

ORDINANCE NO. _____
AN ORDINANCE CREATING CHAPTER 231 FIRE SAFETY
AND REPEALING SECTIONS 334-9, 334-11 AND 334-12
OF THE CODE OF ORDINANCES OF THE TOWN OF FULTON

WHEREAS, The Town Board of the Town of Fulton having determined that it is necessary and appropriate for reasons of public safety and environmental concerns to regulate outdoor and refuse burnings; and

WHEREAS, the Town Board of the Town of Fulton having determined that it is appropriate to repeal certain sections of the Code of Ordinances because their subject matter is more appropriately covered in other sections of the Code of Ordinances to be enacted or which have been enacted; and

WHEREAS, the Town Board having determined that it is appropriate to repeal, renumber and reenact certain sections of the Code of Ordinances in order to achieve a more logical placement of those sections in the Code of Ordinances;

NOW, THEREFORE, the Town Board of the Town of Fulton do hereby ordain as follows:

SECTION I: Chapter 231, Fire Safety, of the Code of Ordinances of the Town of Fulton is hereby created to read as follows:

**Chapter 231
FIRE SAFETY**

**ARTICLE I
Outdoor and Refuse Burning**

§ 231-1: PURPOSE

This Article is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Fulton, Rock County, Wisconsin due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

§ 231-2: APPLICABILITY

This Article applies to all outdoor burning and refuse burning within the Town of Fulton except as to the following:

- A. Grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances;
- B. Burning in a stove, furnace or fireplace or other heating device within a building used for human habitation or animal habitation unless the material being burned includes refuse as defined in Section 231-4.
- C. The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

§ 231-3: SEVERABILITY

Should any portion of this Article be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Article shall not be affected.

§ 231-4: DEFINITIONS

- A. "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
- B. "Clean Wood" means natural wood which 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.
- C. "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.
- D. "Fire Chief" means the Chief of the Edgerton Fire Protection District or other person authorized by the Fire Chief.
- E. "Outdoor Burning" or "Controlled Burns" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed chimney.
- F. "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
- G. "Refuse" means any waste material except clean wood.

§ 231-5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

Open burning, outdoor burning and refuse burning are prohibited in the Town of Fulton unless the burning is specifically permitted by this Article.

§ 231-6: 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, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Edgerton Fire Protection District will not issue a permit for

burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.

- A. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, pain or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- B. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 679, Wisconsin Administrative Code.
- C. Asphalt and products containing asphalt.
- D. 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.
- E. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.
- F. Rubber including tires and synthetic rubber-like products.
- G. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with Chapter 370, Article I except as provided in Sec. 231-10.

§ 231-7: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS

Open burning of leaves, weeds, brush, stumps, clean wood other vegetative debris is allowed only in accordance with the following provisions:

- A. All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in accordance with all local and state fire protection regulations.
- B. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
- C. Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.
- D. Unless explicitly allowed elsewhere in this ordinance, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.
- E. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this Article.

- F. Fires set for forest or wildlife habitat management are allowed with the approval of the Department of Natural Resources.
- G. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
- H. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with other provisions of this Article.
- I. Burning in emergency situations such as natural disasters is allowed if approved by the Department of Natural Resources.
- J. Open burning under this section shall be conducted only following issuance of and in accordance with a permit issued under Section 231-11.
- K. Except for campfires, open burning under this section shall only be conducted at a location at least 100 feet from the nearest building that is not on the same property.
- L. Except for campfires and permitted bonfires, open burning shall only be conducted from the hours of 6:00 a.m. to 7:00 p.m.
- M. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- N. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or body of water.
- O. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening exit access or exit unless authorized by the Fire Chief.

§ 231-8: BURN BARRELS

A burn barrel may be used in the Town of Fulton only in accordance with the following provisions:

- A. The burn barrel shall not be used to burn any of the prohibited materials listed in Section 231-6 and may only be used in accordance with the provisions of Section 231-7.
- B. The burn barrel shall be located at least 100 feet from the nearest building that is not on the same property as the burn barrel.
- C. The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.
- D. The burn barrel shall not serve a business.
- E. The burn barrel shall be a distance of at least 50 feet from any public road, street or highway right of way.

§ 231-9: FIRE DEPARTMENT PRACTICE BURNS

Notwithstanding Sections 231-5 and 231-6, the Edgerton Fire Protection District may burn a standing building if necessary for firefighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

§ 231-10: EXEMPTION FOR BURNING CERTAIN PAPERS

- A. Notwithstanding Section 231-6(G), paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.
- B. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.
- C. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
- D. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Section 231-7 (A) – (C), (F) and (K)-(O).

