

**TOWN
Of
Eureka
Polk County, Wisconsin**

**OUTDOOR BURNING ORDINANCE FOR THE TOWN OF EUREKA
ORDINANCE 13-01**

SECTION 1: PURPOSE

This ordinance 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 Eureka due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

SECTION 2: AUTHORITY

Wisconsin Statute 26.13(3) authorizes the town board of any town located outside of a fire protection district to control the setting of fires in the said town.

SECTION 3: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

No person shall set any fire upon any land in the Town without a written permit, except for a recreational fire consisting of clean wood for warming the person or cooking food, burning barrels as referenced in Section 7 (4) of this ordinance and wood boiler/furnaces.

SECTION 4: RECREATIONAL FIRES

Recreational fires are only intended for warming the person or cooking food. Only clean wood can be burned and a recreational fire must be no larger than then five (5) feet in width and enclosed by a stone or metal border at least six (6) inches in height or recessed into the ground.

SECTION 5: PERMITS

Permits are required for all fires except for recreational fires, burning barrels and outdoor wood boiler/furnaces. Permits shall be obtained from a person or persons designated by the Town Board. When weather condition warrant, the Town Chair or Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.

SECTION 6: REQUIREMENTS

- 1) Before setting any fire, except a recreational fire, a burning permit shall be obtained from a person or persons designated by the Town Board.

SECTION 7: RESTRICTIONS

- 1) No fire shall be set when winds are above 10 mph with the exception of outdoor wood boilers/furnaces.
- 2) No burning in municipal dumps and landfills by unauthorized person or persons.
- 3) Burning barrels are not permitted in residentially and commercially zoned districts nor in recorded subdivisions. Burning barrels are permitted in other areas of the Town if properly screened and in compliance with this ordinance and Wisconsin Department of Natural Resources regulations.
- 4) Outdoor wood boilers/furnaces are required to have a spark screen.

SECTION 8: LIABILITY

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

SECTION 9: ENFORCEMENT AND PENALITIES

The Town Chairman and Supervisors are authorized to enforce the provision of this ordinance. The following civil forfeitures are as follows:

| | |
|----------------------|------------------------------------|
| First offense: | Warning letter |
| Second offense: | \$50 civil forfeiture |
| Subsequent offenses: | \$200 civil forfeiture per offense |

SECTION 10: EFFECTIVE DATE

This ordinance shall take effect from and after its passage and legal publication. This ordinance rescinds all previous burning ordinances/resolutions.

FOR THE TOWN OF EUREKA

Gene Krull, Chairperson

ATTEST:

Melody Jacobs, Town Clerk
Adopted: September 12, 2013
Published: October 10, 2013
Posted: October 2, 2013