

**TOWN OF LINCOLN
POLK COUNTY WISCONSIN**

CODE OF ORDINANCES

Chapter 7

Outdoor Burning

(Adopted 06/12/2008)

(Amended 11/12/2009)

(Amended 06/09/2016)

TOWN OF LINCOLN
Polk County, Wisconsin
OUTDOOR BURNING ORDINANCE FOR THE TOWN OF
LINCOLN

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

SECTION 2: AUTHORITY

Wisconsin Statute 26.13(3) authorizes the town board of any town located outside of a fire protection district to control the setting of fires in the said town.

**SECTION 3: GENERAL PROHIBITION ON OPEN BURNING,
OUTDOOR BURNING AND REFUSE BURNING**

No Person shall set any fire upon any land in the town without a written permit, except for a recreational fire consisting of clean wood for warming the person or cooking food, burning barrels as referenced in Section 7 (3) of this ordinance and wood boiler/furnaces.

SECTION 4: RECREATIONAL FIRES

Recreational fires are only intended for warming the person or cooking food. Only clean wood can be burned and a recreational fire must be no larger than five (5) feet in diameter and enclosed by a stone or metal border at least six (6) inches in height or recessed into the ground. Recreational fires must be kept fifteen (15) feet from the natural waters, fifteen (15) feet from the lot line, and twenty-five (25) feet from all buildings.

SECTION 5: PERMITS

- 1) No permit is required when ground is 70 percent snow covered from December 1 through April 1.
- 2) Permits are required for all fires except for recreational fires, burning barrels and outdoor wood boiler/furnaces. Permits shall be obtained from a person or persons designated by the Town Board, with an expiration date designated by the issuing authority. When weather conditions warrant, the Town Chair or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
- 3) Fires must be kept fifteen (15) feet from the natural waters, fifteen (15) feet from the lot line, and twenty-five (25) feet from all buildings.

SECTION 6: REQUIREMENTS

- 1) Before setting any fire, except a recreational fire, a burning permit shall be obtained from a person or persons designated by the Town Board.
- 2) On the day of fire, Polk Co. Sheriff Office must be notified with your permit #, location, name and telephone #.

SECTION 7: RESTRICTIONS

- 1) No fire requiring a permit shall be set when winds are above 10 mph
- 2) No burning in municipal dumps and landfills by unauthorized person or persons.
- 3) Burning barrels are not permitted in residentially and commercially zoned districts and in recorded subdivisions. Burning barrels are permitted in other areas of the Town if properly screened and in compliance with this ordinance and Wisconsin Department of Natural Resources regulations.
- 4) Burning barrels can only be used after 6:00 p.m., and at least 100 feet from neighbor's house.
- 5) Outdoor wood boilers/furnaces are required to have a spark screen.
- 6) Only materials listed as allowable for burning according to the Wisconsin Department of Natural Resources (DNR) are allowed to be burned in the Town. Materials that are prohibited to be burned by the DNR may not be burned in the Town. A list may be found at <http://dnr.wi.gov/topic/OpenBurning/Owners.html> and attached to this ordinance.

SECTION 8: LIABILITY

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability, if any, resulting from damage caused by the fire.

SECTION 9: ENFORCEMENT AND PENALTIES

The Town Chairman, the Lincoln Town Board, or the Fire Protection Provider are all authorized to enforce the provision of this ordinance. Refer to the Town of Lincoln Schedule of Deposits for forfeitures.

Legal versus illegal burning

Information for property owners and renters

Materials you are allowed to burn outdoors

Contact your local fire authority before you start burning any materials to find out if you need to obtain a burning permit.

- **Brush, leaves and other vegetative yard debris** - Where not prohibited by local ordinance, leaf burning and burning of plant clippings and brush is allowed anywhere in the state, as long as weather conditions do not pose a fire hazard. However, leaf burning is discouraged because of the air pollution it causes and because of the benefits of composting and mulching with these materials.
- **Clean, unrecyclable paper and clean, unpainted, untreated wood** - Individual homeowners may burn **small quantities** of these materials. Local ordinance can override this allowance. This is especially true in populated areas such as southeastern Wisconsin, where most municipalities have banned or severely limited open burning. Paper and cardboard can now be recycled in all communities, and recycling is the best disposal method for these items.

Materials that MAY NOT be burned by individual property owners

The DNR's administrative rules of the Air Management and Waste & Materials Management Programs prohibit anyone from burning **any** of the following materials under **any** conditions:

- garbage;
- carpet;
- electronics;
- foam;
- furniture;
- metal;
- oily substances, such as oily or greasy rags, oil filters, etc.;
- painted/stained/treated wood;
- plastics of any kind, including plastic bottles and plastic bags;
- shingles and tar paper;
- tires and other rubber products;
- vinyl (i.e., siding);
- wire;
- structures of any kind (homes, barns, sheds, etc.); and
- agricultural plastics/plastic film.

These prohibitions apply to individual property owners (or renters) as well as to business and industry.

Adopted this 9th day of June 2016.

Jay Luke

Jay Luke, Chairman

Richard Timm

Richard Timm, Supervisor

Alan Carlson

Alan Carlson, Supervisor

ATTEST:

Stephanie Marciniak
Stephanie Marciniak, Clerk

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