

**TOWN OF JEFFERSON
ORDINANCE 06-15B
AN ORDINANCE PROHIBITING SETTING OF
UNCONTAINED FIRES WITHIN THE TOWN OF JEFFERSON**

The Town Board of the Town of Jefferson, by this Ordinance, prohibits the setting of uncontained fires upon the land within the Town of Jefferson unless a no-fee burning permit is first obtained from the Town Board Chair or a Town Board Supervisor. This Ordinance also contains the process by which a burning permit is obtained, reference to prohibited materials to be burned, and the fines that will be assessed if a burning permit has not been obtained.

Section 1: It shall be unlawful for any person, private business, or public agency to set fire upon any land within the Town of Jefferson located in any area which the Town Board, a County Authority, or a Fire Department contracted within a district of the Town, has declared a “burning ban”: that is, a verbal or written notice prohibiting the setting of any fires within districts of/or within the Town of Jefferson.

Section 2: The setting of uncontained fires shall be unlawful unless a no-fee burning permit has been received from the Town Board Chair or a Town Board Supervisor. A burning permit is a *verbal* approval given to a person when they comply with the process in A. and B. of this Section.

- A. The Jefferson County Sheriff’s Department Dispatch Center is contacted by phone to report the intent to burn no less than one-hour before setting the fire.
- B. The Town Chair or a Town Supervisor is contacted by phone on the day of setting the fire, and is provided the address or location of the proposed setting of fire and the name of the individual(s) who will set and attend the fire, at least one hour before setting the fire. Phone messages will convey the intent of obtaining this burning permit when a call-back phone number is also contained within the message.
- C. The Town Chair or Town Supervisor will make an electronic copy of the request to the Town Clerk to record the burning permit.
- D. Burning permits will not be issued when a burn ban is in effect within a district or within the Town.

Section 3: Contained fires that are allowed within the Town include those set within cooking or grilling appliances, or those entirely confined by a control device or structure such as a barrel, fire ring, or fire-pit, and, those contained and used for the purpose of warming of persons, cooking of food, or destruction of confidential documents.

Section 4: No materials may be burned in a contained fire or with a Town burning permit unless they are allowable under NR Wis. Adm. Code and/or Wisconsin DNR permitting requirements. Materials that may not be burned include, but are not limited to; rubbish, waste oils, asphalt products, treated woods, plastics, rubber, and materials that must be recycled in accordance with Town of Jefferson Ordinance 66 with the exception of yard wastes. Small amounts of paper or cardboard used as starter fuel for a fire are allowed under this Ordinance.

Section 5: Controlled burns and back-burns, whether conducted by a property owner, private business, or a public agency shall comply with all Sections of this Ordinance.

Section 6: All allowed burning shall be conducted in a safe and pollution free manner when wind and weather conditions are such as to minimize adverse effects and prevent escape of the fire.

Section 7: A person, business, or public agency utilizing or maintaining a contained or permitted outdoor fire within the Town of Jefferson shall be responsible for attending the fire and shall be responsible for all fire suppression costs and any other liability resulting from damage caused by an escaped fire at the discretion of the Town Board if there are circumstances that allow the escape of the fire, such as the permit holder absent from the burn, setting the fire too close to combustible materials or structures, or other likely reasons for the escape of the fire. Additionally, any person, business, or agency that allows a fire under their control to escape, shall be liable as follows:

- A. If a contained or permitted fire, a forfeiture of Ten dollars (\$10.00).
- B. If an unpermitted fire, a forfeiture of One Hundred Dollars (\$100.00) in addition to the costs of suppression of the resulting fire.
- C. Or, as the forfeiture may be changed in the Town of Jefferson Annual Fee Schedule as adopted annually.

Section 8: Any person(s) who shall willfully and maliciously set a fire within the Town of Jefferson will be prosecuted in accordance with state, county, and/or other applicable jurisdictions of law.

Section 9: This Ordinance does not apply to Fire Department practice burns conducted in accordance with NR 502.11(2) (c) Wis. Adm. Code or outdoor wood-fired furnaces regulated under Town of Jefferson Ordinance 93. Other exceptions to this Ordinance may, or will be made in accordance with NR 429.04.

Section 10: This Ordinance repeals all previous ordinances related to the setting of fires within the Town of Jefferson and shall be in full force and effect upon publication by the Town Clerk of the Town of Jefferson as a Class 1 notice.