

**Outdoor and Refuse Burning Ordinance for the Town of Trade Lake, Burnett County, Wisconsin.**

**Ordinance No. 2009-01**

**SECTION 1: PURPOSE**

**1.00 Purpose.** This ordinance 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 Trade Lake due to the fire hazards of open burning, outdoor burning and refuse burning.

**SECTION 2: APPLICABILITY**

**2.00 Applicability.** This ordinance applies to all outdoor burning and refuse burning within the Town of Trade Lake from March 15, 2009 through June 1, 2009

**2.1** This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

**2.2** This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

**2.3** This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

**SECTION 3: SEVERABILITY**

**3.0 Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

**SECTION 4: DEFINITIONS**

**4.0 Definitions**

**4.1** "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

**4.2** "Outdoor Burning" means open burning.

**4.3** "Open Burning" means 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.

**4.4** "Refuse" means any waste material except clean wood.

**SECTION 5: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS**

**5.0** Open burning of leaves, weeds, brush, stumps, clean wood, and other vegetative debris is allowed after 6:00 pm from March 15, 2009 – June 1, 2009. Open burning of leaves, weeds, brush, stumps, clean wood, and other vegetative debris is unrestricted on all other dates.

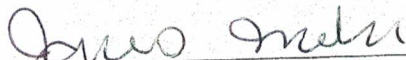
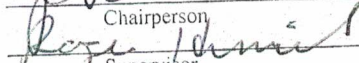
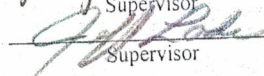
**5.1** All allowed open burning shall be conducted in a safe nuisance free manner.

**5.2** Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

**5.3** 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.

This ordinance shall be in full force and effect from and after the date of its passage and posting as required by law.

Adopted this 12<sup>th</sup> day of March, 2009  
Town of Trade Lake, Burnett County, Wisconsin.

  
\_\_\_\_\_  
Chairperson  
  
\_\_\_\_\_  
Supervisor  
  
\_\_\_\_\_  
Supervisor

Attest:

 Clerk

Posted \_\_\_\_\_

## ORDINANCE ESTABLISHING FIRE PROTECTION CHARGES

WHEREAS, certain basic overhead costs are necessary to insure that a fire department is properly equipped and prepared to respond to an incident of alarm;

WHEREAS, these basic overhead costs are properly borne by all taxpayers within the township through the real estate tax levy;

WHEREAS, the town has some responsibility for all matters and expenses related to the prevention and suppression of wildland fires;

WHEREAS, the threat of wildland fires occurs each year, particularly during the months of March, April, and May;

WHEREAS, additional costs are incurred and a corresponding direct benefit received over and above those basic costs and benefits when the fire department responds to an incident to prevent or suppress a wildland fire;

WHEREAS, 1983 Wisconsin Act 532 authorizes Towns to charge a portion or all of the costs of fire protection;

WHEREAS, it is in the public interest of the Town of Trade Lake to charge individuals for the cost of such protection, when a person is engaged in unauthorized burning, outside the allowed time frame during the 2 ½ month restricted period;

NOW THEREFORE, the Town Board of Supervisors of the Town of Trade Lake does ordain as follows:



## **Section 1 – State Authority**

Pursuant to Section 26.13, 60.55, and 60.555 of Wisconsin Statutes, the Town of Trade Lake, Burnett County, hereby establishes the following policy and procedure for the payment of costs incurred by the Town of Trade Lake resulting from a response by the fire department to prevent or suppress a wildland fire.