§ 231-11: BURNING PERMITS

- A. No person shall start or maintain any open burning without a burning permit issued by the Fire Chief.
- B. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this Article.
- C. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 231-12 shall obtain a burning permit before starting the fire. There is no fee for a burning permit.
- D. The owner or occupant of the property shall obtain an annual burning permit.
- E. When weather conditions warrant, the Fire Chief or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
- F. A burning permit issued under this section shall require compliance with all applicable provisions of this Article and any additional special restrictions deemed necessary to protect public health and safety.
- G. Any violation of this Article of the burning permit shall void the permit.
- H. There is no fee for each annual burning permit. An annual permit expires on **December 31st** of each calendar year. Permit applications can be obtained at the Edgerton Fire Protection District Station or on line at edgertonfire.com.

§ 231-12: LIABILITY

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

§ 231-13: RIGHT OF ENTRY AND INSPECTION.

The Fire Chief or any authorized officer, agent, employee or representative of the Edgerton Fire Protection District or the Town of Fulton who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Article. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with sections 66.0119, Wis. Stats.

§ 231-14: ENFORCEMENT AND PENALTIES

- A. The Fire Chief and the Town Chairman or their designee is authorized to enforce the provisions of this Article.
- B. The penalty for violation of any portion of this Article shall be a forfeiture of not less than twenty-five dollars (\$25) or more than two hundred fifty dollars (\$250) plus the cost of prosecution. Each day a violation exists or continues constitutes a separate offense. Penalties are doubled for second and subsequent offenses.

ARTICLE II Fire Safety Regulations

§ 231-25: HAZARDOUS MATERIAL

No person shall cause, allow or permit any person to manufacture, store or transport any hazardous material in the Town of Fulton in an improper manner or with an improper method to constitute a fire hazard or to cause a menace or danger to the public safety of persons or property in the Town of Fulton.

§ 231-26: FIREFIGHTER INTERFERENCE

No person shall cause, allow or permit any person to interfere with any firefighter in the Town of Fulton.

§ 231-27: PUBLIC NUISANCE

No person shall cause, allow or permit any person to create a public nuisance in the Town of Fulton by that person maintaining or allowing the maintenance of a fire hazard in the Town.

§ 231-28: FIREWORKS

No fireworks as defined in §167.10(1), Wis. Stats., shall be sold or possessed, with intent to sell, within the Town. For purposes of this section, possession of fireworks does not include the possession of fireworks in the Town while transporting the fireworks to a city, town, village or county where possession of the fireworks is authorized by permit or ordinance. Where fireworks are possessed within the Town for a period in excess of 12 consecutive hours, it shall be presumed that the fireworks are possessed with the intent to sell within the Town.

§ 231-29: COMBUSTIBLE MATERIALS

No person shall cause, allow or permit the storage of explosives, petroleum, gasoline, kerosene, chemicals, ashes, hazardous waste or other highly flammable materials in an improper or unsafe arrangement or in a manner to cause danger to persons or property in the Town of Fulton.

§ 231-30: REPORT OF FIRE

No person shall fail to report seeing a fire in the Town of Fulton where the fire is out of control unless the person knows that someone else has reported the fire to the local fire department.

§ 231-31: REPORT OF SPILL

Any person who shall cause, allow or permit any person to discharge, spill or leak hazardous materials, flammable liquids or combustible liquids in excess of five gallons in the Town of Fulton shall immediately report the discharge, spill or leak to the Edgerton Fire Protection District.

SECTION II. Section 334-9, Open Burning, of the Code of Ordinances of the Town of Fulton is hereby repealed.

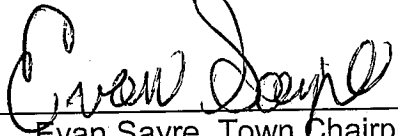
SECTION III. Section 334-11, Fireworks, of the Code of Ordinances of the Town of Fulton is hereby repealed.

SECTION IV. Section 334-12 of the Code of Ordinances of the Town of Fulton is hereby repealed.

SECTION V. This Ordinance shall take effect upon passage and publication as provided by law.

Approved by the Town Board of the Town of Fulton this 9 day of November, 2011.

TOWN OF FULTON

By: 
Evan Sayre, Town Chairperson

ATTEST:

By: 
Connie Zimmerman, Clerk/Treasurer

Date passed: 11-8-2011

Date published: 11-16-2011