

**TOWN OF LAFAYETTE
FIRES AND OPEN BURNING ORDINANCE
ORDINANCE NO. 96-7**

SECTION 1. OPEN BURNING.

This ordinance shall apply to all persons kindling or maintaining any open burning, or authorizing the kindling or maintaining of open burning, within the corporate limits of the Town of LaFayette. All persons kindling or maintaining any open burning shall take precautions to have the fire under control at all times. No fire or substantial amount of glowing embers shall be left unattended.

SECTION 2. AUTHORIZED HOURS FOR BURNING.

Burning shall be permitted between the hours of 3:30 p.m. to 11:59 p.m., Monday through Friday; and from 7:30 a.m. through 11:59 p.m. on Saturday. There shall be no open burning allowed on Sunday or holidays.

SECTION 3. PROHIBITIONS ON BURNING.

Outdoor burning shall be prohibited when local circumstances make the fire irritating, noxious, or potentially hazardous. Local circumstances include, but are not limited to thermal inversions, wind direction and/or velocity, ozone alerts, very dry conditions, or the issuance of a "Red Flag Day" by the Wisconsin Department of Natural Resources. Local circumstances shall be determined by the Chief of the Chippewa Fire Protection District or his/her designee.

SECTION 4. AUTHORIZED MATERIAL FOR BURNING.

Authorized materials for burning shall be limited to the following: Dried or dead natural plants, trees, crops, ground cover, or cuttings of the same; unpainted, unsealed, untreated lumber; clean, dry paper and paper products; dry, uncoated natural fabrics. **Open burning of all other materials, products, and substances is prohibited** unless a written permit is obtained from the Chippewa Fire Protection District and/or other governing agencies.

SECTION 5. PROHIBITED LOCATIONS FOR BURNING.

No person shall burn any material on the asphalt portion of any Town or County roadway, or within 250 feet of any commercial building.

SECTION 6. REQUIRED PERMITS.

A verbal permit shall be required for any open burning conducted outside the hours specified in Section 2. A written permit shall be required for any open burning of materials not authorized in Section 4. Such permits shall require the authorization of the designee. No permits shall be required for outdoor cooking, heating or campfires, or burning related to training for fire departments.

SECTION 7. BURN BARRELS.

Any outdoor container used for repeated burning of authorized materials shall be of non-combustible construction. It shall be equipped with a mesh, or similar, cover with openings of maximum 0.25-inch in any direction. It shall be located a safe distance away from any habitable structure, and shall not produce irritating or noxious smoke or fumes. Written permits, valid for 12 months, shall be required.

SECTION 8. PENALTY.

Any person violating any provisions of this ordinance shall, upon conviction, forfeit a sum of \$ 25.00 for the first conviction, \$ 75.00 for a second conviction, and \$ 250.00 for a third or subsequent conviction. The cost of the suppression of the fire shall be assessed to the person convicted of violating this ordinance, if damage from the fire extends beyond the property of fire origin.

SECTION 9. CITATION AUTHORITY.

Citation authority is hereby vested in the Chief of the Chippewa Fire Protection District or his/her designees, or the Town Constable.

SECTION 10. OTHER REGULATIONS.

Open burning shall also remain subject to the administrative rules of the Department of Natural Resources, the Department of Commerce, and other relevant state statutes.

The foregoing Ordinance was adopted at a regular meeting of the Town Board of the Town of LaFayette on October 7th, 1996.

Vote For: 5 Against: 0

David E. Staber, Chairperson

First Reading: September 16, 1996

Susann Lane, Supervisor

Second Reading: October 7, 1996

Howard Gibbs, Supervisor

David W. Hunt, Supervisor

Bruno R. Rahn, Jr., Supervisor

I certify that the foregoing ordinance was duly adopted by the Town Board of the Town of LaFayette on the 7th day of October, 1996; that the same was published as a Class 1 Notice, as defined by Chapter 985, Wisconsin Statutes, on the 14th day of October, 1996, and that copies thereof were posted in at least three (3) public places within the Town of LaFayette likely to give notice to the public.

Sandra Harvey, Town Clerk