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Fire Protection

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Sec. 5-2-1 Fire Protection; Fire Department.

(a) General Authority.

- (1) The Town Board shall provide for fire protection for the Town of Lucas. Fire protection for the Town, or any portion of the Town of Lucas, may be provided in any manner, including:
 - a. Establishing a Town fire department.
 - b. Joining with another town, village, or city to establish a joint fire department. If the Town Board establishes a joint fire department with a village under Sec. 61.65(2)(1)3, Wis. Stats., the Town Board shall create a joint board of fire commissioners with the village under Sec. 61.65(2)(b)2, Wis. Stats.
 - c. Contracting with any person.
 - d. Utilizing a fire company organized under Ch. 213, Wis. Stats
- (2) The Town Board may provide for the equipping, staffing, housing, and maintenance of fire protection services.

(b) Funding. The Town Board may:

- (1) Appropriate money to pay for fire protection in the Town of Lucas.
- (2) Charge property owners a fee for the cost of fire calls made to their property.

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- a. Such fee shall not exceed the invoiced charge the Town received from the fire department. If the call is to real estate located within the Town, the charges shall be imposed on all owners of the real estate to which the particular fire call is made. In the event that a fire call is not made to real estate located within the Town, but is instead made to a vehicle located on a public road within the Town, the charges provided for under this ordinance shall be imposed on all owners of such vehicle.
- b. The fire call charges provided for in this ordinance shall be paid in full to the Clerk of the Town of Lucas no later than 60 days after the date of the invoice from the Town of Lucas for the fire call. Failure to pay the invoice within 60 days will result in interest being charged at the rate of 1 percent per month from the date of the bill. Bills, including interest, for fire calls to real estate that remain outstanding as of November 1 of any year shall become a lien against the real estate and shall be placed on the tax roll as a delinquent special charge under s. 66.0627, Wis. Stat.
 - (3) Levy taxes on the entire Town to pay for fire protection.
 - (4) Levy taxes on property served by a particular source of fire protection, to support the source of protection.
 - (5) Negotiate contracts with other local governments and nations, to be adjusted annually.
 - (6) The Fire Department may also raise monies independently.
- (c) Appropriations. The Town Board shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department(s) as the Town Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- (d) Specific Provision of Services. The Town of Lucas has agreements with the Menomnie Fire Department and the Elmwood Area Fire Department for the provision of fire and emergency medical services in the Town.
- (e) Notifications. In the event of an uncontrolled fire, notify the fire department (911). Notify the Dunn County Sheriff's office of illegal burning.

State Law Reference: Sec. 60.55, Wis. Stats.

Sec. 5-2-2 Ambulance Service.

The Town Board shall contract for or operate and maintain ambulance services unless such services are provided by another person. The Town Board may purchase equipment for medical and other emergency calls. The Town may offer financial support to the local rescue service on an annual basis.

State Law Reference: Sec. 60.565, Wis. Stats.

Sec. 5-2-3 Impeding Fire Equipment or Firefighting Prohibited.

- (a) No person shall impede the progress of a fire engine, fire truck or other fire apparatus of a Fire Department along the streets or roads of the Town of Lucas at the time of a fire or when a Fire Department is using such streets or alleys in response to a fire alarm or for practice.
- (b) No person shall obstruct the operations of a Fire Department in connection with extinguishing any fire or actions relative to other emergencies or disobey any lawful command of the fire official in charge of the emergency or any lawful order of a police officer assisting the Fire Department.

Sec. 5-2-4 Police Power of the Department; Investigation of Fires.

- (a) Police Authority at Fires .
 - (1) The Fire Chief and his/her assistants or officers of a Fire Department in command at any fire in the Town of Lucas are hereby vested with full and complete police authority at fires. Any officer of a Fire Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
 - (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and law enforcement officers and those admitted by order of any officer of the Fire Department, shall be permitted to come. The fire official in charge of an emergency scene shall have the authority to establish fire line barriers to control access in the vicinity of such emergency and to secure any street or alley. No unauthorized person may cross such fire line barriers.
 - (3) The Fire Chief shall have the power to 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 adjoining property, and during the progress of any fire he/she shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Fire Department during the progress of a fire.
- (b) Fire Inspection Duties.
 - (1) The Fire Chief shall be the Fire Inspector in the Town of Lucas and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Wisconsin Department of Commerce, particularly Sec. 101.14, Wis. Stats.
 - (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officers of their Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Town of Lucas at all reasonable hours for the purpose of

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hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector(s) find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Fire Chief and to the Town Board for further action.

