



Take notice that the City of Ashland Committee of the Whole will meet in person in the City Hall Council Chambers, 601 Main Street W. Ashland, WI immediately following the adjournment of the City Council Meeting with the availability to attend virtually, to consider and act upon the following agenda.

To join the meeting from your computer, tablet or smartphone:

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Please contact the Clerk's office if you require accommodations to attend the meeting.

Tuesday, April 16, 2024 Ashland Committee of the Whole Meeting Agenda

1. **Roll Call**
2. **Approval of Agenda**
3. **Council President's Report**
4. **Administrator's Report**
5. **DISCUSSION ITEMS**
 - A. Discussion and Possible Action Regarding the City of Ashland Bike Plan *(Public Works)*
 - B. Discussion on Planning for Future Private Lead Water Service Lateral Replacements *(Public Works)*
 - C. Discussion and Possible Action Regarding Adding the Former Baron Radiator Property to the City's Comprehensive Outdoor Recreation Plan (CORP) *(Planning)*
 - D. Discussion and Possible Action on Amending the Burning Ordinance to Allow Fires for Recreational Events on the Ice of Chequamengon Bay *(Fire Department)*
 - E. Discussion and Possible Action Regarding Amending Chapter 925 (1443), Ashland City Ordinances, to Include Regulations for Vaping Products *(Clerk)*
 - F. Discussion and Possible Action Regarding Potential Changes to Private Property Lawn Height and the Implementation of Edging *(Councilor Ortman)*
6. **Closed Session**
 - A. **Pursuant to WI Stat. 19.85(1)(c) "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility."** *(Grievance) (Fire Department)*
 - B. Return to Open Session *(Voice)*



- C. Report of Action Taken during Closed Session - *Council may return to open session and take action on any item discussed in Closed Session.*

7. **Items for Future Discussion**

8. **Adjournment**

The City of Ashland does not discriminate on the basis of sex, race, creed, color, national origin, sexual orientation, age or disability in employment or provision of services, programs or activities.

NOTE: Upon reasonable notice, the City of Ashland will accommodate the needs of disabled individuals or individuals with limited English proficiency through auxiliary aids or services. For additional information or to request this service, contact the City Clerk's Office at 715-682-7071 (not a TDD telephone number) or FAX: 715-682-7048

SUBJECT: Discussion and Possible Action Regarding the City of Ashland Bike Plan (*Public Works*)**RECOMMENDATION:** Approval**DEPARTMENT OF ORIGIN:** Public Works/Parks and Recreation**CLEARANCES:** Public Works Director
Parks and Recreation Director**EXHIBITS:**

1. City of Ashland Bike Facility Overview
2. City of Ashland Proposed Bike Routes Map

COMPLIANCE WITH STRATEGIC PLAN: Infrastructure**SUMMARY STATEMENT:**

The Public Works Director has been coordinating an update to the City Bicycle Plan through collaboration with representatives from the Public Works Committee (Phil Sorenson) and Parks and Recreation Committee (David Ullman).

The Bicycle Plan is helpful in seeking grants for street improvement projects as federal funding is shifting to require more incorporation of bicycle and pedestrian facilities along with vehicular accommodations. In addition, several key roadways throughout the City, such as 3rd Street West and Beaser Avenue, are scheduled for resurfacing in the near future, hence Public Works was in need of guidance for accommodation of bicycle facilities on these roadways.

Bike lanes are proposed along 3rd Street West, which will require elimination of parking on the south side of the street. In the case of Beaser Avenue, bike lanes are proposed from US2 to 11th Street West, which can be installed without eliminating parking on either side of the avenue. Due to lower traffic volumes on 3rd Street East, "sharrow" pavement markings are proposed.

From 11th Street West to Binsfield Road, sharrows are proposed due to the presence of a median in the roadway. When Beaser Avenue was reconstructed in 2008, an eight-foot wide sidewalk was installed south of 11th Street West to accommodate bicycles.

Other highlights of the plan include connection to Prentice Park via Junction Road; connection to the elementary/high school walking path via 9th Street West; bike lanes along 11th Street East/West; and connection of the 5th Street Corridor trail to downtown via Chapple Avenue. An item identified for future consideration is the possible rerouting of bicycle/pedestrian traffic along 26th Avenue East rather than the 24th Avenue East trail due to safety considerations related to the US Highway 2 crossing and maintenance of the 24th Avenue East trail.

The proposed plan was presented to the Public Works committee several times and public input was incorporated through an event hosted by Bay City Cycles in February 2024.

The proposed bike plan and report will be presented to a joint meeting of the Public Works and Parks & Recreation Committees on April 11, 2024.

