

Town of Clinton  
County of Barron  
Powers of the Almena Fire District with Respect to Open Burning  
Ordinance # 2017 - 1

The Town Board of the Town of Clinton, Barron County, Wisconsin, enacted an ordinance entitled "Powers of the Almena Fire District" on April 4, 2008. The Town Board hereby amends that ordinance as follows:

This ordinance is entitled "Powers of the Almena Fire District with Respect to Open Burning."

**Section 1:** The purpose of this ordinance is to promote the public health, safety, and general welfare, and to protect the public and private property in the Town of Clinton with respect to the air pollution and fire hazards of open burning, outside burning, and refuse burning.

**Section 2:** The Town Board of the Town of Clinton designates the Almena Fire District ("Fire District") to control burning in the Town of Clinton.

- A) Permission to burn is required for all outdoor burning except for cooking, recreational and campfires.
- B) All forms of outdoor burning are prohibited during a burning ban, as determined by the Almena Fire District. For example, the Fire District may prohibit all burning during prolonged dry periods or when conditions make burning hazardous.

**Section 3:** Pursuant to Wisconsin Statute § 60.55, the Town Board authorizes the Fire District to charge for all costs incurred in providing fire protection services to persons and property.

- a) The Fire District is hereby authorized to charge property owners for each response by the fire district to a fire.
- b) The charge shall be calculated by the fire district based on its actual cost for responding, for any amount over the minimum charge.
- c) The Town shall establish a written schedule of costs.
- d) The minimum cost of suppression is \$1000.00 per hour.
- e) The Fire District Secretary/Treasurer shall be responsible for calculating, billing, and collecting the charge.
- f) Any charges collected shall go into the Fire District's general operating fund.
- g) Any charges not paid by the property owner shall be placed on the tax roll of the property where the burning took place.

**Section 5:** No effect on existing or continuing violations, acts, or events

This ordinance amendment does nullify any prior violation, nor impact any act committed prior to enactment, nor any prior or ongoing enforcement action.

**Section 4:** Severability

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

**Section 5:** Effective Date

Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by Wis. Stat. § 60.80.

ADOPTED this 9th day of May 2017

by a vote of 3 yes, \_\_\_ no.

/s/ Jim Gores  
Jim Gores, Town Board Chairperson

Attest:

/s/ Melanie Miller  
Melanie Miller, Town Clerk