- (3) The Fire Chief is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections in that Department's jurisdictional area shall be made at least once in six (6) months in all of the territory served by the Fire Department, and not less than once in three (3) months in such territory as the Town Board has designated or thereafter designates as within the Town or as a congested district subject to conflagration, and oftener as the Fire Chief orders. Each six (6) month period shall begin on January 1 and July 1.
 - (4) Written reports of inspections shall be made and kept on file in the office of Fire Chief in the manner and form required by the Wisconsin Department of Commerce. A copy of such reports shall be filed with the Fire Chief.
- (c) Fire Inspectors Handbook . The *Fire Inspectors' Handbook, COMM* is hereby adopted and made part of this Code of Ordinances by references.

State Law Reference: Sec. 101.14(2), Wis. Stats.

Sec. 5-2-5 Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes.

- (a) Driving Over Fire Hose. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Fire Department, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.
- (b) Parking Vehicles Near Hydrants . It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
- (c) No Parking Near Fire . It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any law enforcement officer.

Sec. 5-2-6 Firefighters May Enter Adjacent Property.

- (a) **Entering Adjacent Property.** It shall be lawful for any firefighter while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire, and in case any person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.
- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his/her assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

Sec. 5-2-7 Duty 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 shall have the power to cause the arrest of any person or persons refusing to obey said orders.

Sec. 5-2-8 Vehicles to Yield Right-of-Way.

Whenever there shall be a fire or fire alarm or the Fire Department is out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

Sec. 5-2-9 Outdoor Burning.

- (a) **Purpose.** This Section is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Lucas due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.
- (b) **Applicability; Exceptions.** This Section applies to all outdoor burning and refuse burning within the Town of Lucas, except:
 - (1) *Grills.* This Section does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
 - (2) *Interior Furnaces.* This Section does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal

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habitation unless the material being burned includes refuse as defined in Subsection (c) below.

- (3) *Construction/Maintenance Activities.* This Section does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- (c) Definitions. The following definitions are applicable in this Section:
- (1) *Campfire.* A small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
 - (2) *Clean Wood.* Natural wood that has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
 - (3) *Confidential Papers.* Printed materials containing personal identification or financial information that the owner wishes to destroy.
 - (4) *Fire Chief.* The Chief of the Fire Department serving the Town of Lucas or other person authorized by the Fire Chief.
 - (5) *Outdoor Burning.* Open burning or burning in an outdoor wood-fired furnace.
 - (6) *Open Burning.* Kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed burning compartment.
 - (7) *Outdoor Wood-Fired Furnace.* A wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
 - (8) *Refuse.* Any waste material except clean wood.
- (d) General Prohibition On Open Burning, Outdoor Burning and Refuse Burning. Open burning, outdoor burning and refuse burning are prohibited in the Town of Lucas unless the burning is specifically permitted by this Section.
- (e) Materials That May Not Be Burned. Unless a specific written approval has been obtained from the Town Board and the Wisconsin Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Town Board or its designee will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Wisconsin Department of Natural Resources:
- (1) *Rubbish/Garbage.* Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 - (2) *Waste Oil.* Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in NR 590, Wis. Adm. Code.
 - (3) *Asphalt.* Asphalt and products containing asphalt.

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- (4) *Treated/Painted Wood.* Treated or painted wood including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
 - (5) *Plastics.* Any plastic material including, but not limited to: nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.
 - (6) *Rubber.* Rubber including tires and synthetic rubber-like products.
 - (7) *Paper.* Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinances of the Town except as provided in Subsection (h) below; such material may be used in small quantities as a starting agent.
- (f) Open Burning Of Leaves, Brush, Clean Wood And Other Vegetative Debris. Open burning of leaves, weeds, brush, stumps, clean wood, and other vegetative debris is allowed only in accordance with the following provisions:
- (1) *Nuisance-Free Conduct.* All allowed open burning shall be conducted in a safe nuisance-free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
 - (2) *Burning Ban Periods.* Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Town Board, Dunn County, the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
 - (3) *Property Restriction.* Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Town Board.
 - (4) *Commercial Properties.* Unless explicitly allowed elsewhere in this Section, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Town Board and the Wisconsin Department of Natural Resources.
 - (5) *Burning of Weeds and Brush on Agricultural Lands.* Open burning of weeds and brush on agricultural lands is allowed after obtaining a fire permit issued by the Fire Department or designee.
 - (6) *Forest/Wildlife Management Fires.* Fires set for forest or wildlife habitat management are allowed with the approval of the Wisconsin Department of Natural Resources.
 - (7) *Campfires.* Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. Bonfires are allowed only after obtaining a fire permit issued by the Fire Department or designee.

