

# **OPEN BURNING OF COMBUSTIBLES**

(May 1989; Amended 12/17/07)

#89-3

## **REGULATION OF OPEN BURNING IN THE TOWNSHIP OF VIENNA**

THE TOWN OF VIENNA BOARD OF SUPERVISORS DO ORDAIN AS FOLLOWS:

### **SECTION 1. AGRICULTURAL AREAS, BURNING IN:**

Open burning of combustible materials is permitted in those areas of the town zoned agricultural, except that such burning shall be conducted a minimum of fifty (50) feet away from building structures. However, persons maintaining open fires of a large, untypical nature, such as open burning of fields or burning of buildings, shall notify their area fire departments and also notify the Dane County Sheriff's Department by non emergency phone numbers of their intent. Such fires shall be under control by 4:00 PM.

### **SECTION 2. INDUSTRIAL AND COMMERCIAL AREAS; BURNING IN:**

In those areas zoned industrial or commercial, combustible materials shall only be burned in a substantial rubbish burner or incinerator constructed of metal or stone and covered with not larger than one fourth (1/4) inch hardware cloth, screening or similar material so as to prevent the escape of sparks and burning material. Such rubbish burner or incinerator shall be located not less than fifty (50) feet from any building or structure. No person shall burn any plastic, tires, garbage, oily rags or other material likely to produce objectionable smoke or odors when burned. Rubbish burners and incinerators in industrial or commercial zoned areas shall only be used between 8:00 AM and 4:00 PM.

### **SECTION 3. RESIDENTIAL AREAS; BURNING IN:**

Except as provided in subsection four (4) below, no person shall keep or maintain, make or cause to be made any open fire for burning any combustible material in any area zoned residential.

### **SECTION 4. SEASONAL BURNING OF LEAVES AND GRASS:**

Open burning of leaves and grasses in residential, commercial and industrial zoned areas is permitted during the months of March, April, May, September, October, and November. Such fires in industrial and commercial areas shall be extinguished by 4:00 PM.

### **SECTION 5. CHIEF MAY PROHIBIT:**

The fire chief of the fire department may prohibit any outdoor burning when atmospheric conditions or local circumstances make such fires hazardous.

### **SECTION 6. BURNING ON STREETS AND ROADS:**

No person shall burn any material upon any street, curb, road, highway, gutter or sidewalk within the Town of Vienna at anytime.

### **SECTION 7. COOKING FIRES:**

The above prohibitions and limitations on open burning shall not apply to cooking fires in grills or cooking pits.

## SECTION 8. PENALTY FOR VIOLATION:

Persons violating any provision of this ordinance shall be subject to a forfeiture of not less than twenty-five (\$ 25.00) dollars nor more than five hundred (\$ 500.00) upon conviction, together with the costs of prosecution and in the default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding ninety (90) days. Each violation and each day a violation continues or occurs shall constitute a separate offense.

Dated and adopted this 1st day of May, 1989.

Ordinance 89-3 • Amended 12-17-07

An Amendment to:

“An Ordinance Regulating Open Burning In The Town Of Vienna, 89-3”

WHEREAS, the Town Board of the Town of Vienna desires to amend Section (1), Agricultural Areas, Burning in, by including a definition of “Agricultural Areas” and adding a subsection on “materials that may not be burned”; and

WHEREAS, the Town of Vienna desires to protect the health, safety, and welfare of its residents by uniform enforcement of the town’s protective ordinances;

NOW, THEREFORE, The Town Board of the Town of Vienna does hereby ordain as follows: Section (1) of “An Ordinance Regulating Open Burning In The Town Of Vienna, 89-3” shall be amended to include the following subsections:

- a. The terms “Agricultural Areas” or “areas of the town zoned agricultural” shall mean “parcels of land which are in active agriculture uses and which qualify as agricultural uses under the conditions of the Wisconsin Agricultural Use Value Law.”
- b. The term “combustible materials” shall exclude the following items or materials:  
Materials that may not be burned: 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:
  - i. 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.
  - ii. 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.
  - iii. Asphalt and products containing asphalt.
  - iv. 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.
  - v. Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
  - vi. Rubber including tires and synthetic rubber-like products.
  - vii. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance.

A new Section (5) shall be added to “An Ordinance Regulating Open Burning In The Town Of Vienna, 89-3” as follows:

**(5) BURNING PERMIT OR FIRE DISTRICT NOTIFICATION:**

A burning permit or fire district notification shall be required for all open burning in residential, industrial, and commercial areas of the Town of Vienna as per below:

- a. A written burning permit shall be obtained from the DeForest Fire District prior to the open burning for any property located within the DeForest Fire District area.
- b. Written or verbal notification shall be given to the Waunakee or Dane Fire District prior to open burning for any property located within the Waunakee or Dane Fire District areas.

The remaining sections of “An Ordinance Regulating Open Burning In The Town Of Vienna, 89-3” shall be renumbered consecutively to accommodate the addition of the above new Section (5).

Effective Date:

This ordinance shall be effective after a public hearing, adoption by the Town of Board of the Town of Vienna, and publication.

The foregoing ordinance was duly adopted at a regular meeting of the Town Board of the Town of Vienna on December 17, 2007.

Daniel Muxfeld, Chairperson  
Lonnie Breggeman, Supervisor  
Shawn Haney, Supervisor II

I hereby certify that the foregoing ordinance relating to the amendment of “An Ordinance Regulating Open Burning In The Town Of Vienna, 89-3” was published as a Class 1 notice under ch. 985, Wis. Stats., on the 17th day of December, 2007.

Dated: Dec. 17, 2007

Robert Pulvermacher, Clerk