

**9.14 BURNING REGULATIONS.** (Rep. & recr. #1-98)

- (1) **GENERAL REGULATIONS FOR OPEN FIRES.** All burning, bonfires or other open fires shall be subject to the following regulations.
- (a) **Permit Required.** Except as otherwise specifically provided herein, the owner of the property upon which any type of outdoor burning or open fire is to be set shall apply for a permit from the Fire Chief, or his designate, either in person or by telephone, prior to any open burning within the Town. Any permit issued shall contain at a minimum, the name, address and phone number of the applicant, the location where the burning will take place, the description and volume of the type of materials to be burned, the estimated time of ignition, confirmation of available tools for control, and acknowledgment that the applicant is familiar with these regulations. Where residential units are within 500 feet of a burn, the Fire Chief shall require a copy of approval, signed by an adult resident of each unit, and presented when the permit is issued.
- (b) **Obtaining a Permit.**
1. *Procedure.* The Town Board shall established procedures for obtaining a permit and all permits shall be obtained in person by an owner/lessee of the property upon which any open burning is to occur.
  2. *Length of Permit.* Permits shall be valid only for the date/time permitted.
  3. *Exception.* No permit shall be required for campfires or container fires which comply with the requirements of para. (4)(c) and (d) respectively.
- (c) **Approval.** Upon determination that the proposed burning will not constitute a hazard to public safety, the Chief of the Fire Department or his designate shall issue a permit. A permit may be denied if determined that a hazard to the public safety could result from the proposed burning.
- (d) **Burning Procedures and Restrictions.** No person may engage in any burning of any nature except in strict conformity with the following procedures.
1. *Tools Required.* Persons engaged in burning shall have sufficient tools present at the fire to control the fire at all times. The burning site shall have, as a minimum, a shovel and an extinguishing medium (charged garden hose, a portable water pump, fire extinguisher, etc.) for control purposes.

2. *Supervision.* A person of at least 18 years of age shall remain at the fire at all times to monitor and assure the fire remains under control. Said person shall continuously monitor the burning and insure the fire remains under control at all times.
3. *Size of Burn Pile.* Only one (1) burn pile shall be allowed per permit issued. The size of any burn pile shall not exceed the dimensions of an 8 foot diameter by 4 feet high at all times during the actual burning of materials. Notwithstanding the foregoing, on parcels exceeding 10 acres, the size of the pile shall not exceed the dimension of a 20-foot diameter by 10-foot high at all times during the actual burning of materials.
4. *Distances.* A burn pile must be more than 30 feet from any adjacent property line or any property of a public utility, and more than 50 feet from any nonresidential building, wood pile or any abundance of combustible materials. Burning on a public road or right-of-way is prohibited at any time except by the Town Highway Department.
5. *Wind and Wind-draft.* No burning shall be permitted and existing fires shall be extinguished if the National Weather Service, Jefferson County Sheriff's Department or local media reports a wind speed in excess of 10 mph. No burning shall be permitted if the wind direction is such that smoke or soot will be visibly carried onto any adjoining building off premises; or when it would be a source of annoyance to other persons or threaten the safety of public roadways.
6. *Material Banned From Burning.* (Am. #12-06) The burning of garbage, food waste, animal waste, diapers, green or wet vegetation, asphalt or petroleum based products, chemicals, tires, products of rubber or plastic material, treated lumber, composite woods, carpeting, furniture, silo bags, pesticide containers, fertilizer and seed bags or other materials which create toxic or noxious smoke is prohibited at all times.
7. *Hours of Burning.* Unless specifically provided herein, burning shall be permitted only between the hours of 7:00 a.m. and 10:00 p.m. on all days. In all cases, the fire shall be completely extinguished by 10:00 p.m.

(2) SPECIAL PERMITS.

- (a) Bonfires: (Am. #12-06) No bonfires shall be permitted without a permit. No permit shall be issued unless the applicant has obtained written approval from the owner or resident of each neighboring

property within 500 feet of where the bonfire will be located. The permit may be issued with conditions necessary to ensure public safety.