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- (8) *Burning of Trees/Stumps.* Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed and is in accordance with other provisions of this Section.
- (9) *Natural Disaster Emergencies.* Burning in emergency situations such as natural disasters is allowed if approved by the Fire Department.
- (10) *Permit Situations.* Open burning under this Subsection shall be conducted only following issuance of and in accordance with a permit issued under Subsection (i).
- (11) *Fire Location From Buildings Not on the Parcel.* Except for campfires, open burning under this Section shall only be conducted at a location at least two hundred (200) feet from the nearest building that is not on the same property.
- (12) *Adult Attendant.* Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. (An individual who is sixteen (16) years of age may supervise an open fire if the individual is a family member of the property owner.) The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- (13) *Prohibited Burning Areas.* No materials may be burned upon any street, road, highway, curb, gutter or sidewalk or on the ice of a lake.
- (14) *Burning Setback.* Except for barbecue, gas and charcoal grills, no burning shall be undertaken within twenty-five (25) feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Department.
- (g) *Fire Department Practice Burns.* Notwithstanding Subsections (d) and (e), a Fire Department may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the Wisconsin Department of Natural Resources and Town Board.
- (h) *Exemption for Burning Certain Papers .*
 - (1) *Use as Fire Starter.* Notwithstanding Subsection (e)(7), paper and cardboard products may be used as a starter fuel for a fire that is allowed under this Section.
 - (2) *Confidential Papers Exception.* Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information. A fire set for burning a small quantity of confidential papers shall be subject to and comply with Subsections (f)(1)-(3), (6) and (11)-(14).
 - (3) *Business Confidential Papers Disposal.* Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
- (i) *Burning Permits .*
 - (1) *Permit Requirement.* No person shall start or maintain any open burning without a burning permit issued by the Fire Department or its authorized designee.

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- (2) *Campfires Exempt.* An outdoor campfire does not require a permit provided that the fire complies with all applicable provisions of this Section.
- (3) *Burning Moratoriums.* When weather conditions warrant, the Town Board, Dunn County, the Fire Chief or the Wisconsin Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
- (4) *Compliance With Section.* A burning permit issued under this Section shall require compliance with all applicable provisions of this Section and any additional special restrictions deemed necessary to protect public health and safety.
- (6) *Penalty for Non-Compliance.* Any violation of the conditions of a burning permit shall be deemed a violation of this Section. Any violation of this Section or the burning permit shall void the permit, and may subject the violator to a forfeiture under Section 1-1-6.
- (j) *Liability.* A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused to structures by the fire. Costs shall be determined on a case-by-case basis.
- (k) *Right of Entry and Inspection.* The Fire Chief or any authorized officer, agent, employee or representative of the Fire Department or the Town of Lucas who presents proper credentials may enter any property for the purpose of ascertaining compliance with the provisions of this Section. Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Section 66.0119, Wis. Stats.
- (l) *Restrictions on Burning.* Burning shall be limited in the following manner, and failure to comply with these restrictions shall be a violation of this Section:
 - (1) No burning is permitted on legal holidays at any time during the year; exceptions may be granted by the Fire Chief or designee.
 - (2) Burning is permitted only when such open burning will not interfere with, or cause discomfort to, another individual.
 - (3) Fires will be attended at all times, by an adult or a family member of the property owner who is sixteen (16) years of age or older, until extinguished.
 - (4) Restrictions on open burning do not apply to warming and cooking fires; said warming and cooking fires shall be no larger than six (6) feet in diameter and shall be attended by an adult at all times until extinguished.
- (m) *Penalties.* The penalty for violation of portion of this Section shall be as prescribed in Sec. 1-1-6, plus the cost of prosecution. Penalties shall be doubled for second and subsequent offenses. In addition to any forfeiture stemming from the issuance of a citation, violators may be required to pay applicable fire suppression costs (determined by the Fire Chief).

Sec. 5-2-10 Patio Fireplaces.

