

REVISED ORDINANCE NUMBER 3.01

AN ORDINANCE OF THE TOWN OF BLOOMING GROVE BURNING ORDINANCE

A REVISED ORDINANCE REGULATING OPEN FIRES AND BURNING WITHIN THE TOWN LIMITS OF THE TOWN OF BLOOMING GROVE; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

The Town Board of the Town of Blooming Grove, Dane County, Wisconsin, does ordain as follows:

Section 1. Establishment of Revised Ordinance

Short Title. This revised Ordinance shall be known as the "Burning Ordinance" [originally enacted on May 2, 1990, and thereafter partially repealed and otherwise amended on December 28, 1999].

Purpose. This Ordinance is revised to preserve and protect public health, safety and general welfare of the residents of the Town of Blooming Grove by prohibiting certain burning within the Town limits.

Section 2. Definitions

- (a) Blooming Grove Town Fire Department Approval. Approval shall mean written approval from the Fire Chief, Assistant Chief, or designee.
- (b) Ashes/Soot -- By products and residue from fire.
- (c) Brush Materials -- are plant materials, including:
 - 1. Cut Brush
 - 2. Cut Tree branches
- (d) Trash -- includes paper or any other non-toxic easily combustible material. Trash does not include the following;
 - 1. Newspapers
 - 2. Plastic
 - 3. Rubber
 - 4. Asphalt
 - 5. Flammable liquids
 - 6. Combustible liquids
 - 7. Oil soaked rags
 - 8. Aerosol cans
 - 9. Paint cans
 - 10. Construction materials

- (e) Daylight Hours -- shall consist of the hours from 6:00 a.m. to 9:00 p.m. during the summer months, and 6:00 a.m. to 5:00 p.m. during the winter months.
- (f) Residents -- include persons who live in the Town of Blooming Grove and businesses and entities within the Town of Blooming Grove.
- (g) Excluded Areas -- Residents are not permitted to burn brush materials or trash, or to set campfires in the following areas without consent of the Fire Chief:
 - 1. Gallagher Plat
 - 2. Gallagher Gardens
 - 3. April Hill
 - 4. Rambling Acres
- (h) Commercial, Business, and other Burning Prohibited. All burning on any commercial, business, or other property within the Town, except for residential, is hereby prohibited.
- (i) Trash Burning Device. A trash-burning device shall consist of fifty-five -- (55) gallon barrel constructed of heavy metal material. One end of the barrel shall be cut out. The barrel shall contain ventilation holes. Ventilation holes shall not be more than one quarter (1/4) inch in diameter and shall not be less than six (6) inches apart. Each ventilation hole shall be covered with metal screening so as to prevent the escape of sparks and burning material.

If a 55-gallon barrel is not available the following procedure may be used. An area cleared down to the bare soil of at least (10) ten feet in diameter and a minimum of (50) feet away from any and all structures. The material burned must be placed in the center of this area and be not larger than (5) five feet in diameter.

Section 3. General Procedures

- (a) Residents are only permitted to burn brush materials and trash that *originated* within the Town of Blooming Grove.
- (b) Residents are not permitted to burn brush materials and trash materials in excluded areas.
- (c) Residents are not permitted to burn any leaves anywhere in the Town.
- (d) Burning of brush materials and trash, and campfires and bonfires shall not be allowed within (50) fifty feet of any structure.
- (e) Burning of brush materials and trash, and campfires and bonfires shall be supervised at all times by an adult. The adult shall be present at all times during any and all burning.

- (f) Unsupervised burning is prohibited under all circumstances.
- (g) No person shall burn any material on any street, curb, road, highway, gutter or sidewalk.
- (h) Fire fighting tools, which are adequate to control the burning to be done, shall be present at the burning site. Examples of fire fighting tools are shovels, rakes and an adequate water supply.
- (i) No trash, brush, campfire or bonfire may be started using any flammable or combustible liquids.
- (j) Residents who have any questions regarding the burning of materials are requested to contact the Town of Blooming Grove Fire Department.
- (k) Residents are required to contact the Fire Department for approval prior to burning.

Section 4. Trash Burning Procedures

- (a) All procedures set forth in Section 3 shall apply to trash burning.
- (b) All trash shall be burned in a trash-burning device.
- (c) All trash burning devices must be approved by the Town of Blooming Grove Fire Chief or his designee prior to being used for the purpose of trash burning.
- (d) The ground under and around the trash-burning device must be cleared of all grass, leaves and other similar debris down to the bare soil.
- (e) The bare area of the soil should be ten (10) feet in diameter so that no fire will escape when trash is being burned.