1. *Procedure to Burn:* No bonfire shall be permitted except in strict conformity with the requirements of subsection (1)(d)1. through 6., inclusive.
  2. *Materials Only* dry wood materials may be used for bonfires. No leaves, pine branches, Christmas trees or other similar materials shall be used.
- (b) Construction Sites: (Am. #12-06) Burning at any construction site, in any fashion, including a burn barrel, is prohibited, except for masonry/concrete work, in the following manner:
1. *Sand:* Sand used for the making of cement may be warmed for use in the winter months by burning coal or charcoal in a metal tube or large diameter pipe.
  2. *Procedure:* The fire shall comply with the requirements of subsection (1)(d)4., 6., and 7. A waiver to these conditions are permitted only by approval of the Fire Chief.
  3. *Materials:* Only coal or charcoal may be used. No on-site construction materials shall be burned at any time.
  4. *Method of Heating:* At least 15 feet shall be cleared or combustible materials. The clear distance to the end of the heating pipe shall be 5 feet at minimum. A large diameter pipe shall be run through a pile of sand open at both ends. The fuel shall be placed in the pipe to provide heating. Building materials are not allowed outside the heating pipe at any time.
- (c) Demolition or Razing of Buildings: (Am. #12-06) No buildings or materials from demolished buildings shall be burned except as defined within this section.
1. *Requirements:* No materials from a razed, demolished building or structure shall be burned unless the debris pile and materials are first inspected by the Fire Chief or his designate, and written approval is granted for such burning.
  2. *Debris Piles:* Any debris pile for which approval is requested shall be at a minimum 50 feet from any other buildings, fences, utility poles, overhead wires, or other combustible materials.
  3. *Buildings and Structures:* No building or structure shall be burned in place, without the approval of the Fire Chief. The Fire

Chief may charge a reasonable fee as it determines for supervision of equipment and manpower necessary to insure public safety.

4. *Public Safety:* The burning in all cases shall be conducted in a manner that is safe and that does not adversely affect the environment or the public safety.
- (d) Prairie, Grass Lands, Open Fields. (Am. #12-06) No burning of any prairie, grass lands, or open fields shall be permitted except as defined within this section.
1. *Requirements:* No prairie, grass lands or open fields shall be burned unless the area and materials are first reported to the Fire Chief or his designate, and a permit is granted for such burning.
  2. *Procedure to Burn:* The fire shall comply with the requirements of subsection (1)(d)1., 2., and 4. through 7., inclusive. If the Chief or designate has determined Fire Department personnel will not be present at the site of the burn the area of open flame shall not extend beyond 20 feet in length at any time.
- (3) RESERVED.
- (4) EXCEPTIONS TO PERMITTED BURNING.
- (a) Burning Ban. The Fire Chief may, at any time in the interest of public safety, declare a "Burning Ban". When a burning ban is in effect, no burning of any type will be allowed at any time within Town limits.
  - (b) Burning of Prohibited Materials. Materials prohibited, as described in subsection (1)(d)6., shall not be exempted. Materials not named, but at the discretion of the Fire Chief could potentially produce toxic, noxious or odorous smoke or fumes, or in any way threaten public safety and health, may also be prohibited.
  - (c) Campfires. No permit shall be required for campfires which are in strict compliance with the following requirements:
    1. *Size:* The size of the fire ring shall not exceed 5 feet in diameter with burning materials not to exceed 2 feet in height at any time.
    2. *Safety.* Precautions must be taken to prevent fire from spreading. A fire ring shall be constructed in an open area more than 15 feet from combustible vegetation (deadfall, evergreens, brush piles). It is recommended that a fire ring be pitted approximately 4 inches with refuse used to form a rim or ground cover at the periphery of the ring. An extinguishing medium must be immediately available.

3. *Requirements:* (Am. #12-06) No campfire shall be permitted except in strict conformity with the requirements of subsection (1)(d)1., 2., and 4. through 6., inclusive. In addition, any person who has a campfire shall obtain the written approval from the owner or resident of each neighboring property within 500 feet of where the campfire will be located and be able to show that approval upon request of any fire department personnel, law enforcement officer or Town official.
- (d) Container Burning. Burning in a container shall be allowed without a permit as provided below. However, where residential units are within 500 feet of the container, the owner must obtain written approval, signed by an adult resident of each unit, authorizing the burn.
  1. *Container:* The container must be constructed of metal, masonry, or concrete with a cover of metal or wire mesh to contain embers.
  2. *Procedure:* Burning in this type of container shall comply with the requirements of subsection (1)(d)1. through 5., inclusive.
- (5) PENALTIES. (Am. #12-06) Any person or organization who violates the terms of this section shall be subject to and forfeit and pay to the Town an amount as determined from time to time by resolution of the Town Board, plus cost of the action. In the event the fine imposed herewith by a court shall remain unpaid, then and in that event, the person found to have violated this section shall be subject to incarceration in the Jefferson County Jail having a term not to exceed 90 days.

### **9.15 REGULATING LARGE GATHERINGS.**

- (1) **INTENT.** It is the purpose of the Town Board to regulate the assemblage of large numbers of people in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the Town in order that the health, safety and welfare of all persons in the Town, residents and visitors alike, may be protected.
- (2) **LICENSE REQUIRED.**
  - (a) No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to an actual or reasonably anticipated assembly of 500 or more people which continues or can reasonably be expected to continue for 18 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the Town Board. Application for the license shall be made at least 30 days in advance of the assembly.