

957 Menomonee Falls fire department may order the required actions to be taken by
958 public or private resources and allow the recovery of any and all costs incurred by
959 the village under subsection (d) of this section.

960 (c)

961 *Site access.* Access to any site, public or private, where a prohibited discharge is
962 indicated or suspected, will be provided to members of the fire department for the
963 purpose of evaluating the threat to the public and monitor containment, cleanup
964 and restoration activities.

965 (d)

966 *Civil liability.* Any person in violation of this section shall be liable to the village
967 for any expenses incurred by the village for any expense, loss or damage
968 sustained by either the village of Menomonee Falls or Lannon by reason of such
969 violation.

970 **Secs. 38-149—38-165. - Reserved.**

971

972 **Division 5- Open Burning**

973 **Sec. 38-166. – Open Burning.**

974 (a)

975 Except as provided in subsection (b) of this section, all persons shall obtain
976 written authorization from the Menomonee Falls fire department before kindling
977 or maintaining any open burning or authorizing the kindling or maintaining of any
978 open burning within the limits of the village of Lannon.

979 (b)

980 The following open burning shall be permitted without authorization from the
981 Menomonee Falls fire department chief, provided such burning does not cause
982 smoke that would otherwise constitute a public or private nuisance:

983 (1)

984 Outdoor cooking shall be defined as follows:

985 Outdoor cooking exception only applies to outdoor cooking apparatuses
986 used exclusively for the cooking of food. Outdoor cooking apparatus is
987 defined as charcoal grill, gas grill, smoker, camping stove or similar
988 apparatus designed exclusively for cooking food.

989 (2)

990 Campfires with the owner's permission. Campfires shall comply with the
991 following requirements: Must only be comprised exclusively of dry,
992 untreated and unpainted clean wood. The use of any other materials,

993 including, but not limited to leaves, brush, or trash are not permitted under
994 the campfire exception. The size of a campfire shall not exceed four feet
995 by four feet by three feet in height.

996
997 (c) *Permission required.* No person shall kindle or maintain any fire or authorize
998 any fire to be kindled or maintained, except as provided in subsection (b)
999 above, without permission.

1000 (1) Permission can be obtained by calling 262-532-8899 on the day a person
1001 wishes to burn.

1002 a. Callers must provide their:

1003 1.Name;

1004 2.Address;

1005 3.Type of material to be burned.

1006 (d) *Location restricted.* Except as provided in subsection (m)(5) below, no person
1007 shall kindle or maintain any fire or authorize any such fire to be kindled or
1008 maintained on private land unless the location of the fire is at least 50 feet
1009 from any structure and adequate provision is made to prevent fire from
1010 spreading to within 50 feet of any structure.

1011 (1) Such burning and disposal of ash residue shall not be permitted on or
1012 within any improved street, drainage ditch, alley, parkway, public place or
1013 public right-of-way.

1014 (e) *Maintaining control.* A means of controlling and extinguishing the fire must
1015 be available and readily accessible prior to igniting the fire

1016 (f) *Materials restricted.* Materials for open burning may not include rubbish,
1017 garbage, trash and material made or coated with rubber, plastic, leather or
1018 petroleum based products and may not contain any flammable or
1019 combustible liquids.

1020 (g) *Attendance of open fires.* A competent person of legal age shall constantly
1021 attend open fires until such fire is extinguished. This person shall have a
1022 garden hose connected to a water supply or other fire extinguishing
1023 equipment readily available for use.

1024 (h) *Chief may prohibit.* The chief of the fire department may prohibit any and all
1025 burning when atmospheric conditions or local circumstances make such fires
1026 hazardous.