Section 5. Campfire Procedures

Campfires are only permitted in approved campgrounds. The Town does not have any approved campgrounds.

Section 6. Cooking Fires

Fires are permitted for the cooking and smoking of food provided that such fires are confined to a barbecue grill, barbecue pit, smokehouse or other enclosure, and provided further that the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others living in the neighborhood. Furthermore, all fires must be completely extinguished after use. A permit is not needed for a cooking fire.

Section 7. Outdoor Fireplaces

Outdoor fireplaces are available through many local department stores. They must be used in accordance with all of the manufacturer's safety requirements and meet the following conditions. The fireplace must be an assembly that includes an bowl or pit for holding wood, a method of containing embers and sparks and supports to ensure clearance to combustibles. The fireplace must have a set of user instructions. Only dry wood is permitted. If anything other than dry wood is used the Fire Department will respond and extinguish the fire and a citation will be issued. The fireplace cannot be within twenty (20) feet of a building or lot line. The smoke cannot create a nuisance (i.e. for other properties, travel or the health of others). The fireplace cannot be used on a wood deck, porch or patio. A fire extinguisher, garden hose or other method of fire control must be readily available. The fireplace must be supervised by an adult at all times. The fire must be completely extinguished before the fireplace is left unattended. All spark screens must be in place. A permit is not needed for outdoor fireplaces.

Section 8. Clay Fireplaces

(Chimineas) are also permitted in the Town. They must meet all of the requirements listed above for outdoor fireplaces as well as the following: Must have a spark arrester on the flue and a spark screen to cover the opening. Do not use within 4 feet of any combustible materials or in high winds. A permit is not needed for clay fireplaces.

Section 9. Contractor Generated Fires

Fires for the heating of outdoor building sites are permitted provided such fires are confined to so called "salamander" heaters or similar devices. Outdoor fires are permitted when necessary to pursue a business or trade requiring the use of fire, including by the way of example, but not necessarily by way of limitation, the heating, boiling of tar, pitch, or oil or other substances when used by roofers, and other tradesmen.

Section 10. Exceptions and Special Circumstances

Open fires are permitted in the performance of an official duty by public Officer for fires necessary for one or more of the following reasons or purposes:

- A. For the prevention of a fire hazard which cannot be abated by other Means.
- B. For the instruction of public fire fighters or industrial commercial employees under proper supervision of a qualified instructor.
- C. For the protection of public health.
- D. For controlled disposal of refuse and debris as collected by or on behalf of the Town as a site owned or operated by the Town.

Special Circumstances. On the sole discretion of the Blooming Grove Fire Department when there exists a set of circumstances which lacks any other reasonable means of disposing of items which need to be disposed and not addressed here within; then, the Town of Blooming Grove Fire Department may issue a permit to burn.

Section 11. Burning Permit

No resident may conduct burning without first obtaining a burning permit. Burning permits shall be obtained through the Blooming Grove Fire Department and issued by the Fire Chief or his designee. The cost of a yearly burning permit is \$50.00 per address. The permit is effective from January 1 through December 31 of the year that it is issued. A copy of this ordinance must be attached to the burning permit and the permit holder must sign that he/she has received a copy of this ordinance. All proceeds from issuance of burning permits shall go to the Town of Blooming Grove Fire Department Cost Recovery Fund.

Section 12. Suspension of Burning Permits

The fire chief of the Town of Blooming Grove Fire Department has the right to prohibit any and all outdoor burning when atmospheric conditions or circumstances make such burning hazardous.

Section 13. Penalty

Anyone, who violates this ordinance, or who sets fires for the burning of brush materials, trash, bonfires or campfires, or any other combustibles and through negligence allows the fire to escape, shall be subject to a fine of not less than \$150.00 or not more than \$500.00 for each offense. Negligent parties shall incur all of the costs for fire control and extinguishment in addition to any fine imposed, and the burning permit will be revoked.

Section 14. State Law Also Applies

Nothing contained herein shall be deemed to limit or restrict the application of any State Law or Administrative regulation of any State Agency the subject of this ordinance.

Section 15. Severability

If any section, sentence, clause, or phrase of this Revised Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Revised Ordinance.

Section 16. Conflicting Ordinances and Amendments Superseded

Present Ordinance. On the effective date of the adoption of this Revised Ordinance, Ordinance Number 3.01 as originally adopted on May 2, 1990 and amended thereafter on December 28, 1999, is hereby repealed.

Conflicts. All other ordinances, amendments, or provisions thereof, which may be inconsistent or in conflict with this Revised Ordinance are hereby repealed.

Section 17. Effective Date

This ordinance shall take effect the day after its publication.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Blooming Grove at a regular meeting held on the day of December 9, 2003.