

TOWN OF HARMONY

CHAPTER 3 OF THE MUNICIPAL CODE OF THE TOWN OF HARMONY, WISCONSIN

FIRES, BURNING, AND FIRE PROTECTION

SECTION 1: PURPOSE

This Chapter is intended to promote the public health, safety, welfare, and comfort of the citizens of the Town of Harmony which may otherwise be harmed by the failure to properly maintain fires, and by air pollution and other hazards of open burning, outdoor burning, refuse burning, and outdoor furnaces.

SECTION 2: APPLICABILITY

This Chapter applies to all fires within the Town of Harmony, except that

- (1) This Chapter does not apply to grilling or cooking using charcoal, wood, propane, or natural gas in grilling or cooking appliances.
- (2) This Chapter does not apply to burning in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section 4 of this Chapter.
- (3) This Chapter does not apply to the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction, or maintenance activities.

SECTION 3: SEVERABILITY

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

SECTION 4: DEFINITIONS

For purposes of this Chapter, the following terms are defined:

- (1) “Campfire” means a small outdoor fire intended for recreation or cooking, not including a fire intended for disposal of waste, wood, or refuse.
- (2) “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.

- (3) “Confidential Papers” means printed material containing personal identification or financial information that the owner wishes to destroy.
 - (4) “Outdoor Burning” means open burning or burning in an outdoor wood-fired furnace.
 - (5) “Open Burning” 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.
 - (6) “Open Fire” means any fire which is not initiated in a burn barrel, fire ring, or other structure intended for the containment of a fire. The term includes, but is not limited to, fires initiated to burn grass and other ground cover and fires initiated to destroy a structure.
 - (7) “Outdoor Furnace” means a furnace located outside a structure and intended to be used to heat that structure.
- (Amended by Ordinance 060611B)
- (8) “Refuse” means any waste material except clean wood.

SECTION 5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

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

SECTION 6: MATERIALS THAT MAY NOT BE BURNED

Unless a specific written approval has been obtained from the Town Board of the Town of Harmony, the following materials may not be burned in an open fire, incinerator, burn barrel, stove, or any other indoor or outdoor incineration or heating device:

- (1) Rubbish or garbage, including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
- (2) Waste oil or other oily wastes, except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590 of the Wisconsin Administrative Code.
- (3) Asphalt and products containing asphalt.
- (4) 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.

- (5) Any plastic material, including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers.
- (6) Rubber, including tires and synthetic rubber-like products.
- (7) Newspaper, corrugated fiberboard (cardboard), container board, office paper, and other materials that must be recycled in accordance with the Mandatory Recycling Ordinance (Chapter 2), except as provided in Section 7 of this Chapter.

SECTION 7: EXEMPTION FOR BURNING CERTAIN PAPERS

- (1) Notwithstanding Section 6 of this Chapter, paper and cardboard products may be used as starter fuel for a fire that is otherwise allowed under this Chapter.
- (2) Small quantities of confidential papers from a residence may be burned if necessary to prevent theft of financial records, identification, or other confidential information.
- (3) Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

SECTION 8: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD, AND OTHER VEGETATIVE DEBRIS

Open burning, including the use of burn barrels, is permitted for the burning of leaves, weeds, brush, stumps, clean wood, or other vegetative debris, but only in accordance with the following provisions:

- (1) All open burning shall be 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 or railroads or for neighboring residences. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- (2) 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.
- (3) 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 or the fire department providing service to the Town.
- (4) Unless explicitly allowed elsewhere in this Chapter, a commercial enterprise, other than an agricultural or silvicultural operation, may conduct open burning only

at a facility approved by and in accordance with provisions established by the Department of Natural Resources.

- (5) Open burning of weeds or brush is allowed if conducted in accordance with other applicable provisions of this Chapter.
- (6) Fires set for forest, prairie, or wildlife habitat management are allowed with the approval of the Department of Natural Resources.
- (7) 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. All such outdoor campfires and small bonfires shall be conducted in a safe, nuisance-free manner, when wind and weather conditions are such as to minimize effects and not create a health hazard or a visibility hazard.
- (8) Burning of trees, limbs, stumps, brush, or weeds for clearing or maintenance of right-of-ways is allowed.
- (9) In emergency situations such as natural disasters, burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.
- (10) Open burning shall be constantly attended and supervised by a competent person of at least 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.
- (11) Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 25 feet of any combustible material, combustible wall or partition, exterior window opening, exit access, or exit.

SECTION 9: OUTDOOR FURNACES

Outdoor furnaces are not permitted in the Town of Harmony except as provided in this Section. An outdoor furnace may be installed and used in the Town of Harmony only in accordance with the following provisions:

- (1) Under no circumstances are outdoor furnaces permitted other than those that are wood-fired or corn-fired. Outdoor furnaces that burn other material are not permitted in the Town of Harmony, and outdoor furnaces shall not be used to burn other material.
- (2) Outdoor furnaces shall be installed and used only in areas zoned Agricultural District One (A-1), Transitional Agricultural District One (A-1a), Agricultural District Two (A-2), and Small Scale Agricultural District Three (A-3), and only

on parcels of land which are a minimum of 3 acres in size. This provision shall not apply to outdoor furnaces installed prior to March 16, 2006.

