

TOWN OF NEWTON
BURNING ORDINANCE #112895

On March 12, 1986 the Town Board of the Town of Newton passed a Resolution which establishes a Town Burning Ordinance to be hereafter known and referred to as Town Ordinance #31286. This Ordinance #112895 replaces said Ordinance #31286.

WHEREAS, Section 26.13(3) of the Wisconsin Statutes states: "Whenever the Town Board of any Township deems it imprudent to set fires upon any land within the Townships, they shall post or cause to be posted in five public places in the Township, notices forbidding the setting of fires therein, and after the posting of such notices no person shall set fire upon any land in said Town except for warming the person or cooking food, until written permission has been received from one of the Fire Wardens of said Town."

WHEREAS, the escape of forest, brush or grass fires is a threat to human life, property and a heavy expense to the taxpayers and Township to control.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Newton that no person shall set fire upon any land in said town without a written burning permit, except for warming the person or cooking food.

BE IT FURTHER RESOLVED, that any person setting a fire shall comply with the following requirements:

1. Before setting any fire, a burning permit shall be obtained from a person or persons designated by the Town Board.
2. No permit shall be required to burn rubbish in a barrel, trash can or other enclosed burner if a heavy screen or cover is used to prevent burning material or embers from blowing out.
3. Any fire allowed without a permit under Wisconsin Statutes 26.13(3) shall be contained in an earthen pit or other iron-non-combustible containment at least 4" deep and not more than 5' in diameter. Burnable materials shall be entirely inside above containment and shall not be piled more than 3' high.
4. Any fire allowed by permit shall be burned down to a point where only glowing embers remain at sunset.
5. No permits will be issued for Sundays or holidays except by permission of the Fire Department.

6. Except as otherwise provided, any person who shall violate any of the provisions of this Ordinance shall, upon conviction of such violation, be subject to a penalty which shall be as follows:

(a) First Offense. Documented warning by Town Official.

(b) Second Offense. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit the sum of \$25.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 30 days.

(b) Third and Continued Offense. Any person found guilty of violating any ordinance or part of an ordinance of this code who has previously been convicted of a violation of the same ordinance shall pay \$100.00 for the third offense and double the amount every time thereafter. Together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.

7. No burning in the Town Dump by unauthorized person or persons.

This order becomes effective upon the posting of Special Fire Warning Notices fp-25 and shall continue in effect.

Dated this 28th day of November, 1995.

Passed by the Town board of Newton

Filed this 28th day of November, 1995 this 28th day of November, 1995.

Kevin Behnke, Chairman

Barbara Pankratz, Town Clerk

Norman Stuckman, Supervisor

Leroy E. Waack, Supervisor