Patio fireplaces are permitted in the Town of Lucas as long as they are commercially purchased units that enclose the entire fire area within the patio fireplace. Homemade units must meet the approval of the Fire Chief. The chimney area and viewable area of the patio fireplace must be screened with a spark reduction device at all times the patio fireplace is in operation. The patio fireplace shall only burn a readily combustible fuel source that consists of wood, charcoal, or manufactured fireplace logs. The burning of trash, leaves, woods with a chemical treatment (railroad tie, fence post, power pole, etc.), or other materials that tend to create a noxious or annoying smoke discharge are no allowed. This Section does not allow for below ground campfires or other device fires not clearly authorized in this Section or Section 5-2-9(c)(2). Upon the complaint of two (2) or more persons to the Fire Department that the patio fireplace is causing annoyance, the person responsible for the patio fireplace shall immediately discontinue the use of the device.

Sec. 5-2-11 Banning and/or Regulating the Use of Fire, Burning Materials and Fireworks During the Existence of Extreme Fire Danger.

- (a) **Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the Town of Lucas. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Town of Lucas and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the Town of Lucas during said emergency.
- (b) **Regulation of Fires, Burning Materials and Fireworks.** When a burning state of emergency is declared, it may be ordered that a person may not:
 - (1) Set, build, or maintain any open fire, except:
 - a. Charcoal grills using charcoal briquettes, gas grills, or camp stoves on private property; or
 - b. Charcoal grills using charcoal briquettes, gas grills, or camp stoves in Town parks placed at least twenty (20) feet away from any combustible vegetation.
 - (2) Throw, discard or drop matches, cigarettes, cigars, ashes, charcoal briquettes or other burning materials while outdoors except into a noncombustible container that does not contain combustible materials.
 - (3) Light or ignite a flare, except upon a roadway in an emergency.
 - (4) Light, ignite, or use anything manufactured, processed, or packaged solely for the purpose of exploding, emitting sparks or combustion for amusement purposes, including fireworks, firecrackers, bottle rockets, caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and

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smoke, except in displays authorized by the Town where adequate fire prevention measures have been taken.

(c) Period of Emergency.

- (1) The periods of emergency for which this Section shall be in effect shall be during such periods that the Town of Lucas and Dunn County, Wisconsin, are under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires, or when necessary as determined by the Town Chairperson, upon the recommendation of the Fire Chief.
- (2) Burning emergencies shall become effective upon the time and date of the Town Chairperson declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification, or repeal of the burning state of emergency by the Town Board.

Sec. 5-2-12 Outdoor Solid Fuel Heating Devices.

(a) Definitions. The following definitions shall be applicable herein:

- (1) *Solid Fuel-Fired Heating Device.* A device designed for solid fuel combustion so that usable heat is derived for the interior of the building, and includes solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel including outdoor wood burning units.
- (2) *Stacks or Chimneys.* Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structures extending above a roof.
- (3) *Person.* An individual, partnership, corporation, company or other association.
- (4) *Public Nuisance.* Any act or failure to perform a legal duty required by this Section is declared a public nuisance.

(b) Registration. The Town of Lucas shall require registration with the Building Inspector of any solid fuel-fired heating device installed after the effective date of this Section on a parcel zoned residential. Registration must be made thirty (30) days after the date of installation.

(c) Other Requirements. The following requirements shall be applicable to all outdoor furnaces placed on parcels zoned agricultural:

- (1) All solid fuel burning units installed within the Town of Lucas are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made thereto in the future.
- (2) All outdoor wood burning units or solid fuel-fired heating devices are subject to public nuisance consideration as described in this Section.

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- (3) Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, may be declared a public nuisance by the Town Board.
- (4) Any indoor or outdoor solid fuel-fired heating device shall have a minimum stack height of twelve (12) feet from ground level.
- (5) Any existing non-complying stack shall be removed or replaced within a period of twelve (12) months from the effective date of this Section.
- (6) All stacks or chimneys must be so constructed to withstand high winds or other related elements.
- (7) Buildings with less than twenty-five (25) feet of open space between that structure and the outdoor furnace shall have a minimum stack height of three (3) feet above the adjoining property's highest principal structure roof elevation. Units shall not be located closer than twenty (20) feet to a property line.

Conflicting Provisions Repealed.

All Ordinances in conflict with any provision of this Ordinance are hereby repealed.


Effective Date.

The provisions of this amended ordinance shall take effect February 8, 2022.

ADOPTED this 8th day of February, 2022.

TOWN OF LUCAS, WISCONSIN


Town Chair


Town Clerk

INTRODUCED: 1-11-2022

ADOPTED: 2-8-2022

PUBLISHED: _____
(POSTED)

State of Wisconsin:

County of Dunn:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the Lucas Town Board on the 8th day of February, 2022.

Dated this 8th day of _____, 2022.