

Wisconsin: Encouraging Local Ordinances

The Law

Open burning and burn barrels fall within the jurisdiction of the Wisconsin Department of Natural Resources (WI DNR) in the Forestry, Air Management and Waste Management programs. Open burning is regulated by Wisconsin's fire prevention, air pollution and solid waste rules. See chapters NR 30, s. NR 429.04 and s. NR 502.11, Wisconsin Administrative Code (regarding fire prevention, air pollution and solid waste rules, respectively).

Open Burning is restricted in Wisconsin by administrative rules. It is illegal to burn rubbish, garbage, oily substances, asphalt, plastic, painted wood, treated wood and products separated for recycling. There are exceptions to allow burning of clean unpainted wood, trees, brush and yard waste on the same property where it's generated (businesses require an approval). Local ordinances may be more restrictive, and are encouraged to supplement state law. The WI DNR has a model ordinance available for local municipalities.

Enforcement

The WI DNR can issue a citation for burning without a fire control permit when required. Fire control permits work effectively, and fines are easily assessed for not having a burning permit when one is required. Enforcement for burning illegal materials is very difficult. It requires a referral to the state Attorney General and bringing a case to court. Those types of cases are reserved for the most significant violations. Burning household garbage is illegal, but there is little formal enforcement. Normally, someone burning garbage will be warned if a complaint is received.

Legal Burning

A state burn permit for fire prevention is required in designated areas of the state when the ground is not snow covered. State air pollution and solid waste approvals for open burning of waste materials are required unless the burning is exempt under state regulations. Local municipal burning permits are at the option of the municipality. They are commonly required in urban areas.

Burning trees, limbs, brush and yard waste is allowed on the same property where the material is generated. For clean wood and yard waste, single family households don't require state approval, but generally businesses do. (See specifics in the regulations.) Burn barrels aren't illegal in Wisconsin, but they are most often used to burn illegal materials.

Highlights

One strength of the Wisconsin program is the integration among the air, solid waste, fire prevention and information programs within the WI DNR on this issue, including a cross-program Web site. This has allowed pooling of resources and consistent messages.

Leaf burning in urban areas is highly controversial in some communities. Outdoor wood-fired boilers also cause numerous citizen complaints (although they're not technically "open burning" under Wisconsin law). Burn barrels can be controversial in some areas, but are commonly accepted in many rural areas even though their use for burning garbage is illegal. Burning agricultural plastic films such as plastic silage bags is an emerging issue.

Educating the Public and Officials

The WI DNR maintains a Web site on open burning and has numerous publications available electronically on its Web site (see below for Web address). Local ordinances are encouraged through a model ordinance.

Fire prevention ads and public service announcements often contain a component related to air pollution, not burning illegal materials and finding better alternatives than burning. The WI DNR has also produced a video on DVD and VHS entitled "Open Burning – A Tradition to Discard." The WI DNR's education strategy is to teach citizens about the health and environmental hazards of open burning as well as about the laws regarding illegal materials. Integration among the air pollution, solid waste and fire prevention programs has been very important for this issue.

For more information

Visit www.dnr.wi.gov/org/caer/ce/ob/ or contact:

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