

TOWN OF GIBRALTAR
REGULATION OF FIRES/BURNING PERMITS
ORDINANCE 1992-08

PURPOSE. The Town Board of Supervisors of the Town of Gibraltar, Door County; Wisconsin, find that it is in the best interests of the public to regulate fires and burning permits. The adoption of this Ordinance will promote good order of the Town and will be for the benefit of the residents of the Town and for their health, safety, welfare, and convenience, and

WHEREAS, the escape of forest, brush, grass or other fires is a threat to human life and property and a heavy expense to the taxpayers of the Town of Gibraltar and, therefore, it is necessary to regulate the settings of fires in the Town of Gibraltar.

SECTION I. AUTHORITY

- 1.1 The Town Board, pursuant to the Wisconsin State Statutes, specifically Sections 26.12, 26.13, 26.14, 60.55, 60.555, 60.557 and 101.14, has the authority and duty to regulate and control fire within the Town of Gibraltar.

SECTION II. FIRE SAFETY PERMIT

- 2.1 Every person in the Town of Gibraltar shall seek and obtain a fire safety permit from the Town of Gibraltar, unless exempt by this Ordinance, for any fire to be ignited in the Town of Gibraltar.
- 2.2 Fees. There shall be no fee for a burning permit.
- 2.3 Application/Permit. All persons seeking to burn in the Town of Gibraltar (unless exempt) shall obtain a fire permit from the Gibraltar Fire Chief or designated assistant.
- 2.4 Exemptions. The following are exempt from this permit requirement:
- A. Persons who burn materials in a stove, furnace or incinerator inside a building.
 - B. Persons who burn charcoal or other combustible materials for domestic cooking outdoors at their residence or who burn charcoal or other combustible materials for domestic cooking outdoors. This exemption does not apply upon a declared public fire emergency by the State Department of Natural Resources.
 - C. Persons who burn charcoal or other combustible materials for the purpose of keeping warm. This exemption does not apply upon a declared public fire emergency by the State Department of Natural Resources.
- 2.5 No persons shall be issued or re-issued a burning permit in the Town of Gibraltar if the applicant or permittee:
- A. Fails to prevent or attempt to prevent open fires intentionally ignited.
 - B. Fails to establish adequate fire protections and fire prevention activities at the requested or permitted burning location.
 - C. Fails to install or maintain adequate fire safety equipment during the requested or permitted use.
 - D. Fails to prevent burning activities that are not authorized by the permit.
 - E. Fails to allow physical access to the requested or permitted burning area location by the Town Chairman, Town Clerk, Town Fire Chief, or any person designated by the above persons, for the purpose of inspection of the burning location.

SECTION III. OTHER PROVISIONS

- 3.1 The Town of Gibraltar prohibits any person from the igniting of any fires outdoors for burning brush, wood, trash, solid waste, hazardous waste or any other material upon days declared emergency fire days by the State Department of Natural Resources, or by the Gibraltar Fire Chief or by the County Emergency Services Director.
- 3.2 The Town of Gibraltar prohibits any person from the igniting of any hazardous waste at any time in the Town of Gibraltar.

SECTION IV. PENALTY

- 4.1 Any person who fails to comply with this Ordinance or any person who shall intentionally or negligently set any fire shall be subject to a forfeiture of not more than \$500.00, plus all costs incurred by the Town, including the cost of equipment and man hours. The cost of equipment/apparatus is currently established at \$100.00 per hours for each fire fighting vehicle and \$10.00 per hours for each fire department individual called to the scene of any fire. In addition, any person found violating this Ordinance shall be responsible for all costs incurred by the Town of Gibraltar in enforcing this Ordinance. Each day of a violation shall be considered a separate and distinct violation. Failure to pay these costs within 60 days of billing shall be deemed delinquent and shall be placed on the tax rolls as a special assessment.
 - A. Prosecutions shall be made by the issuance of County Ordinance Citations. Billings by the Town of Gibraltar shall be made by the Gibraltar Fire Department.

SECTION V. SEVERABILITY OF PROVISIONS

- 5.1 Provisions of this Ordinance are declared to be severable. If any section, clause or provision of the Ordinance shall, for any reason, be declared invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. This Ordinance is in addition to Door County Ordinance - Amended Ordinance No. 9-89.

SECTION VI. EFFECTIVE DATE

- 6.1 This Ordinance shall take effect from and after its passage and publication or posting as provided by law.

Adopted this ____ day of _____, 1992.

TOWN BOARD OF SUPERVISORS FOR THE TOWN OF GIBRALTAR, DOOR COUNTY, WISCONSIN:
