

STATE OF WISCONSIN : TOWN OF LISBON : WAUKESHA COUNTY

THE TOWN BOARD OF THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

34.24 BURNING PERMITS

(a) Burning of Certain Materials Prohibited.

It shall be unlawful for any person to burn in an outdoor residential incinerator or open burning any garbage, trash, rubber or rubber products, asphaltic type materials or any other such related materials which create, by such burning, a smoke or odor nuisance. Garbage, as the term is used herein, is defined as putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food. Trash, as used herein, is defined as human or animal excrement, animal remains or offal, petroleum products, vegetable products, mineral products and metal pressurized containers.

(b) Burning or the disposal of ash residue shall not be permitted on or within any improved street, drainage ditch, parkway, public place or right-of-way.

(c) No fire shall be conducted or permitted which results in smoke to be spread beyond the property lines that are offensive to neighboring property owners or to create a nuisance for others. If the smoke or heat created by such burning is an annoyance or causes discomfort to the neighborhood or traveling public it shall be ordered extinguished upon complaint.

(d) A Burning permit is required for all burning. No person shall set fire to any grass, leaves, field, brush, or similar combustible material except as otherwise provided herein, without first obtaining a permit from the Town Clerk. Such permit shall state the name and address of the person applying for the permit. The term of such a permit shall be for a period not to exceed one year. The permit shall be effective provided the permit holder complies with all of the requirements of the Fire Department with respect to the setting, control and extinguishment of the fire.

(e) Fires Other than campfires/bonfires/open field burning/large amounts of trees, stumps construction waste or clearing of land/ structures

A permit issued under subsection (d) shall authorize burning only during the hours from sunrise to sunset, subject to the following conditions:

(1) The size of the pile of materials to be burned shall not exceed four feet, by four feet, by three feet high, unless a larger size is authorized by the Fire Chief.

(2) The pile of materials being burned shall be at least fifty feet from any structure, wood or lumber pile, wooden fence, trees or bushes, and provisions shall be made to prevent the fire from spreading to within fifty feet of such items.

(3) Fuel for open burning shall consist of dry materials only and shall not be ignited with flammable or combustible liquids.

(4) Materials for open burning may not include rubbish, garbage, trash, any material made of, or coated with, rubber, plastic, leather or petroleum based materials and may not contain any flammable or combustible liquids.

(5) The burning of materials pursuant to a permit issued under the terms of subsection (d) shall constantly be attended and supervised by a competent person at least sixteen years of age until such fire is extinguished. This person shall have readily accessible a garden hose, having the capability to disburse water as set forth in subsection (i) 2.

(6) Notwithstanding the issuance of a permit, no burning shall be permitted when the wind velocity exceeds nine miles per hour or local circumstances make the fires potentially hazardous. Local circumstances including, but are not limited to: thermal inversions, ozone alerts and very dry conditions.

(f) Campfires

A permit issued pursuant to subsection (d) shall authorize campfires, subject to conditions of subsection (e) and also the following conditions:

(1) The property owner on whose property the campfire is located has consented to the activity.

(2) The base of the fire must contain stones, block, brick, a steel ring, or similar fire retardant materials and composition.

(3) The size of the fire cannot exceed two feet, by two feet, by two feet.

(4) The fire is not allowed to burn between the hours of 12:00 am (midnight) and continuing through sunrise the following morning.

(g) Residential Incinerators.

(1) Outside burning shall be permitted using an incinerator which shall be metal container or masonry product built or fabricated so as to be completely enclosed, except having a top opening for loading, and a lower opening for draft control. Such openings shall be covered with a metal screen of mesh, opening not greater than one-half inch. Such residential incinerator shall be located at a distance of at least twenty five feet from any structure, and shall have all grass and other flammable material cleared away from its base for a distance of three feet from all exterior surfaces of the incinerator.

(2) No burning in a residential incinerator shall be permitted between the hours beginning after sunset, and continuing through sunrise of the following morning.

(h) Bonfires/ Open Field Burning/ Large Amounts of Trees, Stumps, Construction Waste, Clearing of Lands/ Structures

All fires in this category shall be subject to a one time permit issued by the Town Clerk and approved by the Fire Department. Conditions of burning will be addressed per each request. This permit will be subject to a fee set by the Town Board.

(i) Additional Conditions and Qualifications.

Fires and/or burning is permitted in subsection (e),(f) and (g) shall be subject to the following conditions and qualifications:

(1) Emergency Regulations.

Whenever, because of extreme dryness or drought, the Town Board and/or Fire Chief shall deem it imprudent to set fires upon any land within the town, it shall by proclamation, declare an emergency and cause to be published in a newspaper of general circulation in the town a notice forbidding the setting of fires within the Town of Lisbon and after the publishing of such notice, no person shall set any fires until the expiration of such emergency.

(2) Service by Fire Department.

In the event that any fire which has been set, either under a permit issued or without a permit, requires service of the Town Fire Department to control the same, the person causing such fire to be set shall be liable to the town for all costs and expenses incurred in connection with the fire run by the town and shall pay the same upon written notice from the Town clerk as to the amount thereof. In the event such invoice is not paid within thirty days after notice from the Town Clerk the amount thereof shall be placed on the tax roll and assessed against the real estate upon which the fire was set and collected by the town at the next succeeding tax collection. The term "person" as used in this section shall include the owner and any person in possession of any real estate upon which a fire is set. In the event a permit has been issued, the term "person" shall mean the individual who has applied for the burning permit. Any person may appeal to the Town Board for a review of the amount of any invoice issued under the terms of this paragraph. Such appeal shall be in writing, and shall be filed with the Town Board within thirty days after the date of the invoice. An appeal so filed shall stay the enforcement of the invoice until after a hearing with respect to the amount of the invoice is conducted by the Town Board. In all events, the hearing shall be conducted within sixty days of the receipt of the appeal.

(3) The burning activity must be continuously supervised by an adult property owner or occupant of the property.

(4) An operable garden hose must be present at the site which will provide a flow rate of five gallons per minute and a nozzle capable of spraying ten feet, within a radius of seventy-five feet around the fire or burning activity; provided, however, that this provision shall not apply if the fire or burning of materials is more than 200 feet from any structure.

(5) Burning shall be permitted only when winds do not exceed nine miles per hour as reported by the National Weather Service during the entire period of burning.

(6) No asphalt shall be burned under any circumstances.

(7) No gasoline, fuel oil, solvents, or other accelerants shall be used for ignition or at any time during the burning process.

(8) Open burning or burning of materials in containers shall cease immediately upon order of any law enforcement official of the Town of Lisbon, or order of the Chief of the Lisbon Fire Department, or designated representative.

(j) The following are exempt from the provisions of this section:

(1) Grills and outdoor fireplaces for food preparation

(2) Fires set for training or instruction of firefighters or testing fire equipment

(k) Any person who shall violate any provisions of this section or any regulation made hereunder shall be issued a citation with the forfeitures set by the Town Board

34.16 POLICE POWER OF DEPARTMENT

(a) The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to any fire.

(b) The Fire Chief or the officer in charge at any fire may prescribe certain limits in the vicinity of any fire within which no person except a fireman and policeman and those admitted by order of any officer of the department shall be permitted to come. The Chief or officer in charge at any fire occurring in the Town of Lisbon may cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjacent property. During the progress of any fire he may order the removal or destruction of any property necessary to prevent the further spread of the fire. He shall cause the removal of all wires or other facilities may turn off all electricity or other services where the same impedes the work of the department during the progress of the fire.

(c) Fire Department personnel, while in an emergency situation, may enter adjacent property.

Any fireman, which acting under the direction of the Fire chief, or other officer in command, may enter upon the premises adjacent to, or in the vicinity of, any building or other property then on fire for the purpose of extinguishing such fire, and if any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting fireman in the discharge of their duty.

(d) Duties of Bystanders to Assist.

Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer may cause the arrest of any person or persons refusing to obey said orders per state statue.

(e) False Alarms.

No person shall give a false alarm to any public official or employee, whether by means of a fire alarm or otherwise; nor shall any person interfere with the proper functioning of a fire alarm system; nor shall any person interfere with the lawful efforts of firemen to extinguish a fire.

(f) Police Power of Fire Department.

(1) Authority at Fires.

The Chief and assistants in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Fire Department may cause the arrest of any person failing to give the right of way to the Fire Department in responding to any fire.

(2) Removal of Property.

The powers and duties vested in the Chief or officer in charge of a fire as provided herein shall be limited to such fires that occur in the Town of Lisbon and shall not include fires outside the Town of Lisbon to which the Fire Department has responded by virtue of a mutual aid agreement.

41.18 NEGLIGENT HANDLING OF BURNING MATERIAL (SS.941.10)

Whoever handles burning materials in a highly negligent manner, or burning material is handled in a highly negligent manner if handled with criminal negligence, under circumstances in which the person should realize that a substantial risk and unreasonable risk of serious damage to another's property is created.