

TOWN OF SUMNER

BURNING ORDINANCE B-101

B-1.01 PREAMBLE.

Whereas, the escape of forest, brush, and grass fires is a threat to human life, property, and a heavy expense to the taxpayers and Township to control, then be it hereby resolved, by the Town Board of the Town of Sumner, that no person shall set fire upon any land in said town without a written burning permit, except for warming the person, or cooking food. Be it further resolved that any fire so set shall be controlled so as not to cause activity for any fire department or cause damage to any person or corporation.

B-1.02 DEFINITIONS.

In this ordinance the following words and phrases have the following designated meanings:

- (a) "Town" means the Town of Sumner.
- (b) "To control" means to supervise, manage, and contain so as not to cause a fire department to act in any way, or without hesitation so as not to cause damage to the property of any other person or corporation.
- (c) "Set" means intentionally start by any means.
- (d) "Permit" is a written statement signed by the Town Clerk or a member of the Town Board authorizing permit under supervision and control as permitted under within this ordinance.

B-1.03 ORDINANCE

- (a) Unless excused, as set forth below, no person shall set any fire within the Town until a permit therefore has been issued by the Town Clerk, or any other Town Board Supervisor.
- (2) No permit shall be required to burn rubbish in a barrel, trash can, or other enclosed burner if a heavy screen or cover is used to prevent burning materials or embers from escaping.
- (3) All burning commenced pursuant to a permit described above shall be conducted in accordance with applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code and Jefferson County Ordinances with respect to size, management, control, and any applicable air pollution requirements.
- (4) No person shall fail to take action reasonable necessary to control any fire which he or she has set anywhere in the Town.

B-1.04 PENALTIES.

- (1) Any person who violates B-1.03 (1) shall upon conviction pay a forfeiture of not less than \$100.00, and not more than \$300.00, together with all costs of prosecution and penalty assessment.

(2) Any person who violates B-1.03 (4) shall upon conviction pay a forfeiture of not less than \$200.00 nor more than \$400.00 if he has obtained a permit in advance, and \$300.00 and not more than \$600.00 if the fire was set without a permit obtained in advance; together with all costs of prosecution and penalty assessment.

(3) Upon default of any of the payments in this Section by any person who has the ability to pay such forfeiture and costs and penalty assessment, such person shall be confined in the County Jail, Jefferson County, until such forfeiture costs and penalties are paid, but in no event shall such confinement exceed 30 days.

B-1.05 FIRE EXTINGUISHMENT FEES.

(1) If fees are incurred by the Town of Sumner as a result of a fire department responding to a call as a result of violation of the prohibited actions in this ordinance, the property owner upon whose property the fire occurred shall reimburse the Town of Sumner for the full amount expended.

(2) On or before October 1 of each year written notice shall be given by the Town Clerk to the owner, and occupant if different from the owner, of all lots or parcels of real estate for which fire extinguishment fees have been incurred by the Town of Sumner, and payment for which is owing and in arrears at the time of giving such notice. Such notice shall be in writing and shall state the amount of said arrears at the time of giving such notice. Such notice shall be in writing and shall state the amount of said arrears and that unless the same is paid by October 15, thereafter a penalty of 10% of the amount of such arrears will be added thereto; and that if the full amount of arrears and penalty are not paid by November 1 of each year, the total amount will be levied as a tax against the lot or parcel of real estate for which the fire extinguishment fees were incurred.

Said notice may be served by delivery to either such owner or occupant or both, personally, or by letter addressed to such owner or occupant at the post office address of said lot or parcel of real estate. On November 2, the Town Clerk shall certify and file a list of all the Lots or Parcels of real estate, giving the legal description thereof, to which the fire extinguishment fees are now in arrears. Each such delinquent amount including the applicable penalty, shall thereupon become a lien upon the lot or parcel or real estate to which the fire extinguishment services were furnished and payment for which remains delinquent. The Town Clerk shall then insert the total delinquency as a tax against such lot or parcel of real estate. This lien and assessment shall be in addition to any forfeiture proscribed elsewhere in this ordinance.

B-1.06 ENFORCEMENT.

The Town of Sumner is hereby authorized to retain counsel to commence action for any violations of this ordinance. The ordinance may be enforced by Town citation as adopted or by issuance of civil Summons and Complaint except the following cash deposits shall apply to this ordinance.

(1) Deposit for B-1.04 (1) \$100.00 plus costs of \$5.00 plus penalty assessment of \$10.00.

(2) Deposit for B-1.04 (2) \$200.00 and costs of \$5.00, plus penalty assessment of \$20.00 if the person had previously obtained a fire permit, and \$300.00 plus costs of \$5.00 plus penalty assessment of \$30.00, if no prior permit was obtained.

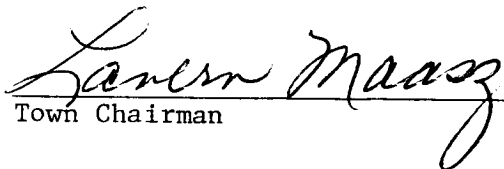
B-1.07 SEVERABILITY.

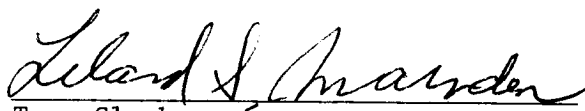
The provisions of this ordinance are severable and the invalidity of any section or part thereof shall not render the entire ordinance invalid.

B-1.08 EFFECTIVE DATE.

This ordinance shall be effective upon passage and publication.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Sumner, Wisconsin on the 2 day of March, 1981.


Town Chairman


Town Clerk