



Town of Morgan

TOWN OF MORGAN
OCONTO COUNTY
STATE OF WISCONSIN

Ordinance No 2026-03

TOWN OF MORGAN ORDINANCE PUBLIC NUISANCE REGULATIONS

The Board of the Town of Morgan does ordain as follows:

#-1 Authority. The Town Board of Morgan adopts the provisions of this ordinance pursuant to the authority and intent of Sections 60.22 and 61.34 Wisconsin Statutes.

#-2 Purpose. This ordinance is intended to promote and safeguard public health, comfort, living conditions, safety and welfare of the citizens of the Town of Morgan due to the potential nuisance involved with outdoor burning, including excessive smoke, particulates, odor that may adversely impact other Town residences, including those with particular sensitivities.

This ordinance is intended to implement complementary restrictions to those already in place remind under state law, specifically including the prohibition of burning plastics of any type as codified by NR 429.04 and NR 502.11 of the Wisconsin Administrative Code, which subjects individuals to penalties under Wis. Stat. § 285.87. Such penalties may be imposed by the Town under the authority of this Ordinance.

#-3 Applicability. This ordinance applies to all indoor/outdoor burning and refuse burning within the Town of Morgan.

#-4 Severability. The provisions of this section are severable. Should any paragraph, sentence, clause, phrase, or portion of this section be declared invalid for any reason, the remainder of the section shall not be affected.

#-5 Definitions

(1) BURNABLE YARD WASTE

Brush, including clean woody vegetative material.

(2) BURNING BARREL

A large cylindrical container used to burn garbage, refuse, and solid waste.

(3) CAMPFIRE

A small outdoor fire containing clean wood intended for recreation or cooking. Campfire does not include a fire intended for disposal of materials.

(4) CLEAN WOOD

Natural wood that 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.

(5) GARBAGE

Discarded materials resulting from the handling, processing, preparation, storage, cooking and consumption of food, and discarded animal feces.

(6) NATIVE WOOD

Means natural wood that is derived from sources within Oconto County, either from growth harvested from within Oconto County or from firewood retailers located within Oconto County. The limitation on the geographic origin of wood under this Ordinance may be further restricted by the Town, County, or State if deemed necessary to protect against invasive species.

(7) OPEN BURNING, OPEN FIRE, HOME HEATING SOURCES, AND OUTBUILDINGS

Kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air with or without passing through a stack or chimney.

(8) PORTABLE FIRE PIT

Any structure or device intended to contain and control outdoor wood fires. This shall include a structure which, although not portable, is designed to contain and control wood fires. This structure or device is situated off the ground.

(9) RECREATIONAL BURNING PIT

A pit or a campfire used for the purpose of recreation and self-enjoyment in which clean native wood only is burned. This pit/campfire is an artificial or natural hole or depression in the ground and shall not exceed three feet in diameter and be located not less than 20 feet from any building, structure, shed, garage, fence, or any other combustible material.

(10) REFUSE

All matters produced from industrial or community life, subject to decomposition.

(11) SOLID WASTE

Garbage, refuse, recyclable materials, grasses, leaves, yard and garden debris, and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations, and from domestic use and public service activities.

#-6 Materials that may not be burned. Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, campfire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device:

- (1) Food wastes, food wraps, solid waste, packaging, garbage, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris.
- (2) Corrugated cardboard, newspapers, magazines, waste mail, catalogues or any other paper material that can be recycled.
- (3) 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.
- (4) Asphalt and products containing asphalt.
- (5) 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.

- (6) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films, plastic containers, silage bags, silage covers, plastic tarps and plastic garbage bags.
- (7) Rubber including tires and synthetic rubber-like products.
- (8) Wet combustible rubbish.
- (9) Any other refuse of any kind on any public or private property located within the Town of Morgan.

#-7 Materials that may be burned. Burning shall be conducted in a safe manner when wind and weather conditions are such so as to minimize adverse effects and in conformance with local and state fire protection regulations. Recreational burning pits and portable fire pits are allowed. The following list contains materials that may be lawfully burned:

- (1) Clean wood, trees, limbs, stumps, brush or weeds, and burnable yard waste.
 - a. Burnable yard waste may be burned on private property only, and must be supervised by an adult (person of 18 years of age or older) who must remain within 50 feet of such burning activity. Adequate fire suppression equipment shall be immediately available to control or extinguish the fire. No burnable yard waste shall be burned on Sundays or national holidays. Any burnable yard waste shall be completely dry and not allowed to smolder before being left unattended.
- (2) Fires set for practice and instruction of fire fighters, or testing of firefighting equipment with the approval of the fire suppression provider and DNR.
- (3) Backfires to control forest fires or fires set for forest or wildlife habitat management with approval of the Wisconsin Department of Natural Resources where no reasonable alternative is available.
- (4) Paper material to kindle a fire.
- (5) Materials burned for cooking, ceremonies or recreation.
 - a. Outdoor cooking over a fire contained in a device or structure designed for such use. Material used for such fires shall not contain garbage, solid waste or refuse. All cooking devices must be in good working condition to prevent the possible spread of fire. No outdoor cooking shall take place above the first floor occupancy of any building within the Town of Morgan.
- (6) Dry leaves and dry plant clippings unless otherwise prohibited by local ordinance.

