

**TOWN OF LIBERTY
MANITOWOC COUNTY, WISCONSIN**

Ordinance No. 2013-0708

(BURNING PERMIT AND REGULATIONS)

The Town Board of the Town of Liberty, pursuant to its Village Powers, in order to protect and enhance the health, safety and welfare of its residents does ordain as follows:

1. Definitions. For purposes of this Ordinance, the following terms are defined as follows:
 - a. "Person" means an individual, corporation, partnership, Limited Liability Corporation, municipality, or any other legal entity.
 - b. "Town" means the Town of Liberty, Manitowoc County, Wisconsin.
 - c. "Uncontained Fire" means any fire burning in the open.
 - d. "Yard Waste" means combustible vegetation, including dried leaves, twigs and small branches. It does not include paper, cardboard, plastic, table waste, household trash or garbage.

2. Burning Permit.
 - a. No person shall start, maintain, sponsor, or allow to burn any uncontained fire, on any property owned, occupied or controlled by such person, in the Town, without first securing a written permit from the Fire Chief or authorized department member of an approved Fire Department as provided herein. Each permit holder shall be subject to the rules contained on the permit.
 - b. No permit shall be issued for burning nor shall an exempt fire be started when weather conditions shall be such as to constitute a dangerous condition likely to lead to the spread of fire.
 - c. No permit shall be issued for a period greater than forty-eight (48) hours.
 - d. No permit shall be issued for burning nor shall an exempt fire be started before sunrise or after sunset, unless specifically permitted by an approved Fire Department.
 - e. No permit shall be issued for the burning of tires, roofing materials, and construction site waste, building materials of any type, packaging materials, plastics, urethane, garbage, oily rags, petroleum products, or any other substances which produce heavy smoke, fumes and/or offensive odors when ignited.

3. Fire Attendance Required. Any person who shall start a fire and any owner or occupant of any land on which a fire is started or maintained, shall remain in continuous attendance at such fire until the fire is fully extinguished.

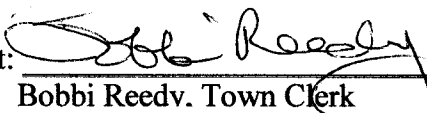
4. Violations.
 - a. No person owning or occupying property in the Town shall suffer or cause or allow another person to start or maintain an uncontained fire on such property.

- b. A person owning or occupying property in the Town who fails to take reasonable steps to immediately extinguish an uncontained fire on such property, regardless of its origin, is in violation of this ordinance.
 - c. No person shall burn any wood, grass, leaves, rubbish or other combustible materials on the surface of any public road in the Town of Liberty or within 25 feet of a building. This shall not apply to outdoor charcoal or gas grills.
5. Penalty. Any person in violation of any provision of this Ordinance shall be subject to a penalty forfeiture of not less than \$175.00, together with the costs of prosecution, plus the cost of fire suppression in the event of the Fire Department is called. A permit holder shall be liable for any cost of fire suppression in the event the fire is out of control. In the event the Permit holder does not pay for the cost of fire suppression, the amount owed shall be placed as a special charge on the tax roll of the property where the burning took place. The current minimum cost of fire suppression is \$500.00 per hour.
6. Severability. The terms of this Ordinance are severable. If any portion of this Ordinance is found to be unconstitutional or otherwise unenforceable by a court of competent jurisdiction, such finding shall not affect the remaining portions of this Ordinance which shall continue to be in full force and effect.
7. Effective Date. This ordinance shall be effective upon adoption and publication according to law.

Adopted: July 8, 2013

Town of Liberty Town Board

By: 
Bill Pitz, Town Chairperson

Attest: 
Bobbi Reedy, Town Clerk