

ORDINANCE NO. 2013-2

AN ORDINANCE REGULATING BURNING OF GRASS, BRUSH AND RELATED MATERIALS AND FIRE HAZARDS

Adoption of this ordinance repeals and replaces Ord# 01-2.

WHEREAS, Section 60.55 and 60.555 of the Wisconsin Statutes empowers the Town board, by ordinance, to prevent, detect, and suppress fire and related fire hazards within the Township, and to charge fees and levy taxes for the cost of fire protection services; and

WHEREAS, the setting and escape of forest, grass, rubbish, and other fires constitutes a serious threat to human life, property and the environment, and results in significant expense to the town to contract for the control and suppression of, and protection from, such fires;

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF PORT WASHINGTON, OZAUKEE COUNTY, WISCONSIN, DOES ORDAIN AND ESTABLISH AS FOLLOWS:

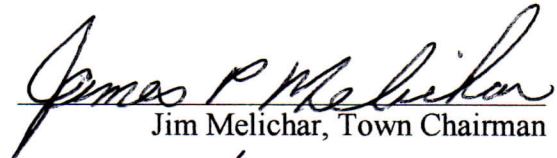
- a) Any person desiring to burn clean wood, dry grass, leaves, or brush within the Town of Port Washington, including but not limited to beach fires, bonfires, or open pit or other recreational fires, shall notify the Ozaukee County Sheriff's Department prior to commencing such burning, or prior to allowing the same to be commenced, and shall advise the Sheriff's Department of the person's name, address, time, date and place of burning, materials to be burned, and anticipated length of such burning activity.
- b) Burning shall be limited to those types and quantities of dry grass, drybrush, dry leaves, and dry weeds which can reasonably be disposed of without undue risk or hazard to human life, property and the environment. The person burning said materials shall observe reasonable fire safety precautions and take all necessary action to have adequate manpower, water, shovels and other equipment present to control and contain such fire throughout the duration of the same.
- c) Notwithstanding any other provisions of this ordinance, no person shall burn, or allow to be burned, any liquid or other materials which are prohibited from being burned by state or federal law or environmental regulations adopted pursuant thereto. Without limitation, these include tires, shingles, furniture, plastic or rubber products, oily substances, rubbish, garbage, asphalt, and hazardous, toxic, noxious and/or flammable liquids or materials.
- d) Except in the case of beach fires, bonfires, open pit fires or other recreational fires, no person shall commence or continue burning, or allow such burning to be commenced or continued, after sunset or before sunrise. Notwithstanding the foregoing, no burning of any kind shall occur when the wind velocity exceeds 15 miles per hour. All fires shall be

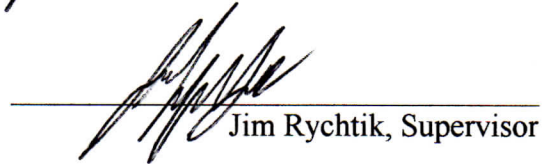
located at a reasonable and safe distance from buildings or other structures, in view of the size and intensity of such fire, wind and other weather conditions, and the construction, use, occupancy and contents of such buildings. All persons commencing or continuing beach fires, bonfires, open pit fires or other recreational fires after sunset or before sunrise shall notify the Ozaukee County Sheriff's Department prior to commencing such burning, or prior to allowing the same to be commenced, and shall advise the Sheriff's Department of the person's name, address, time, date and place of burning, materials to be burned, and anticipated length of such burning activity.

- e) Failure to provide prior notice to the Sheriff's Department of a fire to be commenced, or allowed to be commenced; or failure to maintain, control or extinguish any fire so as to result in injury or damage to persons, property or the environment; or the burning of improper or prohibited materials; or allowing a fire to escape so as to endanger persons, property or the environment and requiring the attendance of any Fire Department to extinguish such fire or prevent such damage or injury, shall cause such person, or the property owner upon whose premises such fire is commenced or allowed to be commenced, to be charged the actual costs of such fire protection or suppression services provided, and imposition of such forfeitures, penalties and liability for damages as may be permitted by law.
- f) Upon receipt by the Town Clerk of a bill from any fire department called to or present at any such fire, the Town Clerk shall immediately forward said bill to the person and/or property owner responsible for the same. In the event said bill is not paid by said person and/or property owner prior to the close of the tax year, the amount so due may be charged and assessed against the particular property involved, and collected as other special assessments are collected. In the alternative, the Town may initiate an action to recover said fees, costs or charges, as against the person or persons responsible for the same.
- g) No prior notice to the Sheriff's Department need be given for the burning of small amounts of dry residential grass, leaves, or brush in a heavy wire screen-covered barrel. However, all other provisions of this ordinance shall apply to such burning activity.
- h) This ordinance shall take effect upon its passage and posting, as required by law.
- i) Enactment of this ordinance shall constitute repeal and re-creation of the prior Town of Port Washington ordinance entitled "Ordinance Regulating Burning of Grass, Brush, Rubbish, and Related Materials and Fire Hazards", No. 01-2 passed June 12, 2001.

PASSED AND ADOPTED this 5th day of August, 2013.

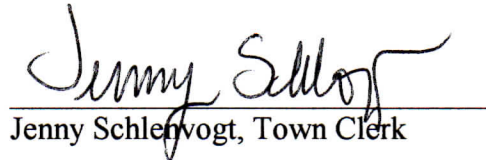
BY ORDER OF THE TOWN BOARD


Jim Melichar, Town Chairman


Jim Rychtik, Supervisor


Mike Didier, Supervisor

ATTEST:


Jenny Schlenvogt, Town Clerk