

CHAPTER 18
WOOD BURNING FACILITY

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18.01 Purpose.

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 Spring Green due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

18.02 Applicability.

This Chapter applies to wood burning facilities, as that term is defined in Chapters 500 and 502 of the Administrative Code of the Wisconsin Department of Natural Resources, located in the Town of Spring Green.

18.03 Definitions.

The definitions set forth in Chapters 500 and 502 of the Administrative Code of the Wisconsin Department of Natural Resources are hereby adopted as though fully set forth herein.

18.04 Operational Requirements.

No person or entity (including, but not limited to a county, village or town) may construct, operate or maintain a wood burning facility without a permit issued under this Chapter, in conformance with state air management rules in Wisconsin Administrative Code Chapters 400 to 499 of the Wisconsin Department of Natural Resources and the following:

- (1) All burning shall be done on a burning pad or pit constructed of concrete, compacted gravel, compacted mineral soil or other materials approved in writing by the Town of Spring Green. A firebreak of mineral soil scraped free of vegetation for a minimum distance of one hundred (100) feet around the burning pad or pit shall be constructed. Greater setback distances may be required by the Town if necessary for public health and safety.

- (2) Only dry, unpainted and untreated wood, limbs, brush or trees may be burned at a wood burning facility. Brush shall be burned only in conformance with Section 287.07, Wis. Stats.
- (3) Waste material may be placed or stored on the burning pad, but may not exceed the amount of wood that can be burned in one (1) day in conformance with Chapter 445 of the Administrative Code of the Department of Natural Resources. Any additional accumulation of waste material shall be stockpiled a minimum of one hundred (100) feet from the burning pad. The total amount of stockpiled waste shall be limited to the amount that can be burned in five (5) calendar days. This rule shall also apply to any material held for chipping, composting or any other purpose.
- (4) NR 502.11(5)(d)(d) Start-up shall be accomplished by using wood kindling material to ignite larger materials. Where sufficient quantities of wood kindling materials are unobtainable, other methods approved by the Town of Spring Green in writing may be used.
- (5) NR 502.11(5)(e)(e) Burning shall be conducted only during daylight hours.
- (6) NR 502.11(5)(f)(f) Fire-fighting equipment satisfactory to the Town of Spring Green shall be kept at the facility in case of emergency, unless the services of a local fire protection agency are arranged.
- (7) NR 502.11(5)(g)(g) The burning pad shall be surrounded by a fence with a lockable gate. The gate shall be kept locked when no attendant is on duty.
- (8) NR 502.11(5)(h)(h) An attendant shall be on duty at all times when burning is taking place. All fires shall be extinguished before the attendant leaves the facility. The fire shall be actively tended and maintained to promote complete combustion, ensure good fuel-flame contact and burndown.
- (9) NR 502.11(5)(j)(i) A sign acceptable to the Town of Spring Green shall be posted at the entrance to the operation which indicates the facility name, acceptable wastes, state license number, the hours of operation, penalty for unauthorized use, necessary safety precautions and any other pertinent information.
- (10) NR 502.11(5)(k)(j) Storm water shall be diverted away from the burning pad, storage area and access areas.
- (11) NR 502.11(5)(L)(k) Ash resulting from the operation shall be disposed of at a facility approved by the State of Wisconsin to receive that material. No ash shall be buried at the facility or on premises. No unburned material shall be buried at the facility or on the premises.

- (12) NR 502.11(5)(m)(l) The facility shall be operated in a nuisance-free manner.
- (13) Any fire must be immediately extinguished upon determination by the Fire Chief that it poses a danger to public health, safety or welfare.
- (14) No tires may be stored or stockpiled at the facility or on the premises.
- (15) No trees or other debris may be dragged over Town roads to or from the facility or premises.
- (16) Stump storage, stockpiling and burning is prohibited. No stumps shall be transferred to the facility or premises.

18.05 Permitting Process.

Any person or entity subject to this Chapter shall obtain a permit from the Town on or before January 10th of each year, prior to constructing, operating or maintaining a wood burning facility. The Town shall provide a form for the permit. The cost of the permit shall reflect the cost to the Town to administer and verify compliance with this Chapter and shall be set forth in the Town's permit application.

18.06 Liability.

A person or entity operating a wood burning facility shall be responsible for all fire suppression costs determined by the Town to have been incurred by any entity related to the operation of the facility, and any other liability resulting from damage caused by the fire. If any fire district responding to the fire does not have an established fee schedule, the Town will work with the district to determine the costs incurred by the district, which shall be paid by the person or entity subject to this Chapter.

18.07 Right of Entry and Inspection.

The Fire Chief, any Town Board Member or any other authorized officer, agent, employee or representative of the Town of Spring Green may inspect any property for the purpose of ascertaining compliance with the provisions of this Chapter. If the owner or occupant of the facility or premises denies access to the property for this purpose, a special inspection warrant may be obtained.

18.08 Penalties.

Penalties for violations are set forth in Appendix A of Chapter 1 of the Town Code of Ordinances. The Fire Chief, Town Chair or any other designated person is authorized to enforce the provisions of the Chapter. Any legal action to enforce this Chapter shall be approved by the Town Board. Penalties shall be doubled for second and subsequent offenses that occur within one (1) year of the last violation. Each day a violation exists or continues shall be considered a separate violation.