

## Chapter 8.08

### FIRES AND FIREWORKS

#### Sections:

**8.08.010 Regulations of fires and smoke.**

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**8.08.010 Regulations of fires and smoke.**

A. Open Fire Regulated. No person shall kindle or start an open fire or permit the same to burn within thirty (30) feet or the nearest wall of any building, any wooden structure or within fifteen (15) feet of the paved edge of any street, road or alley. No person shall kindle or start an open fire or permit the same to burn except between noon and seven p.m. each day of the week. Each person who kindles or starts an open fire shall supervise, or cause to have supervised, the burning of the same until such fire is completely extinguished, provided dense smoke is not created and no nuisance occurs.

B. Exemption for Agricultural Burning. Burning of brush or weeds on agricultural lands including fires for crop land management, insect and rodent control is permitted, provided dense smoke is not created and no nuisance occurs. There shall be no time limit for agricultural burning but shall be supervised from time of ignition to extinguishment.

C. Contained Fire Regulated. No person shall kindle or start a fire or permit the same to burn within fifteen (15) of the nearest wall of any building, any wooden structure or in any street or alley. Any fire kindled or started or permitted to burn within thirty (30) feet of the nearest wall of any building or of any wooden structure shall be

contained in a substantial burner constructed of metal, concrete or brick, so screened or covered as to prevent the escape of burning embers. No person shall kindle or start a fire or permit the same to burn in any such burner except between noon and seven p.m. each day of the week.

D. Exemption. The provisions of this section shall not apply to the creation and maintenance of fires in the discharge of governmental functions being supervised and attended by the town dump custodian or members of the town fire department or highway maintenance crews.

E. In the event that emergency conditions exist within the town, including, but not limited to, excessive dryness, the town board or the chief of the fire department may, by order prohibit all burning, fires, fireworks, or any other activities that might cause a fire to be kindled or started. In the event that such an emergency order is issued by the town board or the fire chief, the order shall be posted in the official newspaper carrying the notices for the town. (Ord. dated 6/27/02; Ord. dated 12/14/92; Ord. dated 6/20/88; prior code § 5.11)

**8.08.020 Garbage burning.**

A. No person shall burn garbage or other material the burning of which causes an offensive or obnoxious odor within the town limits.

B. For the purpose of this section, a "residential district" is defined as a territory where the frontage on the highway for a distance of three hundred (300) feet or more is mainly occupied by dwellings or dwellings and buildings in use for business.

C. For the purpose of this section, a "business district" is defined as a territory contiguous to a highway where fifty (50) percent or more of the frontage thereon for a distance of three hundred (300) feet or more

is occupied by buildings in use for business.  
(Prior code § 10.06)

**8.08.030 Sale and discharge of fireworks restricted.**

A. Section 167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this chapter as though set forth in full with the following exception:

Any permit issued pursuant to Section 167.10 Wis. Stats., shall specify all of the following:

1. The name, address, date of birth and telephone number of the permit holder;
2. The date on and after which fireworks may be purchased;
3. The kind and quantity of fireworks which may be purchased;
4. The date, time and location of the permitted use;
5. The name, address, telephone number and exact location of the premises where fireworks will be stored prior to display;
6. The name of the liability insurance company, policy holders name and address, liability insurance policy number, the limits of the liability insurance coverage and a statement that the town is a named insured on the policy;
7. The name, age, address, telephone number and brief description of the qualifications of the person who will be in charge of the fireworks display.

B. No fireworks shall be discharged other than on the date for which the permit is issued and not prior to sunset nor after eleven p.m. on the date.

C. No users permit for the possession or use of fireworks may be issued without the permit holder submitting proof acceptable to the clerk of the town that a policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge

of fireworks under the permit has been procured. Any such policy of liability insurance shall be taken in the name of the town and shall be in the minimum amount of one million dollars (\$1,000,000.00) for injury to any one person. The policy of liability insurance shall be filed in the office of the clerk for the town prior to the issuance of any permit.

Prior to the issuance of any users permit, under 167.10 Wis. Stats., the permit holder shall execute an indemnity and release agreement in a form acceptable to the town.

D. Any permit holder who falsifies any information of any permit application or who uses or discharges fireworks contrary to the terms and provisions of the permit or any person possessing or using fireworks without a permit, shall forfeit to the town upon conviction thereof, not less than one hundred dollars (\$100.00) no more than five hundred dollars (\$500.00) plus the cost of prosecution and in default of payment thereof, imprisonment in the county jail.

E. There shall be a thirty-five dollar (\$35.00) non-refundable permit application fee paid to the town at the time of the application for a permit herein for the purposes of covering administrative costs leading to the issuance of the permit provided in this section. As a further condition to the issuance of any permit provided in this section, applicant shall permit an appropriate member of the Burlington fire department to inspect the premises where fireworks will be stored prior to display. (Ord. dated 6/8/92: prior code § 9.04)

**8.08.040 Violation--Penalty.**

Except as otherwise provided, any person found to be in violation of any provisions of this chapter shall be subject to a penalty as provided in Chapter 1.20 of this code. (Prior code § 5.15 (part))