



The **Ordinance Committee** of the Village of Birchwood
was held on **Tuesday, June 7th, 2022 at 6:00 p.m.**
at the **Birchwood Village Hall, 101 N Main St, Birchwood, WI 54817**

MINUTES

Chairperson call meeting to order - Meeting will be recorded.

Roll call: Present: S. Milligan, P. Parkos, and R. VanGilder

Public Notice: Posted at the Birchwood Post Office, Village Hall, Gary's Grocery and Village Website.

Correspondence: None

Discussion/Action Items (public comments will be allowed):

1. Current agenda
 - a. Approve current agenda-Motion by VanGilder, 2nd by Parkos to approve. Carried 3-0
2. Well Abandonment and Well Operation Permit
 - a. Create a new ordinance, recommended by Wisconsin Department of Natural Resources, to implement a local well regulation program requiring proper abandonment of unused, unsafe or noncomplying wells located on premises served by the municipal water system, and to provide permits for retention of safe, code-complying wells by local ordinance or water utility rule, in order to prevent all unused, unsafe, and noncomplying wells from becoming safety hazards or channels for contamination of aquifers, and to prevent illegal cross-connections with municipal system. VanGilder felt this had already been done. L Zillmer concurred. The DNR required us to abandon, and cap wells a few years ago. Zillmer stated that if the wells weren't abandoned, they needed to be permitted. VanGilder stated that he felt the Village is in compliance. VanGilder stated we should have Tucker get a list of the abandoned wells and get a copy of the ordinance recommended by the DNR. Tabled until the information is made available.
3. Nuisance Lawn
 - a. Amend Article V. Lawn and Grasses Sec. 10-111 – Public Nuisance Declared
 - i. The village board finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land within 200 feet of the center of public right-of-way which **exceed 8 inches length** adversely affect the public health and safety of the public and the village shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
Parkos felt lowering the length would save wear and tear on the Village equipment. VanGilder stated he felt this would keep the Village looking better as well. Motion by VanGilder 2nd by Milligan to amend Article V. Lawn and Grasses Sec. 10-111-Public Nuisance Declared to change the length from 12 inches to 8 Inches. Carried 3-0
4. Decibel Level
Review and discuss Division 4 Loud and Unnecessary Noise ordinance regarding decibel levels. VanGilder stated at the 8-18-21 meeting the following were put in place: "7am to 10pm =75 decibels -10pm to 7am =65 decibels Decibels to be read at the closet curb in front of location/address where noise is being generated from. Special exemptions can be made for festivals with a Special Event Permit as long as approved by the Village Board of Trustees."
VanGilder read the City of Hayward noise ordinance- which indicated the changes in decibels depending on the zoning, time of year, and day/time. VanGilder informed the board that this meeting is currently at 52 decibels. B. Longacre stated the smaller towns have smaller numbers. He also stated that there is no variation in decibels according to the different zoned areas in the Village. Parkos stated that years ago he received a permit from Morris Gillette to have bands outside. Parkos stated that the Pizza Den is a commercial area and was in business

The meeting is open to the public and is handicapped accessible.

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prior to the campground. Longacre would like to see the permit from the previous president. Longacre stated that last year the band level was at 80-85 decibels, and he heard multiple complaints. Parkos said he understands the concern, but that this is in a commercial area in town and there is bound to be noise such as cars or ATV's. Longacre said he felt that those things are out of someone's control but that loud bands are not. VanGilder interjected that this is really about setting a decibel level. Parkos agreed. Longacre stated that some of the bands seem to keep it at a lower decibel -which he appreciates. Milligan will look at towns and Villages of similar size to see what their ordinances are regarding noise. Milligan stated that the Village wants to try and set a level that will be acceptable for everyone. VanGilder said he believed Rice Lake had a shut off time for noise, especially for the racetrack. Zillmer said she thinks the mill has gotten quieter over the years, but she can hear the base of some bands. Tabled until further information is gathered.,

4. Fence Permit

- a. Amend and/or create ordinance and permit for the purpose of fences. Milligan informed the committee that there used to be a fence ordinance, but it didn't get put into Municode when things were changed over. It is unknown whether this was an oversight or if it was discontinued. Parkos stated that he felt fences backing up to residential areas should be done to make sure that the residents don't see through it. Milligan stated that this was a past ordinance. Zillmer said there are screening requirements in the business ordinance. Milligan read the Rice Lake ordinance regarding fencing between a business and residence. VanGilder said a barrier fence between residential and commercial is usually 6 ft. The front is usually lower so the building can be seen. VanGilder said he feels we need to write an ordinance that covers all types of Villages fencing and not just for one spot. Zillmer quoted Division 7 C-1 Community Business District-Sec. 28-264 regarding outdoor storage. VanGilder informed the Committee that he has been contacted about Airtec putting a building in the lot in question. It would still be fenced in, but a building would be there as well. VanGilder said it is still being looked into. Milligan asked for clarification about a 5-foot minimum and 8 foot maximum. Parkos felt that over 6 foot would not look good in the Village. Parkos questioned whether we needed to do anything with the ordinance. VanGilder agreed. VanGilder clarified that the dimensional requirement states "no fence shall exceed 6 ft in height and shall not be constructed within 18 inches of a lot line per code. No action taken.

5. Sidewalk Repair

- a. Amend of Division 2. Construction and Repair Sec. 20-113 – Apportionment of Costs
 - i. Where required by the village board, it shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the village and for the owner to **pay 100 percent of the cost** of repair or reconstruction. Previously this was a 50/50 split between the Village and property owner. Zillmer said she feels it should stay 50/50 because there are multiple sidewalks in the Village, some of them being homeowners. She feels that if it is the businesses that are doing the damage, they should be changed to pay for 100% of the costs. Parkos suggested changing the ordinance to have residential pay 50% and commercial pay 100%. He feels the businesses are making money. Zillmer suggested changing it to Main Street. VanGilder stated that there are residential properties on Main Street as well. Milligan feels that there needs to be more definite guidelines. Motion by Parkos 2nd by Milligan to amend Division 2. Construction and Repair Sec. 20-113- Apportionment of Costs to state that Residential costs stay at 50/50 for repairs/reconstruction and Commercial properties will be changed to 100% (owner responsibility) for repairs/reconstruction on Main Street. Carried 3-0

6. Adjournment-Motion by VanGilder 2nd by Parkos to adjourn. Carried 3-0

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