

**TOWN OF ALDEN  
POLK COUNTY, WISCONSIN  
ORDINANCE NO. 2022-01**

**AN ORDINANCE TO REGULATE OPEN BURNING, OUTDOOR BURNING, AND  
REFUSE BURNING IN THE TOWN OF ALDEN**

The Town Board of the Town of Alden, Polk County, Wisconsin, hereby ordains as follows:

**Section 1. 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 Alden due to air pollution and fire hazards of open burning, outdoor burning, and refuse burning.

**Section 2. Definitions.**

- (a) *Campfire.* A small outdoor fire intended for recreation or cooking, not including a fire intended for disposal of waste wood or refuse.
- (b) *Clean Wood.* 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.
- (c) *Confidential Papers.* Printed materials containing personal identification or financial information that the owner wishes to destroy.
- (d) *Fire Chief.* The Chief of Allied Emergency Services (the "Fire District") or other person authorized by the Fire Chief.
- (e) *Open Burning.* Kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed burning compartment.
- (f) *Outdoor Wood-Fired Furnace.* A wood-fired furnace, stove, or boiler that is not located within a building intended for habitation by humans or domestic animals.
- (g) *Refuse.* Any waste material except clean wood.

**Section 3. Prohibitions.** Open burning, outdoor burning, and refuse burning are prohibited in the Town unless the burning is specifically permitted by this Ordinance.

**Section 4. Exceptions.** This Ordinance applies to all open burning and refuse burning within the Town of Alden, except:

- (a) *Grills*. This Ordinance does not apply to grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances.
- (b) *Furnaces*. 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 or Outdoor Wood-Fired Furnaces.
- (c) *Construction/Maintenance Activities*. 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 5. Materials That May Not Be Burned.** Unless a specific written approval has been obtained from the Wisconsin Department of Natural Resources (DNR), 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. The Town shall not issue a permit for burning any of the following materials without air pollution control devices and a written approval from the DNR:

- (a) *Rubbish/Garbage*. Rubbish or garbage, including, but not limited to, food wastes, food wraps, packaging, animal carcasses (unless burned in an incinerator), paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
- (b) *Waste Oil*. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Wis. Admin. Code § NR 679.
- (c) *Asphalt*. Asphalt and products containing asphalt.
- (d) *Treated/Painted Wood*. 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.
- (e) *Plastics*. Any plastic material, including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films, and containers.
- (f) *Rubber*. Rubber, including, but not limited to, tires and synthetic rubber-like products.
- (g) *Paper*. Newspaper, corrugated cardboard, container board, office paper, and other paper materials, with the exceptions as noted in Section 8 below.

**Section 6. Open Burning Of Leaves, Brush, Clean Wood And Other Vegetative Debris.** Open burning of leaves, weeds, brush, stumps, clean wood, and other vegetative debris is allowed only in accordance with the following provisions:

- (a) *Nuisance-Free Conduct.* All allowed open burning shall be conducted in a safe nuisance-free manner, when wind and weather conditions are such as to minimize adverse effects on adjoining properties and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- (b) *Burning Ban Periods.* Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
- (c) *Property Restriction.* Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Wisconsin Department of Natural Resources and the Town Board or designee.
- (d) *Commercial Properties.* Unless explicitly allowed elsewhere in this Section, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Wisconsin Department of Natural Resources.
- (e) *Burning of Weeds and Brush on Agricultural Lands.* Open burning of weeds and brush on agricultural lands is allowed with the approval of the Town Board or designee.
- (f) *Forest/Wildlife Management Fires.* Fires set for forest or wildlife habitat management are allowed with the approval of the Wisconsin Department of Natural Resources.
- (g) *Campfires.* Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided that the fire is confined by a control device or structure, such as a barrel, fire ring, or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
- (h) *Burning of Trees/Stumps.* Burning of trees, limbs, stumps, brush, or weeds for clearing or maintenance of rights-of-way is allowed during snow-covered months, provided it is in accordance with other provisions of this Section. At other times, a burning permit is required from the Town Board or designee.
- (i) *Natural Disaster Emergencies.* Burning in emergency situations, such as natural disasters, is allowed if approved by the Town of Alden.
- (j) *Permit Required.* Open burning under this Section shall be conducted only following issuance of and in accordance with a permit issued under Section 9.

- (k) *Location.* Except for campfires, open burning under this Section shall only be conducted at a location at least two-hundred and fifty (250) feet from the nearest building that is not on the same property.
- (l) *Adult Attendant.* Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. [An individual who is sixteen (16) years of age may supervise an open fire if the individual is a family member of the property owner.] The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- (m) *Prohibited Burning Areas.* No material may be burned upon any street, road, highway, curb, gutter, or sidewalk, or on the ice of a body of water.
- (n) *Burning Setback.* Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within twenty-five (25) feet from any combustible material, combustible wall or partition, exterior window opening, exit access, or exit unless authorized by the Fire Chief.

**Section 7. Fire Department Practice Burns.** Notwithstanding Sections 3 and 5, the Fire Department may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the Wisconsin Department of Natural Resources.

**Section 8. Exemption for Burning Certain Papers.**

- (a) *Use as Fire Starter.* Notwithstanding Subsection 5(g), paper and cardboard products may be used as a starter fuel for a fire that is allowed under this Ordinance.
- (b) *Confidential Papers Exception.* 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. A fire set for burning a small quantity of confidential papers shall be subject to and comply with Subsections 7(a)-(c), (f), and (k)-(n). Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

**Section 9. Burning Permits.**

- (a) *Permit Requirement.* No person shall start or maintain any open burning without a burning permit issued by the Town Board or its designee.
- (b) *Campfires Exception.* An outdoor campfire does not require a permit provided that the fire complies with all applicable provisions of this Ordinance.

- (c) *Burning Moratoriums.* When weather conditions warrant, the Fire Chief or the Wisconsin Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning. Prior to burning, a permit holder shall call the non-emergency phone number for Allied Emergency Services, Fire Station 3, to confirm that no burning moratorium is currently in place.
- (d) *Compliance With Section.* A burning permit issued under this Section shall require compliance with all applicable provisions of this Section and any additional special restrictions deemed necessary to protect public health and safety.
- (e) *Penalty for Non-Compliance.* Any violation of the conditions of a burning permit shall be deemed a violation of this Section. Any violation of this Section or the burning permit shall void the permit, and may subject the violator to a forfeiture in accordance with the Town's fee schedule.

**Section 10. Liability.** A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused to structures by the fire. Costs shall be determined on a case-by-case basis.

**Section 11. Right of Entry and Inspection.** The Fire Chief or any authorized officer, agent, employee, or representative of the Fire Department or the Town of Alden who presents proper credentials may enter 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 Section 66.0119, Wis. Stats.]

**Section 12. Compliance with DNR.** All Wisconsin Department of Natural Resources (DNR) burning restrictions shall be applicable. Copies of DNR burning restrictions are available at the local Wisconsin DNR Office.

**Section 13. Penalties.** The penalty for violation of this Ordinance shall be as prescribed in the Town's fee schedule, plus the cost of prosecution. Penalties shall be doubled for second and subsequent offenses. In addition to any forfeiture stemming from the issuance of a citation, violators shall pay applicable fire suppression costs (as determined by the Fire Chief) where applicable.

*Signature Page Follows.*

Adopted by the Town Board on March 10<sup>th</sup>, 2022.

TOWN OF ALDEN

By: Keith Karpenski  
Keith Karpenski, Chairman

Attest: Chris Genung  
Chris Genung, Town Clerk