City of Ashland Bike Facilities Overview

Background

The city of Ashland is a small community on Lake Superior with values geared toward environmental stewardship and recreation. With this, Ashland aims to encourage bicycle access in the city and promote a healthy, active lifestyle. Bicycle lanes and other facilities provide safe and clear routes for citizens and tourists alike. This aligns with United States Department of Transportation's 2010 policy to incorporate safe and convenient walking and bicycling facilities into transportation projects.

The city of Ashland has been able to keep pedestrians and bicyclists safe prior to the implementation of this plan. The state of Wisconsin keeps data of crashes from 2001 to the current date. During that time period, there has been a total of 9 bicycle crashes (11% severe injury) and 8 pedestrian crashes (25% severe injury) on city streets. The addition of more biking infrastructure will likely lead to more ridership and an even lower rate of crashes and injury, which will be further discussed later.

The city of Ashland is also keeping the environment in mind by prioritizing the reduction of pavement widths. Less overall pavement will reduce maintenance costs and storm water runoff. Parking lanes will need to be sacrificed for bike lanes in some situations. According to the City of Ashland Parking Study in 2018, there is currently ample parking downtown. Even with the removal of some parking lanes, finding a spot near downtown will not be an issue.

Existing Bike Facilities

The City of Ashland currently has 2.9 miles of bike facilities. 2.6 miles of that is defined as bike lane, which is a 4 foot wide surface with painted markings indicating bicycle use (fig. 1). The other 0.3 miles are sharrows. Sharrows are painted road markings designating the road to be shared between cyclists and motorists (fig. 2). There are also approximately 8.6 miles of trails in the City of Ashland that are available for biking, including the 5th St Corridor and the Waterfront Trail. One notable bike trail is along Beaser Avenue, where the cross section of the road south of 11th St doesn't allow for bicycle facilities in the road. Instead, the widened sidewalk running along the Eastern side of the street was constructed in 2009 to accommodate bicycle traffic.

Addition of bike facilities have been shown to improve safety and increase ridership for bicyclists. A study on the impacts of bike lanes was conducted on various cities by the National Association of City Transportation Officials (NACTO). NACTO found that the addition of bike lanes lead an overall decrease in severe injuries and death due to bicycle-car accidents. Bicycle ridership also increased both on and off streets with added bike lanes. Because of the associated health, safety, and environmental benefits of an effective network of bike facilities, the City of Ashland intends to add more bike lanes and sharrows.

Planned Bike Facilities

Bike facilities are beneficial on some streets and may not be necessary on others. According to NACTO, bike lanes are best suited for roads with average daily traffic $\geq 3,000$ and a maximum speed limit of 25 mph. On roads where vehicle traffic is significantly lower than 3,000 while bicycle ridership is high, sharrows are an effective option. On other local streets in Ashland where vehicle and bicycle traffic is low, bike facilities are not necessary. The Wisconsin Bicycle Facility Design Handbook claims, “On quiet residential streets with little traffic and slow speeds, bicyclists and motorists can generally coexist with little difficulty. Such streets seldom need bike lanes.”

There are 8.6 miles of proposed bike facilities that the City of Ashland intends to implement. Of those 8.6 miles, 3.9 would be bike lane, 3.9 miles of sharrows, and 0.8 miles would be signed. Signed means there would be street signs designating the road as a bike route, but would have no painted pavement markings (fig. 3). This would create a network that effectively serves the community by connecting residential areas with key access points, such as schools and colleges, downtown, the hospital, and the waterfront.

The implementation of these proposed bike facilities is to be coordinated with roadway improvement projects. This is because Ashland has a limited engineering capacity and is just beginning to execute a functional pavement management program. Simultaneous roadway improvement and bicycle accommodation addition was agreed upon in the Public Works Committee meeting on October 10, 2019. Again, this is compliant with the United States DOT’s policy from 2010.

Figure 1 - Bike Lane



Figure 2 - Sharrow



Figure 3 - Signed



Abandoned Bike Facilities

The city of Ashland has some existing facilities that do not align with the current bike plan. Their lack of connectivity, functionality, and perceived ridership leads them to be abandoned. Bike lanes on 22nd St W and Binsfield Rd fit the criteria for them to be abandoned. The road paint still exists and is in good condition currently, but these lanes will not be maintained going forward.

