"/> Water Softener Salt Bag 1,2 |
| ✓ Tree Branches 8,9 | <input type="checkbox"/> Plastic siding 1 | ✓ Paper Plates / Cups 10 |
| <input type="checkbox"/> Plastic Garbage Bags 1 | <input type="checkbox"/> Aluminum Beer Cans 5 | ✓ Napkins / Paper Towel 10 |
| <input type="checkbox"/> Waste Oil 4 | ✓ Pine Needles 8 | ✓ Paper Grocery Bags 7 |
| <input type="checkbox"/> Asphalt Shingles 1 | <input type="checkbox"/> Nylon Carpet 1,2 | <input type="checkbox"/> Plastic Vapor Barrier 1 |
| <input type="checkbox"/> Painted Siding 3 | <input type="checkbox"/> Polystyrene Plates 1,2 | <input type="checkbox"/> Plastic Toys 1 |
| ✓ Clean Dry Firewood 9 | <input type="checkbox"/> Tar Paper 1 | <input type="checkbox"/> Old Building 11 |
| <input type="checkbox"/> Nylon Upholstery Fabric 1,2 | <input type="checkbox"/> Polystyrene Foam Packaging 1,2 | ✓ Untreated Unpainted Lumber 9 |

Explanations & Alternatives:



- All plastic, rubber and asphalt materials are prohibited from open burning under state law.
- This synthetic material is "plastic" and may not be burned.
- Wood that is painted or chemically treated may not be burned under state law.
- These materials are specifically prohibited from open burning under state law.
- These materials must be recycled under state and local recycling laws. They cannot be burned. (It is legal to use a small amount of paper or cardboard material to kindle a fire.)
- These materials contain resins and glues making them unsuitable for burning. They are not "dry unpainted, untreated wood" as referenced and exempted in the law.
- Even though state law allows burning after removing any plastic, many local recycling programs cover these materials. Recycling is a better alternative. If recycling is not an option, proper disposal is better than burning.
- Even though state law allows burning, composting and/or beneficial use of this material is a better alternative.
- Clean dry unpainted untreated wood is legal to burn, but if it isn't going to be beneficially used for heating, consider options other than burning.
- This waste paper material is not recyclable. Proper disposal is a better option than burning. Wet paper or paper mixed with plastic can't be burned.
- Individuals or businesses may not burn a building. The only exception is that a building may be burned only by a fire department for training purposes after notification to DNR and removal of illegal materials.

Remember:



- All materials emit **pollutants** when burned. Generally, the materials that cause the most toxic emissions are those that are prohibited from burning under state law. Try to avoid burning any waste material.
- If prohibited and allowed materials are **mixed**, they cannot be burned. Any prohibited materials must be removed before the allowed materials are burned.
- Check **local ordinances!** A local municipality may ban the burning of any material even if statewide regulations allow it.
- Check for **burning permits**. Even if the material is legal to burn, the DNR or the local municipality often requires a burning permit. During periods of high fire hazard, burning may be prohibited.
- Consider other **alternatives**. Even if the material is legal to burn, more environmentally sound alternatives are available.
- This information only applies to small quantities of **household** waste being burned on the same property where generated. The regulations do not allow **businesses** to burn the same materials that a household may. If in question, consult the regulations.

Additional Information:



- For additional information, contact your DNR service center or log onto the DNR Open Burning Web site: <http://dnr.wi.gov/org/caer/ce/ob/>.
- Does your municipality have an open burning ordinance? Check with your local clerk or fire chief.
- For additional information on burning permits log onto the DNR Forest Fire Prevention Web site: <http://dnr.wi.gov/org/land/forestry/Fire/index.htm>.
- The open burning regulations are in ch. NR 429 and s. NR 502.11, Wis. Adm. Code.

DNR

Chapter NR 429 MALODOROUS EMISSIONS AND OPEN BURNING

NR 429.04 Open burning.

(1) PROHIBITION AND EXCEPTIONS. Open burning is prohibited with the following exceptions:

- (a) Burning of brush or weeds on agricultural lands.
- (b) Fires set for practice and instruction of fire fighters, or testing of fire fighting equipment.
- (c) Backfires to control forest fires or fires set for forest or wildlife habitat management with approval of the department where no reasonable alternative is available.
- (d) Burning of explosive or dangerous material for which there is no other safe means of disposal.
- (e) Burning of small amounts of dry combustible rubbish (not to include wet combustible rubbish, garbage, oily substances, asphalt, plastic or rubber products) except where prohibited by local ordinance.
- (f) Burning at rural or isolated solid waste disposal sites outside of the Southeastern Wisconsin Intrastate AQCR which have been approved under s. NR 506.04, or burning of special waste where permits are obtained from the department.
- (g) Outdoor fires for cooking, ceremonies or recreation.
- (h) Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-ways outside of the Southeastern Wisconsin Intrastate AQCR.
- (i) Burning of trees, wood, brush or demolition materials, excluding asphaltic or rubber material, using methods approved by the department.
- (j) Small open flames for welding, acetylene torches, safety flares, heating tar or similar applications. (k) Burning of gaseous or liquid waste in a manner approved by the department.
- (L) Burning of small amounts of dry leaves and dry plant clippings except where prohibited by local ordinance.

(2) OPEN BURNING PROCEDURES. All allowed open burning shall be conducted in a safe pollution free manner, when wind and weather conditions are such as to minimize adverse effects and in conformance with local and state fire protection regulations.