

## Chapter 7

### Prohibiting and Regulating Fires and Burning

**Section 1: Authority.** This ordinance is adopted in accordance with provisions of Section 26.13, 60.23, 60.555 and 61.34( 1) and Ch. 66, Wis. Stats.

**Section 2: Purpose.** The provisions of this ordinance shall be construed to be minimum requirements adopted to promote the health, safety, comfort, property and general welfare of the Town of Tilden, County of Chippewa, Wisconsin with respect to public protection from burning and fires.

#### Section 3:

A. **Back Fire** - mean a fire which has been set as a means of controlling or extinguishing another fire, previously burning, by the combustion fo materials which may otherwise feed the existing fire

B. **Holiday** shall mean those holidays declared and observed by the Legislature of the State of Wisconsin.

C. **Incinerator** - mean a container, devise or vessel used for the partial or total destruction of combustible materials by means of burning.

D. **Land** - means real estate as described in a recorded deed or other instrument in the Chippewa County Register of Deeds as being in the ownership of a specific person or persons.

E. **Person** - any natural person, company, corporation, cooperative, partnership, other association or other entity

#### Section 4: Prohibition and Regulation.

A. Non Owned or non controlled land It shall be unlawful for any person not to completely extinguish a fire which that person has set or assisted in setting, including a back fire, on any land in the Town which that person does not own or otherwise control.

B. Owned or controlled land It shall be unlawful for any person not to completely extinguish a fire which that person has set or assisted in setting, including a back fire upon land in the Town which that person owns or controls

C. Permitted Burning with Permit: Hours of Permitted Burning It shall be unlawful for any person to set a fire or assist in the setting of a fire, without first obtaining a permit, as provided below. Only dry combustible materials may be burned. This includes trees,

brush, untreated/ unpainted wood, yard waste and clean paper products. Burning permits shall be issued by the Tilden Township Fire Department officers.

D. Sundays and Holidays - NO BURNING It shall be unlawful to set a fire or assist in the setting of a fire, including a back fire, including burn barrels or to otherwise burn on Sundays or Holidays.

E. Outdoor Fireplaces It shall be unlawful to use an outdoor fireplace as an incinerator.

F. Closed Burning Periods It shall be unlawful to set a fire or assist, in setting of a fire including a back fire, during any period specified by the Town Board pursuant to Section 26.13 (3)Wis.Stats.

G. Unattended Fires Prohibited It shall be unlawful for any person who has set a fire or assisted in the setting of a fire, including a back fire to leave the fire unattended without first totally extinguishing that fire.

H. Burn Barrels will be allowed but must be attended and barrel must be covered with a screen. No combustible material other than that described in (c) above, may be burned in a burn barrel. Burning in burn barrels is not allowed on Sundays or Holidays or during closed burning periods.

I. Escape of Fire Prohibited No person shall set a fire or assist another in the setting of a fire, whether on land which that person owns or controls or otherwise, which fire shall be allowed or permitted to escape to land other than that upon which it was set or which escapes to such land due to the lack or failure of the exercise of proper control by that person or persons.

**Section 5: Exemptions.** A Town of Tilden written burning permit is not required for a fire used primarily for:

- A. Warming the person, or
- B. Cooking food, or
- C. Burn barrels.

**Section 6: Wis. ADM. Code Ch. NR 429 Regarding Malodorous Emissions and Open Burning.** Is incorporated herein by reference, together with an amendments thereto which are not in conflict with or less restrictive than this ordinance and any future amendments hereto.

**Section 7: Penalty.** See chapter 2