- (3) The outdoor furnace shall not be used to burn any of the prohibited material listed in Section 6 of this Chapter.
- (4) Outdoor furnaces shall be located at least 500 feet from the nearest residence which is not on the same parcel as the outdoor furnace unless the furnace was installed prior to March 16, 2006. No outdoor furnace installed prior to March 16, 2006, and located within 500 feet of the nearest residence which is not on the same parcel as the outdoor furnace, may be operated unless a conditional use permit permitting such operation is first given by the Planning and Zoning Committee under Chapter 1 of the Town of Harmony Municipal Code, the Zoning Ordinance.

(Amended by Ordinance 060611B)
- (5) The outdoor furnace shall have a chimney that extends at least 15 feet above the ground surface.
- (6) When the outdoor furnace is first installed, the owner of the furnace shall obtain a permit from the Zoning Officer in accordance with Section 10 of this Chapter. This provision shall not apply to outdoor furnaces installed prior to March 16, 2006.

SECTION 10: OUTDOOR FURNACE PERMITS

- (1) The owner or occupant of the property shall obtain a zoning permit and building permit for an outdoor furnace when the furnace is first installed. No outdoor furnace may be installed without obtaining such permits and paying the permit fees established by the Town Board. This Section shall not apply to outdoor furnaces installed prior to March 16, 2006, except that no such outdoor furnace installed before that date and located within 500 feet of the nearest residence which is not on the same parcel as the outdoor furnace may be operated unless a conditional use permit permitting such operation is the first obtained from the Planning and Zoning Committee under Chapter 1 of the Town of Harmony Municipal Code, the Zoning Ordinance.

(Amended by Ordinance 060611B)
- (2) A permit issued under this Section shall require compliance with all applicable provisions of this Chapter.
- (3) Installation of an outdoor furnace without first obtaining a permit shall be a violation of this Chapter.
- (4) Any violation of this Chapter shall void the permit.
- (5) An electrical permit and a plumbing permit must also be obtained, if otherwise required.

SECTION 11: UNLAWFUL INITIATION OF FIRES

No person or corporation shall initiate a fire within the Town of Harmony except in a manner which is lawful under the Statutes and Administrative Code of the State of Wisconsin. No person or corporation who initiates a fire or assists in the initiation of a fire on any land within the Town of Harmony shall willfully or negligently allow such fire to become out of control so as to require suppression of such fire by a fire department. No person or corporation shall initiate an open fire without first reporting that such fire will be initiated to the Rock County Communications Center or such other entity as is responsible for taking emergency calls for the Town of Harmony.

SECTION 12: LIABILITY FOR FIRE CALLS RESULTING FROM NONCOMPLIANCE WITH THIS CHAPTER

If any person or corporation initiates a fire in violation of this Chapter which results in a call to which a fire department responds, the owner of the property in which said fire is initiated shall be liable to the Town of Harmony for the fire call in the amount of \$500.00. The amount set forth herein may be changed upon resolution by the Town Board.

(Amended by Ordinance 050211)

SECTION 13: LIABILITY FOR FIRE CALLS RESULTING FROM MALFUNCTIONING FIRE ALARM

If any fire call is initiated as the result of a malfunctioning fire alarm, the owner of the property on which such fire alarm is located shall be liable to the Town of Harmony for the fire call in the amount of \$500.00. The amount set forth herein may be changed upon resolution by the Town Board.

(Amended by Ordinance 050211)

SECTION 14: LIABILITY FOR OTHER FIRE CALLS

The owner of the parcel to which the fire department is called as a result of a fire call shall be liable to the Town of Harmony in the amount of \$500.00. The amount set forth herein may be changed upon resolution by the Town Board. Liability under this section may be waived by the Town Board upon a showing by the owner of a substantial financial hardship.

(Amended by Ordinance 050211)

SECTION 15: BILLING AND PAYMENT PROCEDURE

The costs of fire calls to be assessed to owners of property under this Chapter shall be billed by the Town Clerk to the property owner and paid to the Town Treasurer within 60 days of the date the bill was mailed to the property owner. Failure to pay the bill within 60 days shall result in interest being charged at the rate of 1.5% per month from the date the bill was mailed. Those bills remaining outstanding, including interest, on November 1 of any year shall become a lien against the real estate involved and shall be placed on the

tax roll as a delinquent special charge pursuant to Section 66.0627 of the Wisconsin Statutes.

SECTION 16: PENALTY

Any person violating any provision of this Chapter shall forfeit not less than \$200 nor more than \$1000, together with the costs of prosecution. Each day that a violation continues shall constitute a separate violation. Any person who defaults upon payment of a forfeiture under this Chapter shall be imprisoned in the Rock County Jail until the forfeiture and costs are paid, with such imprisonment not to exceed 90 days.

(Chapter Created by Ordinances 120202 and 030606)