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TOWN OF UNION

ORDINANCE NO: 2019-__

THE TOWN BOARD OF THE TOWN OF UNION DOES ORDAIN AS FOLLOWS:

Section **2.2-3.0115 DEFINITIONS.**, is amended to renumber paragraph “N” (Refuse) to “O” and create “N. “Owner” with respect to any real estate includes all persons, organizations and entities shown on the records in the Office of the Register of Deeds to be a holder of legal or equitable title to the land identified in connection with any part of this Article. With respect to a vehicle, owner includes any person shown on the vehicle title, if any, as owner, and the operator of the vehicle.”

Section **2.2-3.0115** is amended to create “P. TFD means Township Fire Department, Inc. a Wisconsin Not-for-Profit corporation incorporated under Chapter 181, Wis. Stats., of which the Town is a member and a shareholder.”

Section **2.2-3.0160** of the Municipal Code of the Town of Union is hereby repealed and recreated to read as follows:

Section A. Purpose

The Town is required by §60.55(1)(a) of the Wisconsin Statutes (Wis. Stats.) to provide fire protection throughout the Town. To satisfy this requirement, the Town has, pursuant to §60.55(1)(a)3 Wis. Stats., contracted with TFD to provide this service, as sole agent for the Town for this purpose. The Town has determined that fire protection shall be paid for by a combination of appropriation, pursuant to §60.55(2)(a) Wis. Stats., and fees for the fire protection required to control, manage, or extinguish certain fires pursuant to §60.55(2)(b) Wis. Stats.

Section B. Fees:

From time to time, the Town Board shall establish a schedule of the fees to be imposed pursuant to this ordinance.

Section C: Liability And Cost Of Fire

1.. Fires which violate an ordinance. Any person who intentionally or negligently starts or uses an outdoor fire, which at any time violates any Town Ordinance concerning fires, shall be liable to TFD for all costs of suppression of that fire.

2. Fires which violate a permit. Any person who intentionally or negligently starts or uses an outdoor fire, which at any time endangers property not covered by the permit issued for that fire, if any, shall be liable to TFD for all costs of suppression of that fire.

3. Vehicle Fires. The owner of any vehicle on a public highway for which fire suppression costs are incurred shall be liable to TFD for all costs of suppression of that fire.

51 4. Extent of liability. The payment of such fire suppression costs shall be in
52 addition to any other liability, penalty or cost, imposed by any other ordinance of
53 the Town, Eau Claire County, or the State of Wisconsin.
54

55
56 **Section D. Payment Of Fire Suppression Fees.**

57 1. The person who violated Sections C.1 and C.2. above is primarily liable for
58 the fire suppression fee.
59

60 2. Delinquent Payment. Failure to pay the bill for fire suppression fee within
61 60 days of mailing the bill will result in the imposition of a late payment fee of 1½
62 percent of the bill per month from the date of the bill until payment is made.
63

64 3. Owner Liability. If the fire suppression fee for a fire on real estate has not
65 been paid by the first October 1 following demand for the fee, the owner of the
66 land and on the dates where and when the fire originated shall also be liable for
67 the payment of the fee and all late payment fees unless the owner can prove that
68 all owners (a) did not direct, request, authorize, or participate in starting the fire
69 and (b) that no owner was negligent in causing or failing to prevent the ignition of
70 the fire.
71

72 4. Special Charge. Any fee unpaid by the first October 1 following demand for
73 the fee, unless the owner of the land is exempt by Section D. 3, above, shall be
74 imposed upon the land where the fire occurred as a special charge pursuant to
75 Section 66.0627, Wis. Stats.
76

77 **Section E: Severability:**

78 The provisions of this Ordinance are severable. If any part or provision of
79 any section, clause, or provision hereof is invalid or if its application to any person
80 or circumstance is invalid, such invalidity shall not affect other provisions or
81 applications which can be given effect without the invalid provision or application.
82

83 **Section 6: Conflicts with Other Ordinances:**

84 All ordinances or parts of other ordinances in conflict with this ordinance
85 are hereby repealed.
86

87 **Section 7. Effective Date:**

88 This ordinance shall become effective upon adoption and publication as
89 provided by law, pursuant to s. 60.80, Wis. Stats.
90

91 *[This section not published or codified]* The Town Clerk is directed to
92 codify this ordinance within the Municipal Code.
93

94 *[This section not published or codified]* All ordinances and parts of
95 ordinances in conflict with this ordinance are hereby repealed.
96

97 *[This section not published or codified]* The provisions of this
98 Ordinance are severable. If any part or provision of any section,
99 clause, or provision hereof is invalid or if its application to any person

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or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

Adopted this ____ day of _____, 2019.

Jennifer Meyer
Town Board Chairperson

Beverly Christopherson
Town Clerk