

ORDINANCE

4-89

**ORDINANCE ESTABLISHING FIRE PROTECTION
CHARGES AND REGULATION OF BURNING (REVISED)**

WHEREAS, Section 60.55 Wisconsin Statutes authorizes Towns to charge property owners a portion or all of the costs of fire protection;

WHEREAS, it is in the public interest of the Town of Lincoln to charge the costs of such protection of property to owners and to restrict deliberate burning;

WHEREAS, the Town Board has determined that unrestricted burning of grass, brush, yard waste or debris is contrary to the health, welfare and best interests of the residents of the Town of Lincoln;

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

Section 1 STATE AUTHORITY

Pursuant to Section 60.55 Wisconsin Statutes., the Town of Lincoln, Wood County, hereby establishes the following policy and procedure for the payment of fire costs incurred by the town of Lincoln. All other ordinances or resolutions of the Town of Lincoln contrary hereto are hereby repealed.

Section 2 LIABILITY FOR FIRE PROTECTION COSTS

It is the policy of the Town of Lincoln to contract with the Marshfield Rural Fire Association for fire protection service. The property owners of real and personal property within the Town of Lincoln for which fire protection is provided shall be responsible for the full costs billed to the Town from the Association for each fire call. Liability for fire call costs is specifically intended to extend to and include charges for fire calls for fires, accidents or other incidents involving motor vehicles and other self-propelled equipment within the Town of Lincoln, whether or not the owner or other responsible party is a resident of the Town. (A copy of the current charge schedule is attached hereto for information purposes.) Any property owner requesting fire protection directly from any fire department other than the Marshfield Rural Fire Association shall also be responsible for the full costs for the fire call billed to the Town from any authorized fire department, except this provision shall not apply to the costs of any other department responding at the request of an authorized department under mutual aid.

Section 3 BILLING AND PAYMENT PROCEDURE

The cost of fire calls as outlined above shall be billed by the Town Clerk to the property owner and paid to the Town Treasurer within 60 days of the date of the bill. The failure to pay the bill within 60 days will result in interest being charged at the rate of one and one-half (1 1/2%) percent per month from the date of the bill. Those bills remaining outstanding, including interest, for more than 90 days as of November 1st of any year shall become a lien against the real estate from which fire protection was provided and shall be placed on the tax roll as a delinquent special charge pursuant to Section 66.60 of Wisconsin Statutes.

Section 4 BURNING RESTRICTED

All open burning and fires in the Town of Lincoln are hereby prohibited, to include but not limited to the burning of trash, yard waste, leaves, debris, grass and brush, and excepting only cooking fires contained in properly maintained metal or stone fireplaces or grills, unless a burning permit is first obtained from the Town Fire Chief or Town Chairman. Permits shall be issued only if the issuing official has received adequate assurance that proper safety measures have been taken, that such burning shall not substantially interfere with the peaceful enjoyment of the land of neighboring owners, or with traffic on any public road, or otherwise threaten the health or welfare of residents of the town.

Section 5 CARELESS OR NEGLIGENT BURNING

Any person conducting voluntary burning, with or without a proper permit, shall be strictly liable for control of such fire. Such person and the owner of the property on which the burning is conducted shall fully reimburse the Town for the full expense of any fire call made necessary by such burning, voluntarily kindled or maintained, not limited to those charges provided at Section 2, above. All such charges may be billed to the property owner and charged as a lien against the real estate, as provided at Section 3, above.

Section 6 PENALTY

Any person kindling or maintaining an open fire contrary to the provisions of the ordinance and/or without a permit as required herein shall be liable for a forfeiture of not less than \$25 nor more than \$200 for each violation hereof.

Section 4 - 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 5 - Effective Date

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

Adopted this 10 day of Oct, 1989 by the Town Board of Supervisors of the Town of Lincoln, Wood County.

Wayne J. Rasmussen
Town Chairperson

John H. Binder
Town Supervisor

Carl Schmitt
Town Supervisor

Filed this 10 day of Oct, 1989.

Arvin Podavels
Clerk

Filed this 18 day of November, 1992

Arvin Podavels
Arvin Podavels, Clerk

Wayne J. Rasmussen
Town Chairman

James Steinwagner
Town supervisor

Robert Eker
Town Supervisor

Carl J. Schmitt
Town Supervisor

Donald Schmitt
Town Supervisor