

OPEN/OUTDOOR BURNING ORDINANCE/PERMITS

Section I. Title/Purpose. This Ordinance is entitled "Open/Outdoor Burning Ordinance." The purpose of this ordinance is as follows:

To promote the safety, health and general welfare by regulating burning in the Town of Shelby and establishing permit guidelines.

Section II. Adoption of Ordinance. The Town Board of the Town of Shelby hereby adopts the following:

- A. Incineration or open burning without a permit in the Town of Shelby is hereby prohibited. Burning barrels, refuse barrels, and the burning of any material other than brush and unpainted clean wood is not allowed. Any outside burning requires a permit.
- B. Nothing in this Ordinance shall limit the responsibility or liability of a person for burning anywhere in the Town of Shelby, or for burning in forest, marsh or fields areas as defined, regulated or prohibited by Chapter 26, Wis. Stats., nor serve to effect the liability of persons permitting the fire to escape from their control as further provided in Section 26.14, Wis. Stats.

Section III. Permits. Permits for open burning may be obtained from the Town for the following purposes:

- A. A Burning Permit is required for the burning of brush and bonfires. This permit limits open burning to a specific location for a limited time period, and the permit holder is required to call the Non-Emergency Number at the La Crosse County dispatch center before the fire is started and again when it has been extinguished. All conditions placed on a permit by the Town shall be followed or it is a violation of this ordinance. The burning permit must be obtained in advance and in writing.
- B. A Fire Ring Permit is required for fires in designated fire rings. Fire rings are to be less than three (3) feet in diameter with flames not to exceed four (4) feet in height. Fire rings are to be a minimum of ten (10) feet from any structure or combustible material. Fire ring permits, once issued, do not expire unless the location of the fire ring changes or the owner of the residence changes.
- C. Fire ring permits are not required for camp fires in the Goose Island County Campground.

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D. A permit is not required for charcoal or gas grills.

E. Permit holders shall be liable for the cost of dispatching the Fire Department and all other costs, including fire suppression in the event the fire becomes out of control and the Fire Department responds or the fire is larger than allowed under this ordinance and the Fire Department responds.

F. Permit holders shall not be allowed to burn during a period when a "Burning Ban" is in effect. Persons burning at those times shall constitute a violation of this ordinance and will also be liable for costs associated with dispatching the Fire Department, if applicable, and other fire suppression costs.

Section IV. Enforcement and Penalties. Any person violating any provision of this Ordinance shall be subject to a forfeiture of One Hundred Fifty Dollars (\$150.00), plus the cost of dispatching the department, plus all costs of fire suppression. The Town Board shall establish the current cost of dispatching the department.

Section V. Severability. The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section VI. Effective Date. This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the Town of Shelby that are or may be in conflict therewith.

Date passed: 1-13-2014

Timothy L. Candahl
Timothy L. Candahl, Town Chair

Timothy D. Ehler
Timothy D. Ehler, Town Supervisor

Joyce R. Wichelt
Joyce R. Wichelt, Town Supervisor

ATTEST:

Catherine Onsager
Catherine Onsager, Town Clerk