

TOWN OF BRADFORD
ORDINANCE NO. 46-2018

AN ORDINANCE CREATING CHAPTER 23 OF THE CODE OF ORDINANCES OF THE TOWN OF BRADFORD, RELATING TO FIRES, FIRE PROTECTION SERVICES, AND EMERGENCY MEDICAL SERVICES.

THE TOWN BOARD OF THE TOWN OF BRADFORD, COUNTY OF ROCK, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

SECTION I. Chapter 23 of the Code of Ordinances of the Town of Bradford is hereby created in its entirety as follows and shall be titled "Fire Protection and Emergency Medical Services":

“SECTION 1: LIABILITY FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE COSTS.”

- (A) False Alarms: Any person calling for assistance from a fire department or emergency medical service provider when there is no fire or need for emergency medical services, resulting in a false alarm, and any owner of a security system which results in a false alarm, shall be liable for expenses incurred by the Town of Bradford as a result of such call.

- (B) Intentionally Set Fires: Any person who intentionally sets a fire or assists in the setting of a fire on land within the Town of Bradford, regardless of whether a burning permit was obtained under this Chapter for the purpose of setting such fire, shall be liable for the expenses incurred by the Town of Bradford if such fire is ultimately suppressed by a fire department, regardless of whether the person setting the fire or assisting in the setting of the fire acted negligently.

- (C) Non-Contracted Calls: Any property owner requesting fire protection or emergency medical services directly from any fire department or emergency medical service provider other than the Clinton Fire Protection District shall be responsible for the full costs billed to the Town for the call from the unauthorized fire department or emergency medical service provider. This subsection shall not apply to the costs of any department responding at the request of an authorized department under mutual aid.

- (D) Other Calls: In all other cases, when a fire department or emergency medical service provider is called for assistance the owner of the property to which the fire department or emergency medical service provider is called, as well as the occupant of such property, jointly and severally, shall be liable for the full costs billed to the Town. This section shall not apply to property owners and occupants when a fire department or emergency medical service provider is responding to a call for assistance relating to a motor vehicle accident that occurs on any road adjacent to the property

owner's property if the property owner or occupant are not involved in said motor vehicle accident.

SECTION 2: CONTRACTED FIRE DEPARTMENTS

Fire protection services for the Town of Bradford are provided by the Clinton Fire Protection District. The Town of Bradford does not have contracts with any other fire departments. Any duties owed to the Town of Bradford under this Chapter are also owed to the Clinton Fire Protection District.

SECTION 3: BILLING AND PAYMENT PROCEDURE

The costs of fire and emergency medical service calls imposed against individuals under Sections 1 and 2 above shall be billed by the Town Clerk to the person responsible and to the property owner and shall be paid to the Town Treasurer within 60 days of the date the bill is mailed to the property owner. Failure to pay the bill within 60 days shall result in a delinquency penalty calculated at the rate of 1.5% per month from the date the bill was mailed. Any bill hereunder not paid within 60 days shall become a delinquent special charge under Section 66.0627 of the Wisconsin Statutes on the property to which the fire or emergency medical service call was made, and shall be included in the current or next tax roll for collection and settlement under Chapter 74 of the Wisconsin Statutes.

SECTION 4: BURNING PERMITS

Open burning is prohibited within the Town of Bradford, except for small outdoor fires for cooking, ceremonies, or recreation, unless the person conducting such open burning first contacts the Rock County Sheriff's Department non-emergency number to inform them of the open burning and further notifies the Clinton Fire Protection District of the proposed open burn. Contacts must be made for all of the following purposes:

- (A) Burning of brush or weeds on agricultural lands.
- (B) Fires set for practice and instruction of firefighters or testing of firefighting equipment.
- (C) Backfires to control forest fires or fires set for forest or wildlife habitat management with approval of the Wisconsin Department of Natural Resources.
- (D) Burning of small amounts of dry combustible rubbish (which does not include wet combustible rubbish, garbage, oily substances, asphalt, plastic, or rubber products).
- (E) Burning of trees, wood, brush, or demolition materials, excluding asphalt or rubber material, using method approved by the Wisconsin Department of Natural Resources.

(F) Burning of small amounts of dry leaves and dry plant clippings.

All open burning shall be conducted in a safe, pollution-free manner when wind and weather conditions are such as to minimize adverse effects, and in accordance with state fire protection regulations.

SECTION 5: CONTROL OF BURNING

No person, firm, or corporation who sets a fire or assists in the setting of a fire, including a backfire, on any land within the Town of Bradford, shall willfully or negligently allow such fire to become out of control so as to require suppression of such fire by a fire department. This section shall apply regardless of whether contact of the appropriate organizations was made pursuant to Section 4 herein, and violation of this section shall be deemed a separate violation from that of failing to contact the appropriate organizations.

SECTION 6: FALSE ALARMS

No person shall initiate a false alarm by calling a fire department to provide firefighting services within the Town of Bradford when there is no fire. Any person owning a security system which malfunctions and results in a false alarm shall be deemed to be in violation of this section.

SECTION 7: HAZARDOUS SUBSTANCES

The owner, occupant, or renter of property within the Town where hazardous substances, as that term is defined in Section 100.37(1)(c) of the Wisconsin Statutes, are kept shall notify the Clinton Fire Protection District of the location on the property where such substances are located, including but not limited to, the type, amount, and specific location of such hazardous substances.

SECTION 8: PENALTIES

Any person who violates a provision of this Chapter may be required to forfeit not less than \$50.00, nor more than \$200.00, for each violation, plus the actual costs incurred by the Town of Bradford for any firefighting or emergency medical services resulting from such violation, plus all costs of prosecution. The penalty surcharge shall be 26% of the forfeiture, the jail surcharge shall be 1% of the forfeiture or \$10, whichever is greater, and the crime labs and drug enforcement surcharge shall be \$8.00

SECTION 9: SEVERABILITY

Should any provision in this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected."

SECTION II: This ordinance shall take effect upon passage and posting as required by law.

Date: August 21, 2018

Sharon Douglas Town Chair
Sharon Douglas, Town Chair