

THE VILLAGE OF



RIDGEWAY

PUBLIC WORKS, SAFETY, AND HEALTH COMMITTEE MEETING AGENDA

March 05, 2024 at 5:00 PM

Ridgeway Community Center - Room 101/102 208 Jarvis Street, Ridgeway, WI 53582

CALL TO ORDER AND ROLL CALL

CONFIRMATION OF OPEN MEETING

CONSENT AGENDA

1. Meeting Agenda

ITEMS FOR CONSIDERATION AND ACTION

- [2.](#) Chapter 10 Section 8 Regulation of Fires - Review of proposed amended ordinance
- [3.](#) Sign Ordinance

ADJOURNMENT

RE: [External] - Burn Ordinance Review and rewrite

Rick A. Manthe <rmanthe@staffordlaw.com>
To: Hailey Roessler <clerk@ridgewaywi.gov>

Wed, Aug 2, 2023 at 8:05 AM

Hailey,

Attached is a clean and redlined version of the burn ordinance. I structured it so that every fire would need a permit, but then exempted campfires (and grills) from permitting requirements. This way we only need to do a definition for campfire. Please review that definition and let me know your thoughts. Surprisingly, it is difficult to find a good definition of campfire, so I slightly modified the DNR definition to include the fire pit circumference. If you think that definition is too restrictive or too large, let me know and we can work on it.

The new section three imposes standard conditions on all permitted fires. These conditions would not apply to campfires though since they do not require a permit. If you would like those conditions to apply to campfires, let me know and I can modify it. These conditions were taken directly from the DNR's model burn ordinance, so they would be typical in other communities that have adopted similar ordinances.

Feel free to give me a call if you would like to discuss the changes and if we need to make other modifications.

[Quoted text hidden]

2 attachments

 **3YW9203-Burn Ordinance (clean).docx**
20K

 **3YU1994-Burn Ordinance.docx**
22K

Ordinance No. ____

VILLAGE OF RIDGEWAY

The Village Board of the Village of Ridgeway, Iowa County, Wisconsin, do ordain that section 10.08 of the Village of Ridgeway Code of Ordinances be amended to read as follows:

10.08 BURNING RESTRICTED.

(1) Fires Regulated. No person shall kindle any fire within the Village without first securing a written burn permit from the Village Clerk or Deputy Clerk. The Village Clerk or Deputy Clerk may issue such permit subject to any conditions he/she deems necessary for the protection of life and property.

- a. A permit is not required under this section for barbecue, gas and charcoal grills, or campfires. A campfire means a small outdoor fire where the burning materials are completely located within a maximum 30-inch circumference fire pit, and is intended for recreation or cooking. A campfire does not include a fire intended for disposal of waste wood or refuse.

(2) Trash Burning Restricted. No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or any public or private property within the Village within 15 feet of any building or within 10 feet of any property line or within any fire lane unless confined within a refuse burner, basket or metal enclosure with a metal cover attached to prevent the escape of sparks and burning material and unless so authorized by the Village Clerk or Deputy Clerk. No such permit shall be valid for more than one year from its date.

(3) In addition to any conditions imposed by the Village, anyone issued a burn permit under subsections (1) or (2) must comply with all of the following requirements.

- a. Fires shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields.
- b. Fires shall be burned in conformance with all local and state fire protection regulations.
- c. No fires shall be allowed during periods when the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

- d. Fires shall be located only on the property on which the materials were generated or at a facility approved by the Department of Natural Resources and the Village.
- e. Fires set for forest or wildlife habitat management must receive approval from the Department of Natural Resources.
- f. Fires shall only be allowed from the hours of noon and 6:00 PM.
- g. Fires shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- h. No fires are allowed within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Village.

Adopted the ____ day of _____, 2023.

APPROVED:

Michele Casper
Village President

ATTEST:

Hailey Roessler
Village Clerk

Ordinance No. _____

VILLAGE OF RIDGEWAY

The Village Board of the Village of Ridgeway, Iowa County, Wisconsin, do ordain that section 10.08 of the Village of Ridgeway Code of Ordinances be amended to read as follows:

10.08 BURNING OF GRASS, TRASH OR GENERAL BONFIRES RESTRICTED. ~~(Cr. Nov. 1, 1954).~~ ~~(Am. June 16, 2020)~~

(1) Grass Fires Regulated. No person shall kindle any fire within the Village without first securing a written burn permit from the Village Clerk or Deputy Clerk. The Village Clerk or Deputy Clerk may issue such permit subject to any conditions he/she deems necessary for the protection of life and property.

a. A permit is not required under this section for barbecue, gas and charcoal grills, or campfires. A campfire means a small outdoor fire where the burning materials are completely located within a maximum 30-inch circumference fire pit, and is intended for recreation or cooking. A campfire does not include a fire intended for disposal of waste wood or refuse.

~~(1)~~ _____

(2) Trash Burning Restricted. No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or any public or private property within the Village within 15 feet of any building or within 10 feet of any property line or within any fire lane unless ~~same be~~ confined within a refuse burner, basket or metal enclosure with a metal cover attached to prevent the escape of sparks and burning material and unless so authorized by the Village Clerk or Deputy Clerk. No such permit shall be valid for more than one year from its date.

(3) In addition to any conditions imposed by the Village, anyone issued a burn permit under subsections (1) or (2) must comply with all of the following requirements.

a. Fires shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields.

b. Fires shall be burned in conformance with all local and state fire protection regulations.

c. No fires shall be allowed during periods when the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

- d. Fires shall be located only on the property on which the materials were generated or at a facility approved by the Department of Natural Resources and the Village.
- e. Fires set for forest or wildlife habitat management must receive approval from the Department of Natural Resources.
- f. Fires shall only be allowed from the hours of noon and 6:00 PM.
- g. Fires shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- h. No fires are allowed within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Village.

(2)

~~(3) — Bonfires Restricted. No person shall start any bonfire within the Village limits without first securing the written permission of the Village Clerk or Deputy Clerk.~~

Adopted the _____ day of _____, 2023.

APPROVED:

Michele Casper
Village President

ATTEST:

Hailey Roessler
Village Clerk

Stafford and Rosenbaum Recommendation: Based on recent court cases, I have significant concerns about its (Sign Ordinance) enforceability. The Village can regulate sign location and the size of signs, but the current ordinance has many content restrictions that would likely be deemed unconstitutional. I would recommend updating the sign code to bring it into compliance with those recent court decisions.

14.23 SIGNS

14.23.01 PERMIT REQUIRED

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit except those signs excepted in Section 7.2 and without being in conformity with the provisions of this ordinance. The sign shall also meet all the structural requirements of the building code.

14.23.02 SIGNS ACCEPTED IN RESIDENTIAL AND AGRICULTURAL DISTRICTS

All signs are prohibited in all residential and agricultural districts except the following:

Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length.

Real Estate Signs not to exceed eight square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

Name, Home, Occupations, Professional office, and Warning Signs not to exceed two square feet located on the premises.

Farm Signs giving the name of the farm, farm owner, or commodities produced shall not exceed 15 square feet in total area.

Bulletin Boards for public, charitable, or religious institutions not to exceed eight square feet in area located on the premises.

Memorial Signs tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

Official Signs such as traffic control, parking restrictions, information, and notices.

Temporary Signs or banners when authorized by the Plan Commission.

14.23.03 SIGNS PERMITTED IN BUSINESS AND MANUFACTURING DISTRICTS

Signs are permitted in all business and manufacturing districts subject to the following restrictions:

Wall Signs placed against the exterior walls of buildings shall not extend more than six inches outside of a building's wall surface, shall not exceed 400 square feet in area for any one premises, and shall not exceed twenty feet in height above the mean centerline street grade.

Projecting Signs fastened to, suspended from, or supported by structures shall not exceed 10 square feet in area for any one premises, shall not extend more than six feet into any required yard, shall not extend more than three feet into any public right of way, shall not be less than ten feet from all side lot lines, shall not exceed a height of two feet above the sidewalk nor fifteen feet above a driveway or alley.

Ground Signs shall not exceed 20 feet in height above the main centerline street grade,

shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet in total advertising area.

Roof Signs shall not exceed ten feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 300 square feet on all sides for any one premises.

Window Signs shall be placed only on the inside of commercial buildings and shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.

Combinations of any of the above signs shall meet all the requirements for the individual sign.

14.23.04 TRAFFIC

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of traffic signs. Signs shall not obstruct or interfere with the effectiveness of traffic signs. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. No signs shall be placed so as to obstruct or interfere with traffic visibility.

14.23.05 EXISTING SIGNS

Signs lawfully existing at the time of the adoption or amendment of this ordinance may be continued although the use, size, or location does not conform with the provisions of this ordinance. However, it shall be deemed a nonconforming use or structure, and the provisions of [Section 14.25](#) shall apply.

14.23.06 SIGN REMOVAL

At the termination of an advertised use, all signs advertising that use shall be removed from public view within 30 days. Responsibility for violations shall be with the property owner according to the latest tax roll listing.

14.23.07 SIGNS GENERAL

No flashing, moving, or apparent moving signs shall be permitted except for time and temperature and changeable copy displays. Lighted signs shall be shielded to prevent glare onto adjoining properties or onto the public street. No sign shall be placed on a tree.