

**OUTDOOR AREA BURNING ORDINANCE
TOWN OF JANESVILLE**

Ordinance No. 051003.1

SECTION 1: PURPOSE

- 1.00 Purpose.** This ordinance is intended to promote the safety of the citizens of the Town of Janesville with respect to outdoor area burning.

SECTION 2: APPLICABILITY

- 2.00 Applicability.** This ordinance applies only to outdoor area burning, as that term is defined herein below, within the Town of Janesville. This ordinance does not apply to wood burning stoves, burn barrels, refuse burning, burning of leaves, brush, wood and other vegetative debris, camp fires or any other burning which falls outside the definition of outdoor area burning.

SECTION 3: DEFINITIONS

3.00 Definitions.

- 3.1.** "Outdoor Area Burning" means a fire which is intended to burn in an area greater than 25 square feet, is intentionally set and which is intended to travel outward to seek its source of fuel. An example of outdoor area burning which this ordinance is intended to regulate is the burning of grass, weeds and vines where it is intended that the fire will travel to such items to burn them.
- 3.2.** "Other Burning" means burning intended to take place in an area of 25 square feet or smaller, and where materials to be burned are brought to the location of the fire.
- 3.3** "Town Fire Marshall" means a person appointed by the Town of Janesville Town Board to issue outdoor area burning permits. The Town Fire Marshall shall have the authority to grant or withhold permits and to issue any directives deemed necessary to ensure that outdoor area burning is done safely and without threat to the person(s) or property of the applicant or the applicant's neighbors.

SECTION 4: BURNING PERMIT

4.00 Burning Permit.

- 4.1** No person shall start or maintain any outdoor area burning without obtaining a permit from the Town Fire Marshall. A permit for outdoor area burning must be applied for at least one day prior to the day of burning and not more than four days prior to the day of burning.
- 4.2** Before issuing an outdoor area burning permit, the Town Fire Marshall will inspect the area to be burned and after considering all of the conditions then and there present, issue directives with respect to the proposed burning.
- 4.3** The Town Fire Marshall shall have the authority to withhold a burning permit whenever it is determined that the proposed burning and/or the conditions then present make the proposed burning unsafe.
- 4.4** If the person seeking the permit disagrees with the determination of the Town Fire Marshall or any directive set by the Town Fire Marshall, the applicant may appeal to the Town Board.
- 4.5** There shall be no fee for an outdoor area burning permit.

SECTION 5: LIABILITY

5.00 Liability. The person who applies for the outdoor area burning permit shall be responsible for any and all liability resulting from damage caused by the fire.

SECTION 6: RIGHT OF ENTRY AND INSPECTION

6.00 Right of Entry and Inspection. The Town Fire Marshall or any authorized officer, agent, employee or representative of the Town of Janesville who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance and any and all conditions set forth in the outdoor area burning permit. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Section 66.0119 of the Wisconsin Statutes.

SECTION 7: ENFORCEMENT AND PENALTY

7.00 Enforcement and Penalty.

7.1 The Town Fire Marshall and the Town Board are authorized to enforce the provisions of this ordinance.

7.2 The penalty for violation of any portion of this ordinance, including any directives issued by the Town Fire Marshall for the proposed burning shall be a forfeiture of not less than \$100.00, or more than \$500.00, plus the cost of prosecution. Penalties are doubled for the second and subsequent offenses.

SECTION 8: EFFECTIVE DATE

8.00 Effective Date. The effective date of this Ordinance shall be January 1, 2006.

TOWN OF JANESVILLE

By: /s/ Edward Marshall
Edward Marshall, Chairman

ATTEST:

/s/ Andrea Peabody
Andrea Peabody, Clerk

Date of Public Hearing: 12/5/05

Date Passed: 12/5/05

Date Published: 12/29/05