

Dated: December 12, 2012

Subject: Burning Ordinances in Town of Sparta

The following is a recap of what exists in our book of Ordinances. These were adopted in 1997, and rarely if ever enforced. After discussions with the Rural Fire Dept and witness to several instances in 2012, we have decided to increase awareness. There is a possibility the Ordinances will be updated in 2013. For now, this is it.

#### Section 5.13

**HAZARDOUS MATERIALS FIRES.** (1) Every person using storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Wis. Adm. Code IND Chapter 8.

(2) Every person using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials, shall be liable to the Town for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar materials or equipment employed to extinguish, confine, neutralize, contain or clean up any such hazardous material which is involved in any fire or accidental spill or in the threat of any fire or accidental spill.

#### Section 9.14

##### **BURNING REGULATIONS. (1) Residential Districts**

The following regulations shall be applicable in all Residential districts.

- (a) **Trash Burning.** No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or any public or private ground with the Town within 25 feet of any building unless the same is confined within an outside fireplace or grill, metal or concrete incinerator, a wire refuse burner, basket or metal enclosure with a cover attached to prevent the escape of sparks and burning material. No garbage, wet paper, rubber, rags, plastics, oils, or other materials producing a foul smell shall be burned.
- (b) **Leaf Burning.** Leaves may be burned in the rear setback only from 8:00 AM to 6:00 PM and then only while attended continuously by an adult.
- (c) **Controlled Burning by the Fire Department.** Controlled burning by the Fire Department is permitted.

**(2) Nonresidential Districts.** In addition to burning permitted residential districts, as proved in Sub (1) above, burning is permitted in nonresidential districts on properties located 300 feet or more from a residential district, subject to the following:

(a) No person may kindle a large brush fire or other fire without first notifying the Fire Chief. This is done by calling Monroe County Sheriff Dispatch, non-emergency. In the event such notice is not given and the Fire Department is called, the property owner or person responsible shall be subject to the penalty provisions of this section.

(b) No fire shall be kindled before 7:00 AM or after 6:00 PM. All fires must be extinguished by 8:00 PM.

(c) All fires shall be continuously attended by a responsible person until extinguished.

(d) No fire shall be kindled or allowed to burn when wind speeds are in excess of 12 mph.

(e) During periods of dry weather, the Town Chairperson or the Fire Chief may declare a burning ban and, until such burning ban is terminated, it shall be unlawful to kindle any large brush fire or other fire permitted in this section.

(f) No fire shall be kindled on right of way normally maintained by the Town, the County, or the State.

(g) No Burning of garbage, rubber, materials emitting toxic fumes or substances, noxious odors or creating a health hazard: building materials, or waste materials and rubbish resulting from building construction, demolition or site clearing shall be allowed, with the exception of non-treated wood materials.

(3) Penalty. Any person who is convicted of violating any of the terms and provisions of this section shall be liable to the Town for all costs and expenses incurred in fighting or extinguishing such fire and, in addition thereto, shall forfeit not less than \$10 nor more than \$200, together with the costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs, together with subsequent costs, are paid. But not exceeding 10 days.