

**ORDINANCE NO. 2**

**AN ORDINANCE TO REGULATE OPEN BURNING  
IN THE TOWN OF GENEVA  
WALWORTH COUNTY, WISCONSIN**

The Town Board of the Town of Geneva, Walworth County, Wisconsin, does ordain as follows:

**Section 1. OPEN BURNING PROHIBITED**

Open burning is prohibited on any street, curb, gutter, drainage ditch or within fifty (50) feet of any shoreline or designated wetland. It shall be unlawful for anyone within the boundaries of the Town of Geneva to start, or cause to have started any open fire without having first notified and obtained permission from the Town of Geneva Police Department (herein after referred to as the Town Police Department). If emergency assistance (i.e. a fire department or others) is required to extinguish any fire, the person responsible for the starting of such fire shall pay all expenses incurred for extinguishing the fire and replacement of property destroyed or affected.

**Section 2. EXCEPTIONS - CONTAINED BURNING**

- (1) Lighting of personal smoking material is permitted; use caution for safe use and disposal.
- (2) Outdoor cooking over a fire contained in a device or structure designed for such use is permitted;
- (3) Recreational burning pits or devices not exceeding four (4) feet in diameter and not located closer than fifteen (15) feet to any structure for the burning of clean wood (not refuse) are permitted;
- (4) Burn barrels and non-combustible containers (not exceeding four feet (4 ft.) square by three feet (3 ft.) high) are permitted for burning materials other than refuse.
- (5) From time to time special rules or restrictions relating to contained burning may be established which will govern including, but not necessarily limited to, the following:
  - A. hours when burning is allowed,
  - B. day(s) when burning is allowed,
  - C. material which may or may not be burned,
  - D. what constitutes an approved burning device or container,
  - E. the distance or distances to be maintained between the material being burned and other flammable material,
  - F. supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site,
  - G. the manner in which ashes created by the burning are to be handled.

**Section 3. PROHIBITED**

This Ordinance prohibits burning any of the following materials under any conditions:

- (1) wet, combustible rubbish, such as wet cardboard or paper,
- (2) oily substances, such as oily or greasy rags, oil filters, etc.,
- (3) asphalt, such as asphalt shingles or tar paper,
- (4) plastics of any kind, including plastic bottles and plastic bags,
- (5) rubber products, including tires and hoses,
- (6) any other forms of garbage/refuse.

**Section 4.**

**APPLICATION FOR PERMISSION – OPEN BURNING**

- (1) **Permission is required for open fires including but not limited to:**
- A. Controlled burning of grass or similar vegetation for environmental purposes, this includes the burning of grass, leaves or other lawn debris;
  - B. Ceremonial campfires or bonfires.
  - C. Any other fires not prohibited by Section 3.
- (2) **Procedure for Issuance of Permission.** Before the setting or starting of any open burning allowed under this Ordinance, the owner, operator or agent shall first obtain permission authorizing the burn from the Town Police Department at 262-248-9926. The Walworth County Sheriff's Department is not considered a substitute, as they may not be aware of current special rules or restrictions. Application for burning permission shall be made prior to starting the fire. From time to time special rules or restrictions relating to open burning may be established which will govern including, but not limited to, the following:
- A. hours when burning is allowed,
  - B. day(s) when burning is allowed,
  - C. material which may or may not be burned,
  - D. whether open burning is allowed or whether burning will be allowed only within an approved burn barrel or container,
  - E. the length of time the permission is valid,
  - F. what constitutes an approved burn barrel or container,
  - G. the size of the material pile which is to be burned by open burning,
  - H. the distance or distances to be maintained between the material being burned and other flammable material,
  - I. supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site,
  - J. the manner in which ashes created by the burning are to be handled.
- (3) **Issuance of Permission.** If the Town Police Department finds that the proposed burning complies with all Town Ordinances and other applicable rules and regulations, permission to burn shall be issued to the applicant and an incident number assigned, which the applicant is advised, but not required, to request and record. The Town Police Department shall maintain a record of the permit request with the incident number recorded.

**Section 5.**

**BURNING REGULATIONS**

The following regulations shall be applicable to all outside burning:

- (1) all burning shall be performed in a safe manner, when wind and weather conditions are such as to minimize adverse effects, and in conformance with state and local fire protection regulations. Burning exceptions or open burning permits shall not be used to covertly burn plastic, construction debris or other prohibited materials,
- (2) the size of the pile of material being open burned shall be controllable,
- (3) the pile of material being open burned shall be at least fifteen (15) feet away from any structure, wood or lumber pile, wooden fence, trees or bushes,

- (4) open burning shall be constantly attended and supervised by a competent person at least sixteen (16) years of age until fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
- (5) All existing and subsequent State, County or Local regulations regarding handling of products of combustion (ashes) will govern. In the absence of such regulation, any ashes created by all exterior burning are to be properly contained, disposed of, recycled or utilized (i.e. as fertilizer if appropriate) but not allowed to become a pollutant or nuisance.

**Section 6. PENALTY**

Any person who violates any provision of this Ordinance may be required, upon conviction thereof, to forfeit not more than One Thousand Dollars (\$1,000.00) and costs of prosecution for each violation and in default of payment of such forfeiture and costs may be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days.

**Section 7. EFFECTIVE DATE**

This Ordinance shall take effect upon its passage and publication, as provided by law.

Passed and adopted by the Town Board of the Town of Geneva, Walworth County, Wisconsin, this the \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Joseph F. Kopecky, Chairman

\_\_\_\_\_  
Merle L. Loomer, Supervisor

\_\_\_\_\_  
Charlotte Peterson, Supervisor

\_\_\_\_\_  
Mary VanLue, Supervisor

\_\_\_\_\_  
Robert McLernon, Supervisor

ATTEST:

\_\_\_\_\_  
Warren Schinke, Clerk

Date Adopted: \_\_\_\_\_

Date Posted: \_\_\_\_\_