## **Section 2 – Provisions of the Ordinance**

1. From March 15 to June 1 each year, outdoor burning is allowed only between the hours of 6:00 p.m. and midnight. No written burning permit is required as long as a person burns only after 6:00 p.m. This would include, but not be limited to, the burning of all vegetative material such as grass, brush, leaves, and wood. It would also include clean untreated wood and clean non-recyclable paper products or similar material.
2. During this 2 ½ month restricted period, if an individual is burning material outside the allowed time frame, the fire department may dispatch manpower and equipment as a preventative measure and extinguish the fire, whether or not it has escaped their control. The fire department may then charge for responding to the incident to cover manpower and equipment expenses. If charged, the party responsible would then be liable for the suppression costs incurred by the fire department.
3. Furthermore, if an individual is burning outside the allowed time frame (during the 2 ½ month restricted period) and the fire escapes their control and becomes a wildland fire, the fire department will respond and extinguish the fire. The party responsible would then be liable for the suppression costs incurred by the fire department.
4. Exceptions to the ordinance would include charcoal fires for the sole purpose of cooking food and fires in a closed or semi-closed container for the sole purpose of boiling maple sap into syrup. Burning for these two purposes would be allowed at any time during the 2 ½ month period, provided it is done in a safe manner.
5. In addition, the town chairman may, under special circumstances, provide a method for burning outside the allowed time frame (during the 2 ½ month restricted period) by issuing a written permit to the individual and then notifying the fire department. These special circumstances pertain mainly to, but are not limited to, agricultural projects.

### **Section 3 – Liability of Fire Protection Costs**

1. It is the policy of the Town of Trade Lake to provide fire protection for the town through the Grantsburg and Frederic Fire Associations. If an individual is burning outside the allowed time frame during the 2 ½ month restricted period, they shall be responsible for the costs incurred by the responding fire department. A minimum of \$50.00 and a maximum of \$500.00 shall be established per incident.
2. If another department or agency responds to an incident at the request of an authorized department under mutual aid, the costs incurred by the mutual aid department may also be billed through the authorized fire association, subject to the maximum per incident.
3. The fire association(s) shall establish rates for manpower and equipment on a yearly basis. These rates will then be used when charging for the response by the fire department.

### **Section 4 – Liability for Incident Response by an Unauthorized Fire Department**

Any real or personal property owner requesting protection directly from an unauthorized fire department shall be responsible for up to \$500.00 per call and charged according to the established rate schedule.

### **Section 5 – Billing and Payment Procedure**

The costs of a response to an incident as outlined above shall be billed by the authorized fire association on behalf of the Town of Trade Lake in the following manner:

1. To the party responsible (if other than real or personal property owner) and paid to the authorized association within 60 days of the bill.
2. If the party responsible is the real or personal property owner, then the bill would be sent directly to them and paid to the authorized association within 60 days of the date of this bill. Notification to the Town of Trade Lake by the authorized association that the property owner has failed to pay the bill within 60 days will result in interest being charged at the rate of 1.0 percent per month from the date of the bill. Those bills remaining outstanding, including interest, for more than 90 days as of November 1 of any year shall become a lien against the real estate for which fire protection was provided to an owner of real property and shall be placed on the tax roll as a delinquent special charge pursuant to Section 66.60, Subsection 16, of Wisconsin Statutes. Upon collection of such delinquent special charges incurred because of an incident of alarm, the Town of Trade Lake shall remit the collected funds to the authorized fire association.

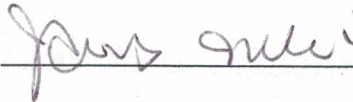
**Section 6 – Separability of Provisions**

Should any section or provisions of this ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this ordinance.

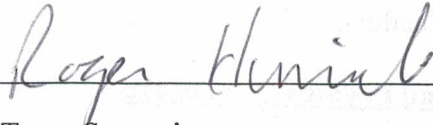
**Section 7 – Effective Date**

This ordinance shall take effect from and after its passage and posting as provided by law.

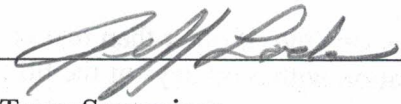
Adopted \_\_\_\_\_, \_\_\_\_\_, by the Town Board of Supervisors of the Town of Trade Lake, Burnett County.

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Town Chairperson

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Town Supervisor

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Town Supervisor

Filed this 11<sup>th</sup> day of March, 2010

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Clerk