

## **Chapter 13**

## **Outdoor Furnaces Ordinance**

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# Outdoor Furnaces Ordinance for the Town of Green Bay, Brown County, Wisconsin

Ordinance No. 586-J

## SECTION 1: PURPOSE

**1.00 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 Green Bay due to the air pollution and fire hazards of outdoor furnaces.

## SECTION 2: APPLICABILITY

**2.00 Applicability.** This ordinance applies to all outdoor furnaces within the Town of Green Bay.

**2.1.** This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

**2.2.** 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 as defined in Section 4 of this ordinance.

**2.3.** This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

## SECTION 3: SEVERABILITY

**3.00 Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

## SECTION 4: DEFINITIONS

### 4.00 Definitions.

**4.1.** "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.

**4.2.** "Outdoor Burning" means open burning or burning in an outdoor furnace.

**4.3.** "Outdoor Furnace" means a furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

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

**4.5.** "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.

## SECTION 5: MATERIALS THAT MAY NOT BE BURNED

State administrative rules prohibit indoor or outdoor burning of the materials listed in subsections 5.1-5.7 with certain limited exceptions that require air pollution controls and a written approval from the Department of Natural Resources. The Town of Green Bay does not have discretion to allow burning of materials prohibited by state law.

**5.00 Materials that may not be burned in an outdoor furnace.**

5.1. 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.

5.2. 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.

5.3. Asphalt and products containing asphalt.

5.4. 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.

5.5. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

5.6. Rubber including tires and synthetic rubber-like products.

5.7. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section 7 of this ordinance.

#### **SECTION 6: OUTDOOR FURNACES**

An outdoor furnace may be installed and used in the Town of Green Bay only in accordance with the following provisions:

6.1. The outdoor furnace shall be installed and used only in an area zoned for agricultural and Estate Residential use.

6.2. The outdoor furnace shall not be used to burn any of the prohibited materials listed in Section 5 of this ordinance.

6.3. The outdoor furnace shall be located at least 500 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace.

6.4. The outdoor furnace shall have a chimney that extends at least 15 feet above the ground surface.

#### **SECTION 7: EXEMPTION FOR BURNING CERTAIN PAPERS**

7.00 Exemption for burning certain papers. The Department of Natural Resources recommends that papers of a confidential nature be shredded and recycled rather than burned. This section allows paper and cardboard products to be burned for beneficial use as a starter fuel and it allows confidential papers from a residence to be burned. This exemption does not allow burning for disposal of materials that are required to be recycled. State regulations do not contain an explicit section similar to this, but the Department of Natural Resources believes that this section is consistent with state regulations and that municipalities may include this section in their ordinance at their discretion.

The Department of Natural Resources recommends that:

7.1. Notwithstanding Subsection 5.7 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance

7.2. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

7.3. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

7.4. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 5.1-5.7 of this ordinance.

**SECTION 8: LIABILITY**

**8.00 Liability.** A person utilizing or maintaining an outdoor furnace shall be responsible for all costs and any other liability resulting from damage caused by the outdoor furnace.

**SECTION 9: RIGHT OF ENTRY AND INSPECTION**

**9.00 Right of entry and inspection.** Any authorized officer, agent, employee or representative of the Town of Green Bay, who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with sections 66.122 and 66.123, Wis. Stats.

**SECTION 10: ENFORCEMENT AND PENALTIES**

**10.00 Enforcement and penalties.**

**10.1.** The Constable of the Town of Green Bay and the Zoning Administrator for the Town of Green Bay are authorized to enforce the provisions of this ordinance.

**10.2.** The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$100 or more than \$250 plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

This Ordinance shall become effective upon adoption and required posting.

The foregoing Ordinance was duly adopted by the Town Board of the Town of Green Bay at a duly noticed Town Board meeting held on June 10, 2008 by a vote of 3 in favor and 0 opposed.

Town of Green Bay By:

Lee DeChamps  
Lee DeChamps, Chairman

Cary DeQuaine  
Cary DeQuaine, Supervisor

Dianne Jacobs  
Dianne Jacobs, Supervisor

Approved, Attested By:

Debbie Mercier  
Debbie Mercier, Town Clerk

Date of approval 6/10, 2008