

Chapter 32
BURNING, OUTDOOR

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HISTORY: Adopted by the Town Board of the Town of Troy 6-11-2001 by Ord. No. 01-01. Amendments noted where applicable.]

GENERAL REFERENCES

Citations – See Ch. 39

Fire Protection and Emergency Medical Service – See Ch. 58

§ 32-1. Authority; permit required; purpose. [1]

To protect the health, safety and welfare of the residents of the Town and their property and pursuant to Wis Stats § 60.555, such other provisions as apply and this chapter, every person shall apply for and receive a burning permit from the Town of Troy before any outdoor fire may be ignited in the Town of Troy unless specifically exempted in this chapter, .

§ 32-2. Application process.

A. Permit application shall be made on forms provided by the Town. Permits are issued only for the area designated as being subject to the burning permit. Permits are issued on an annual basis, and a separate permit shall be required for each different burn location.

B. Required application information shall include but not be limited to:

(1) Applicant name.

(2) Applicant address.

(3) All telephone numbers of the applicant.

(4) The specific location of the proposed burning area, road name and fire number.

C. A burning permit issued under this chapter is non-transferable non-assignable as to person or location. No person shall be issued a burning permit who fails to deliver to the Town Clerk/Treasurer a fully completed application containing all information required thereon.

§ 32-3. Issuance of permit.

A. An annual permit shall be issued for by calendar year, beginning January 1 (or date of issuance) and expiring on December 31. The permit shall be issued by the Town Clerk-Treasurer or designee prior to any person igniting an outdoor fire in the Town of Troy. Annual permit holders shall follow all procedures outlined in this chapter and on the permit form each time he/she wishes to ignite a fire.

B. There shall be no fee for the annual permit. No daily permits shall be issued.

§ 32-4. Exemptions.

The following activities are exempt from this permit requirement:

A. Burning materials that are contained and burned in a totally enclosed stove, furnace or incinerator expressly designed to heat a home or accessory building.

B. Burning charcoal or other combustible material for fuel for domestic cooking outdoors at a residence or in public parks, in devices intended and built or manufactured for that purpose. This exemption does not apply during a declared public fire emergency.

C. Burning small amounts of dry combustible rubbish in a burning barrel, in conformity with Wis. Adm. Code Ch. NR 429, the requirements of which shall be included in the application form. This exemption is limited to properties of 3 acres or larger and where burning barrels are placed a minimum of 150 feet from all property lines. This exemption does not apply during a declared public fire emergency.

D. Emergency fires used to warm the person or to cook food.

E. Fires set by a fire department for training, practice or fire-fighting purposes (back fires).

§ 32-5. Materials Permitted to be burned.

Materials, which may be burned with a permit, include charcoal, brush, wood, non-treated lumber, unpainted lumber, paper, leaves and corrugated cardboard. Materials not to be burned under any circumstances include wet or combustible rubbish, garbage, oily substances, asphalt, plastic, rubber products and treated or painted lumber.

§ 32-6. Duties of permit holder.

A. Notice to County Dispatch. On the day of the permit holder intends to burn and prior to burning, the permit holder shall call the St. Croix County Communication (Dispatch) Center. The permit holder shall provide whatever information is requested, including his/her name, the burn location and telephone numbers. The permit holder may then burn on that day, unless instructed otherwise by the County. The permit holder shall follow this procedure on each day the permit holder wishes to burn. Residents near the Pierce — St. Croix border should also inform the Pierce County Sheriff that they have informed St. Croix County of the burn.

B. When a permit holder calls the St. Croix County Communication Center, the permit holder will be advised if a burning ban is in effect. There shall be no igniting of any fires anywhere outdoors in the Town of Troy on days declared as emergency fire days where burning has been prohibited by the fire department serving the area in which the proposed burn is located or by the Department of Natural Resources.

C. A permit holder shall immediately report to emergency services any fire on permitted premises in the Town of Troy that is out of control.

D. The permit holder is responsible for management, containment and supervision of a properly permitted fire at all times.

E. The permit holder is responsible for adequate fire protection and fire prevention activities at the requested or permitted burning location.

F. Install or maintain adequate fire safety equipment during the requested or permitted use.

G. The permit holder shall ignite and maintain only one fire at a time.

H. The permit holder shall not leave any fire unattended.

I. While burning, the permit holder must be able to answer the phone for the burn location using the phone number provided to St Croix County.

§ 32-7. Revocation of permit.

The Town Board or its designated representative may revoke a burning permit at any time, and no person shall be reissued a burning permit in the Town of Troy if a permit holder fails to:

- A. Abide by the § 32-5 Duties of permit holder or any other provision of this chapter.
- B. Prevent burning activities not authorized by permit at the permitted burning location.
- C. Prevent, at or near the permitted burning location, the burning in or of an area greater than three feet in diameter and located within 15 feet of any property line without the express, advance permission of the adjacent landowner.
- D. Allow access to any location for which a permit has been requested or issued by a member of the Town Board, or designee for inspection purposes.

§ 32-8. Violations and penalties.

- A. Any person violating any provision of this chapter or knowingly aiding or abetting another in the violation thereof shall, upon conviction, pay a forfeiture as set by the Town Board. The amount of forfeiture and costs shall be as set forth in Chapter 39, Citations, of this Code. Each day in violation of this chapter constitutes a separate offense. "Costs" shall include the actual costs of prosecution and the cost of any fire call not paid directly to the fire department by the permit holder.
- B. If a member of the Town Board or designee finds any individual burning without a permit, the individual shall immediately extinguish the fire until a permit has been obtained, and it is a violation of this ordinance for such individual to fail or refuse to do so after being so instructed by a representative of the Town.

§ 32-9. Severability.

A judicial determination that any portion of this article is invalid shall not invalidate the entire article but only the portion identified by the court. Any such determination of invalidity shall not operate retroactively.

Revisions approved by the Troy Town Board on March 13, 2008.

Ray Knapp, Town Chair date

Attest:

Sharon Provos, Town Clerk/Treasurer date

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[1]. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).