STATE OF WISCONSIN TOWN OF EAGLE WAUKESHA COUNTY

ORDINANCE NO. 09-03
AN ORDINANCE TO REPEAL ORDINANCE 01-08, AN ORDINANCE TO DELEGATE AUTHORITY TO ISSUE BURNING PERMITS AND TO REPEAL AND RECREATE ORDINANCE 92-04, AN ORDINANCE TO REGULATE FIRES

WHEREAS, it is deemed necessary in the interests of public safety and welfare, that setting fires in the Town of Eagle, Waukesha County, Wisconsin, be and is regulated pursuant to Wisconsin State Statute 26.13;

NOW THEREFORE the Town Board of the Town of Eagle do ordain as follows: The "Ordinance to Delegate Authority To Issue Burning Permits" is hereby repealed and the "Ordinance to Regulate Fires" is hereby repealed and recreated to read as follows:

RULES FOR OPEN BURNING

The following open burning shall be permitted without authorization from the Fire Chief:

1. Outdoor Cooking
2. Campfires
3. Burning in Covered Burn Barrels
4. Training for Fire Departments

10.02 Regulation of Fires.

1. Location of Fire. No fire shall be set within fifty (50) feet of a building or where there is immediate danger to a building because of a fire.
2. No burning shall take place after dark, except at the discretion of the Fire Chief or his/her designee.
3. Material. Outdoor burning is only allowed of grass, leaves, and brush. No outdoor burning is allowed at all, for any other material including, but not limited to rubbish, trash, plastic, rubber, leather, or construction material.
4. Maintain Watch. Persons are required to attend the fire at all times until the fire is extinguished.
5. Wind Speed. No fire may be started or maintained when the wind is greater than 10 miles per hour.
6. Notice. Persons shall notify adjacent neighbors that burning will take place.

7. Fire limits/bans. In cases of dryness, winds, or other circumstances which may endanger the public welfare and safety, the Fire Chief or designee may ban or limit fires.
8. With the exception of the Wisconsin Department of Natural Resources conducting prescribed burns on state owned land, if a prescribed or controlled fire in excess of one acre is to be conducted, the land owner or designee must notify the fire department and adjacent land owners in writing no less than one week before the proposed burn date, a written burn plan must be filed with the fire department and approved by the fire chief or his/her designee before burning commences. The prescribed burn will be monitored at all times until the fire is out. Burning will not commence if winds are in excess of 15 mph unless authorized by the Fire Chief or his/her designee. All other provisions of this ordinance will be in effect at all times.
9. Notice to be posted. Pursuant to Wisconsin State Statute 26.13(3), the Town Board shall cause notices to be posted in five or more public places in the Town, forbidding setting fires except in accordance with this ordinance.
10. Citation Issuance. Citations may be issued by the fire officer in charge or a deputy sheriff.
11. Penalties for Violation. Any person or property owner who does not comply with this ordinance shall, upon conviction, pay a forfeiture of not less than $25.00 and not more than $500.00 together with the costs and assessments, and in default of payment shall be imprisoned in the County Jail, Waukesha, Wisconsin, for a period of time not to exceed thirty (30) days.

Adopted on motion of Chairman Kwiatkowski, seconded by Supervisor Rasmussen on the 18th day of March 18, 2009.

Attest: Approved:

Lynn M. Pepper, Town Clerk Robert Kwiatkowski, Town Chairman

Ayes 5 Noes 0 Absent 0