

ORDINANCE #16-3
TOWN OF DUNN
AN ORDINANCE CREATING CHAPTER 16-3
OF THE GENERAL CODE OF ORDINANCES
TO REGULATE BURNING WITHIN THE TOWN OF DUNN

The Town Board of the Town of Dunn, Dane County, Wisconsin does ordain that Chapter 16-3 of the General Code of Ordinances entitled "An Ordinance Providing for the Regulation of Burning within the Town of Dunn, Dane County, Wisconsin" be and the same is hereby created to read as follows:

Section 1: Title/Purpose

This ordinance is entitled "An Ordinance Providing for the Regulation of Burning". It is the purpose of this ordinance to regulate and address the nuisance created by the burning of combustible materials in the town, because of air and water pollution that results from such burning, and because of the danger of fires where they are not properly controlled.

Section 2: Authority

The Town Board of the Town of Dunn has the specific statutory authority, powers and duties, pursuant to Sec. 66.052, (1991-1992) Wis. Stats., and Chapters 143, 144, 146 and 823, (1991-1992) Wis. Stats., pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10, (1991-1992) Wis. Stats., to regulate, control, prevent and enforce against in the Town of Dunn certain uses, activities, businesses and operations by persons that may cause a public nuisance in the Town of Dunn.

Section 3: Adoption of the Ordinance

The Town Board of the Town of Dunn has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance, regulations, controls and enforcement against certain uses, activities, businesses and operations by person that may cause a public nuisance in the Town of Dunn.

Section 4: Coverage

Open Burning Prohibited. No person shall set or cause to be set any outdoor fire within the

Town of Dunn except as exempt in Section 5 or regulated in Section 6 of this Ordinance;

Section 5: Exemptions

The following are exempt from this prohibition:

- (A) Persons who burn charcoal or other combustible materials for domestic cooking outdoors in a grill or similar cooking equipment and subject to Section 6 (F) and (G). This exemption does not apply upon a declared public fire emergency by the State Department of Natural Resources;
- (B) Attended fires for the controlled burning of grass or similar vegetation, including brush for environmental management purposes subject to Section 6 (C),(D),(F), and (G);
- (C) Attended burning of brush or weeds on agricultural lands and burning of combustible material related to agricultural use subject to Section 6 (A),(C),(D),(E),(F) and (G);
- (D) Attended campfires or bonfires if they are in an area cleared of flammable material, with the fire area less than three feet in diameter or one square yard, and subject to Section 6 (A),(D),(E),(F), and (G); and
- (E) Attended fires in burn barrels or fire pits with protective screens designed to prevent flying sparks or ashes, and subject to the regulation in Section 6 (A),(B),(D),(E),(F) and (G).

Section 6: Regulations

The following regulations apply to Section 5 only as noted above.

- (A) Burning in a burn barrel or fire pit or platform must be done at least fifteen (15) within a property line excluding road right of way, and burning shall be done at least thirty (30) feet away from any building, fence, structure or other combustible material;
- (B) Burning shall be permitted only on even-numbered days and between one hour before sunrise and one hour after sunset or 7:00 PM which ever is later;
- (C) Persons must notify the fire department of their jurisdiction of any burning outside of a container such as a burn barrel, fire pit or platform;
- (D) Burning shall be done only when wind velocity does not exceed fifteen (15) miles per hour as recorded by the U.S. Weather Service, Madison, Wis. (With the exception of registered prairie fires); and when wind direction is such as will not carry smoke or soot into any adjoining building or to laundry hanging outside of the premises, and when it would not be

a source of annoyance by reason of smoke, fumes or odors to persons or property on or near the premises;

- (E) The burning of garbage or any other trash or materials not readily combustible is prohibited as required by Wisconsin Administrative Code NR 429.04);
- (F) No person shall fail to take action reasonably necessary to control any fire which he or she has set anywhere in the Town; and
- (G) No such fire shall be allowed to smolder for such a time as to become a nuisance.

Section 7: Penalties

Any person violating any of the provisions of this ordinance shall be punished by a forfeiture of not less than \$20 nor more than \$500, together with the costs of prosecution, for each such offense.

Section 8: Severability

The provisions of this ordinance are severable and the invalidity of any section or part thereof shall not render the entire ordinance invalid.

Section 9: Effective Date

This ordinance shall be effective upon passage and publication.

This ordinance is adopted by the Town Board of the Town of Dunn, Dane County, Wisconsin this the 19th day of July, 1994.

Posted: July 21, 1994

Edmond P. Minihan, Town Chairman

Attested: _____
Rosalind Gausman, Clerk Treasurer