

Town of Gardner
An Ordinance Approving A Joint Fire Service Agreement Between The
Towns of Brussels, Union and Gardner Establishing the B.U.G. Fire
Board and Fire Department
Ordinance No. 03-2008

WHEREAS, the Town Board of the Towns of Brussels, Union and Gardner have determined that the existing agreements between the Towns need to be updated to come into compliance with State Statutes and,

WHEREAS, the B.U.G. Fire Board recommends adoption of this ordinance.

NOW THEREFORE the Town Board of Supervisors of the Town of Gardner, Door County, Wisconsin, does hereby ordain as follows:

Section 1 – Approval of Joint Fire Service Agreement.

The Town does pursuant to Section 66.0301 of the Wisconsin Statutes, hereby approve this Joint Fire Service Agreement as an ordinance for purposes of the creation and operation of the B.U.G. Fire Department and the B.U.G. Fire Board. This agreement shall become an Ordinance designated by the number stated above.

Section 2 – Entire Agreement.

This Agreement constitutes the entire Agreement among the parties hereto regarding the subject matter hereof. This Agreement supersedes all prior agreements, statements, understanding and representations of the parties regarding the subject matter of this Agreement. Prior agreements and ordinances which are repealed or superseded by this agreement are considered valid and effective for all purposes up to the effective date of this agreement and all rights and liabilities created thereunder shall be subject to the terms in place at the time of their creation, except as specifically provided in this agreement. No waiver of any provision of this Agreement shall be deemed or constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making such waiver.

Section 3 – Successors and Assigns.

The terms and provisions of this Agreement shall bind and inure to the benefit of the Towns of Brussels, Union, and Gardner, and their successors and assigns. No party to this Agreement may assign any of its rights or delegate any of its duties or obligations under this Agreement without the prior written consent of the other party.

Section 4 – Rules of Construction.

The captions of this Agreement and Ordinance are inserted only as a matter of convenience and in no way effect the terms or intent of any provision of this Agreement or Ordinance. All defined phrases, pronouns and other variations thereof shall be deemed to refer to the masculine, feminine, neuter, singular or plural as the actual identity of the organization, person or persons may require. No provision of this Agreement and Ordinance shall be construed against any party hereto by reason of the extent to which such party or its counsel participated in the drafting of this Agreement or Ordinance.

Section 5 – Choice of Law.

This Agreement shall be construed in accordance with the laws of the State of Wisconsin.

Section 6 – Severability.

If any sections of this Agreement and Ordinance are declared to be severable or if any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Agreement Ordinance which shall remain in full force and effect.

Section 7 – Effective Date.

This Ordinance shall be in full force and effect the day after its publication.

Town of Gardner

By: Paul DeWitt, Chairman

Attest:

Amy Sacotte, Clerk

Date Introduced: 11-5-08

Date Adopted: 11-5-08

Publication Date: 11-5-08