- 1027 (i) *Special permission.* The chief of the fire department may issue written
 1028 permits for fires otherwise prohibited by this section and may impose such
 1029 additional conditions and requirements as deemed necessary for the public
 1030 safety and welfare.
- 1031 (j) *Exceptions.* Permits shall not be required for burning under the following
 1032 circumstances:
- 1033 (1) Fires for cooking in grill type appliances.
- 1034 (2) Fires set for practice and instructions of firefighters or testing of
 1035 firefighting equipment.
- 1036 (3) Fires used for the purpose of removing frost from the ground by public
 1037 utility corporations, cemeteries or building contractors.
- 1038 (k) *Nuisance or safety hazard.* If the smoke or heat created by such burning is
 1039 reported to be an annoyance, discomfort or safety hazard to the
 1040 neighborhood or the traveling public, the fire department will investigate the
 1041 complaint and determine if the fire must be extinguished. If
 1042 a burning complaint is received outside of the allowable hours or days, or if
 1043 the fire department is unavailable, the police department may investigate
 1044 such complaint.
- 1045 (l) *Yard waste.* The burning of yard waste is not allowed within the Village of
 1046 Lannon.
- 1047 (m) *Recreational campfire, bonfire or commercially available outdoor fireplace.*
 1048 Campfires, bonfires and fires in commercially available outdoor fireplaces:
- 1049 (1) Can be used for recreational purposes from 12:00 noon up until 11:00
 1050 p.m.
- 1051 (2) Can burn fuel consisting of dry wood only and shall not be ignited with a
 1052 flammable or combustible liquid.
- 1053 (3) The maximum height of the wood fuel load for recreational fires shall not
 1054 exceed 18 inches above grade or the base of a commercially available outdoor
 1055 fireplace.
- 1056 (4) Campfires and bonfires:
- 1057 a. Must be contained in a fire ring constructed of brick, stone or metal, no
 1058 larger than 36 inches in diameter.
- 1059 b. The fire ring shall extend upward a minimum of six inches above the
 1060 landscape ground level.

- 1061 (5) Commercially available outdoor fireplace:
- 1062 a. Must be used per manufacturer's instructions and have all screens and
1063 covers in place.
- 1064 b. Must be used on a non-combustible surface.
- 1065 c. Must be located at least 20 feet from any structure.

1066 **Sec. 38-167. - Size of pile.**

1067 The size of the pile of material to be burned shall not exceed four feet by four feet
1068 by three feet in height.

1069 **Sec. 38-168. - Location.**

1070 The location of the open burning shall be approved by the fire chief Menomonee
1071 Falls fire department and either:

1072 (1)

1073 The pile of materials being burned shall be at least 50 feet from any
1074 structure, wood, or lumber pile, wooden fence, trees or bushes, and
1075 provisions shall be made to prevent the fire from spreading to within 50
1076 feet of such items; or

1077 (2)

1078 The fire shall be contained in a burner approved by the fire chief or his or
1079 her duly appointed representative located at least 15 feet from any
1080 structure, wood or lumber pile, wooden fence, tree or bush.

1081 **Sec. 38-169. - Material for burning.**

1082 (a)

1083 Fuel for open burning shall consist of dry material only and shall not be ignited
1084 with flammable or combustible liquids.

1085 (b)

1086 Material for open burning shall not include leaves, brush, grass, rubbish, garbage,
1087 trash, and material made of or coated with rubber, plastic, leather, or petroleum
1088 based materials and may not contain any flammable or combustible liquids.

1089 **Sec. 38-170. - Supervision.**

1090 Open burning shall be constantly attended and supervised by a competent person
1091 of legal age until such fire is extinguished. The person shall have readily available for use

1092 fire extinguishing equipment deemed necessary by the fire chief or his or her duly
1093 appointed representative.

1094 **Sec. 38-171. - Time of burn.** 

1095 Non-recreational open burning shall be permitted only from 3:30 p.m. to 9:00
1096 p.m. on Tuesdays, Wednesdays and Thursdays and from 9:00 a.m. to 3:00 p.m. on
1097 Saturdays.

1098

1099 **SECTION 2:** If any section, sentence, clause, phrase or portion of this ordinance is for any
1100 reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall
1101 be deemed a separate, distinct and independent provision, and such holding shall not affect the
1102 validity of the remainder of such ordinance

1103

1104 **SECTION 3:** This ordinance shall take effect and be in full force from and after its passage and
1105 publication.

1106

1107 Passed and approved this 12th day of January, 2016.

1108


1109 VILLAGE OF LANNON

1110

1111 By:  _____

1112 David Nagler, Village President

1113 ATTEST:

1114 
1115 _____

1116 Brenda Klemmer, Village Clerk/Treasure

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