#-8 Patio Fireplaces. Patio fireplaces are permitted in the Town of Morgan as long as they are commercially purchased units that enclose the entire fire area within the patio fireplace. The chimney area and viewable area of the patio fireplace must be screened with a spark reduction device at all times the patio fireplace is in operation. The patio fireplace shall only burn a readily combustible fuel source that consists of wood, charcoal, or manufactured fireplace logs. The burning of trash, leaves, woods with a chemical treatment (railroad tie, fence post, power pole, etc.), or other materials that tend to create a noxious or annoying smoke discharge are not allowed.

#-9 Fire hazard conditions.

- (1) No person shall hold the Town of Morgan or the fire suppression provider or the DNR responsible for damage caused by burning in any recreational burning pit, portable fire pit, open fire, campfire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device, or burning of materials that may be burned, or burning of materials that may not be burned.
- (2) DNR shall regulate and shall have the authority to ban all open burning, except open burning used for food preparation, when weather or other environmental conditions are such that open burning would threaten life and/or property.

#-10 Public Nuisance.

The emission of dense smoke, regardless of what is being burned can be a public nuisance, noxious fumes, gas, ash, soot or cinders from any outdoor burning containing materials not to be burned in any quantity, however small, as determined by the Oconto County sheriff to substantially annoy, injure or endanger the comfort, health, repose or safety of the public, may be declared a Public Nuisance.

A Public Nuisance means a thing, act, occupation, condition or use of property which can continue for such length of time or amount to the level of seriousness as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- (2) In any way render the public insecure in life or in the use of property.
- (3) Greatly offend the public morals or decency.
- (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.
- (5) This ordinance pertains to all new and existing units.

#-11 Creation of a Public Nuisance. Residents who engage in permissible burning must do so with due consideration to other Town residents. Burning shall be done no less than 100 feet from all property line with a property on which a residence or place of business is located, except with written permission from the owner of said neighboring property. Any person burning permissible items shall take appropriate measures to avoid smoke from such permissible activities from carrying into a place of residence or business and in such event shall utilize devices, including use of a chimney or other device designed to and that effectively does project smoke sufficiently upwards to avoid smoke carrying into a neighboring place of residence or business. Failure to refrain from burning, taking measures to divert smoke away from or above neighboring residences or places of business, or intentionally directing smoke from an otherwise permissible fire into a neighboring structure of any type, shall constitute the creation of a public nuisance.

#-12 Right of entry and inspection. Law Enforcement and /or the DNR, who presents credentials may inspect, based upon probable cause to believe a violation of this Ordinance has or is occurring, any property for the purpose of ascertaining compliance with the provisions of this ordinance. Town Inspector will review new installs only as required. Probable cause may include observations by the official, a credible report from another person based on personal observations or information, or other similar source. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be applied for and obtained in accordance with Wis. Stat. §66.0119.

#-13 Enforcement and Penalties.

- (1) The DNR, Oconto County Sheriff, Sheriff's Deputies and the Oconto County Health department are authorized to enforce the provision of this ordinance.
- (2) Any member of the Town Board may notify the Wisconsin Department of Natural Resources regarding a suspicion of a violation of Administrative Code sections NR 429.04 and NR 502.11.
- (3) Pursuant to Wis. Stats. §66.0113, the Town may also enforce the provisions of this ordinance by filing a summons and complaint pursuant to the Wisconsin Rules of Civil Procedure.
- (4) The Deposit for any citation issued pursuant to this ordinance shall be \$50.00 plus the cost of prosecution. The deposit for second and subsequent offenses occurring within 12 months shall be \$100.00 plus the cost of prosecution. Each violation and each day a

violation continues or occurs shall constitute a separate offense. The imposition of a penalty under this section shall not prohibit the Town of Morgan or any resident from maintaining a separate action against the violator to secure monetary damage for damage caused by the burning.

- (5) The intentional creation of a public nuisance shall result in doubling applicable penalties to \$100 or \$200 per day.
- (6) Any complaint will require documentation of the nuisance incident, including photos, videos, health department statements, etc.

#-14 Citations Form and Payments

Citation issued under this ordinance shall be in the amounts described and made payable to the Town of Morgan. All fines imposed are due within 30 days of the imposition. The Citation shall provide the following:

- (1) Name and address of violator.
- (2) Factual basis for the citation, including the time, place, specific ordinance section violated in an easily understood manner.
- (3) Options for challenging the citation, including court appearance in the Oconto County District or Municipal Court, and statement that court attendance is not mandatory.
- (4) Explain that payment constitutes a finding of no contest to the allegations and that non-payment may result in issuance of a judicial warrant, as well as collection efforts and that in such instance, additional costs, such as restitution for property damage may be imposed.
- (5) A statement to accompany remittance that the violator understands the implications of such a payment.
- (6) Specify that payment shall be remitted to the Morgan Town Clerk and the address of the Town Hall.
- (7) Payments, when made, shall be issued as receipt of payment. All payments shall be deposited in the Town of Morgan general fund.

#-15 Effective date. This Ordinance shall take effect upon passage and publication.

Dated this 12th Day of August, 2026.

TOWN OF MORGAN

Ayes 3 Noes 0 Absent 0

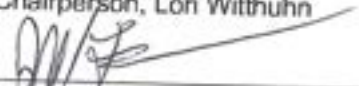
Submitted this 12th, day of August, 2026

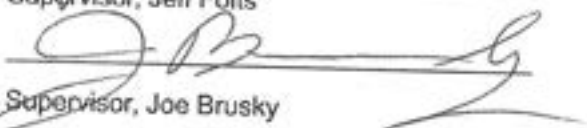
By: The Morgan Town Board

Posted:


Chairperson, Lori Witthuhn


Clerk, Erin Mooers


Supervisor, Jeff Folts


Supervisor, Joe Brusky