

ORDINANCE 2023-09-01

FIRE AND TRASH BURNING ORDINANCE

AN ORDINANCE REGULATING FIRES AND TRASH BURNING WITHIN THE TOWN OF RUTLAND. THE TOWN BOARD OF THE TOWN OF RUTLAND, DANE COUNTY, WISCONSIN, DOES ORDAIN

1. THAT FIRE AND TRASH BURNING ORDINANCE 83-12, IS HEREBY REPEALED, AND
2. THAT ORDINANCE 2023-09-01 ENTITLED "FIRE AND TRASH BURNING ORDINANCE" BE AND THE SAME IS HEREBY CREATED TO READ AS FOLLOWS:

FIRE AND TRASH BURNING ORDINANCE

1. 1.01 General Prohibitions.

1. (1) Except as provided in Section 1.02 of this ordinance, it shall be unlawful for any person to kindle, to cause to be kindled, or to permit the kindling of any fire upon, any land within the Town of Rutland.

(2) No person shall kindle a fire during a burning ban issued by any of the three fire districts serving the Town of Rutland: Stoughton, Oregon and Brooklyn; or if the current fire conditions for Rutland and/or Dane County are in the DNR's High or Extreme Danger category. It is your responsibility to check the Fire Conditions map at <https://apps.dnr.wi.gov/wisburn/#/FireDanger>, or call 1-888-WIS-BURN (947-2876). This prohibition overrides the exemptions listed in section 1.02, including notifying your fire district.

(3) No person shall handle burning material in a negligent manner. Burning material is handled in a negligent manner if, under the circumstances, the person knows or should know that his or her act or failure to act may cause damage to another's property.

2. 1.02 Exceptions.

1. (1) A fire may be kindled within the Town of Rutland notwithstanding the prohibition of Section 1.01 of this ordinance:
 1. (A) Where the sole purpose of the fire is to heat any building or to cook food and the fire is confined to a furnace, burner, stove or other enclosure to prevent its escape, and the appliance is approved by the Residential or Commercial Building or Mechanical code.
 2. (B) Where the fire is confined to a metal barrel, trash can, incinerator, or other closed non-flammable container which has a heavy wire screen or cover attached to prevent the escape of any

fire, sparks, embers or other material, and is under the control and care of the person who kindled it.

3. (C) Where notification has been made to the Fire Department which services the area in which the fire is kindled of their intent to burn and the fire is under the constant control and attention of the person to whom the permit is issued until extinguished. A burning permit shall not exempt the holder from payment of any charges imposed by Section 1.03 of this ordinance if the services of any fire department are necessary to contain, suppress, or extinguish the fire. See map to find your fire district.

(2) Neither this section nor any burning permit issued pursuant to this section shall be construed to allow any burning which is prohibited by any statute or administrative regulation.

3. 1.03 Charges for Fire Suppression.

The services rendered by any fire department to investigate, contain, suppress, or extinguish any fire which is kindled, controlled, or handled in violation of this ordinance may be charged to the property served at a rate of \$350.00 (Aug. 2023) for the first hour or portion thereof with \$250.00 (Aug. 2023) the charge for every succeeding hour portion thereof. Such special charge shall be due and payable within thirty (30) days of the date upon which the bill for services is sent to the property owner by regular U.S. mail. If it is not paid within such period, the delinquent charges shall become a lien on the property against which it is levied as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax.

4. 1.04 Penalty.

Any person who violates any provision of this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$1000.00 plus costs and any penalty assessment which may be applicable under Section 165.87, Wis. Stats.

5. 1.05 Effective Date.

This ordinance shall take effect on the day after it has been published or the day after proof of posting has been filed and recorded by the Town Clerk, whichever is earlier.

This ordinance was adopted by the Town Board of the Town of Rutland at a regular meeting on the 6TH day of September, 2023.

KENT KNUTSON

Kent Knutson Town Chairman

DAWN GEORGE

Dawn George, Town Clerk