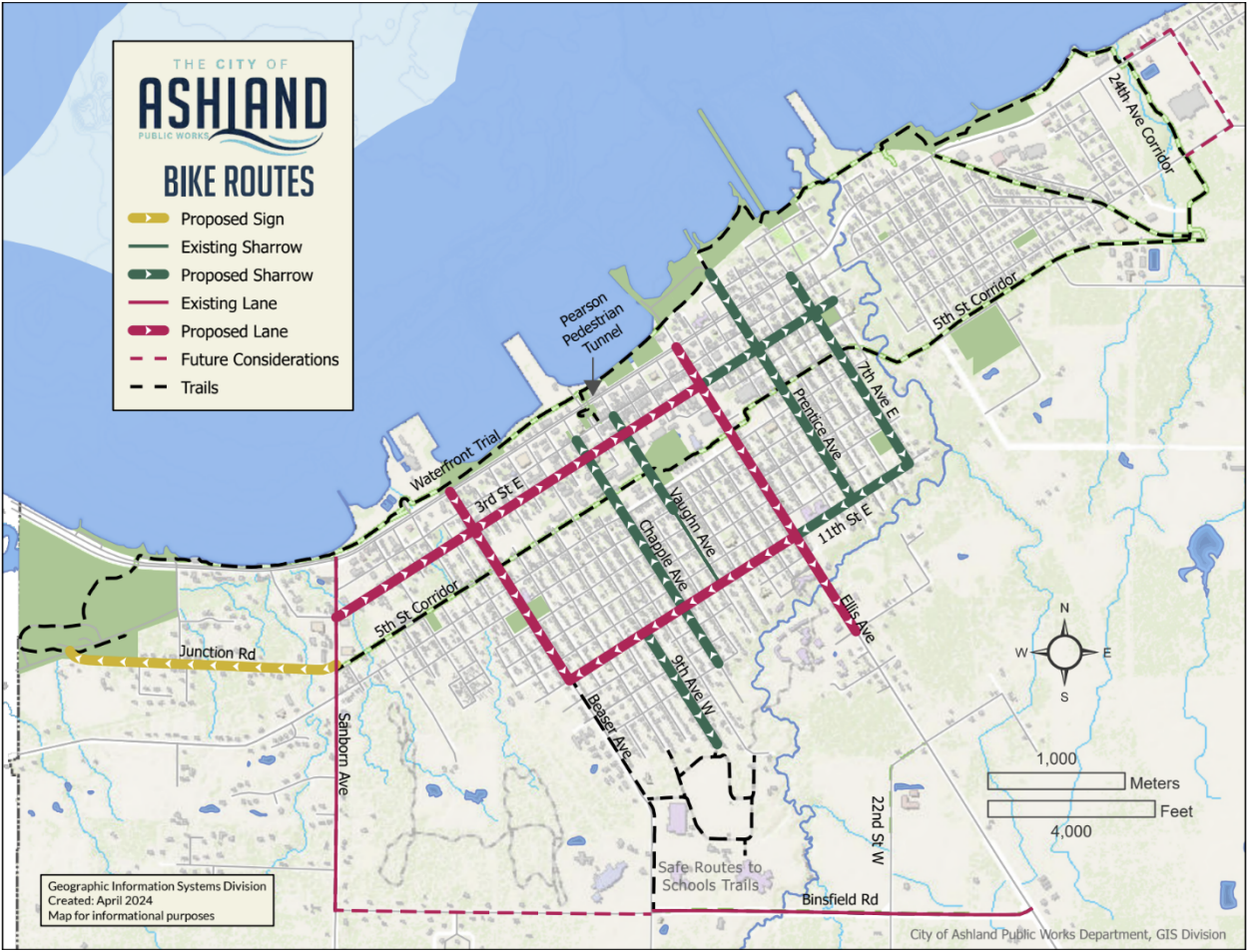
Future Consideration of Bike Facilities

There are a few places in the city that we recognize could use better facilities but require more work to come to a final decision on their implementation. These two areas are labeled “future consideration” in Figure 4. These areas include Maple Lane and 26th Ave. E. They are displayed on the bike plan map, but are not included in cost totals because of their uncertain future.

Cost of Bike Facilities

When considering the addition of new facilities to the City’s infrastructure network, it is important to consider the ongoing maintenance costs along with the initial cost. The cost for a bike lane is \$0.66 per foot, \$0.19 per foot for sharrows, and \$1.89 per foot for signs. The life span for road paint is estimated to be 5 years, and 15 years for signs. Therefore, the approximate annual cost per mile is \$1,200 for bike lanes, \$320 for sharrows, and \$1000 for signs. If all proposed bike facilities were implemented, the total annual cost would be approximately \$4,900. Just like road paint, the asphalt pavement of pedestrian trails has a life span. These trails need to be periodically repaved to provide safe and comfortable use. Ashland’s 8.6 miles of trails have an estimated 15 year useful life. With a total replacement value of \$1,617,000, the annual cost of trails would be \$107,810.

Figure 4 – Existing and Proposed Bike Lanes and Trails

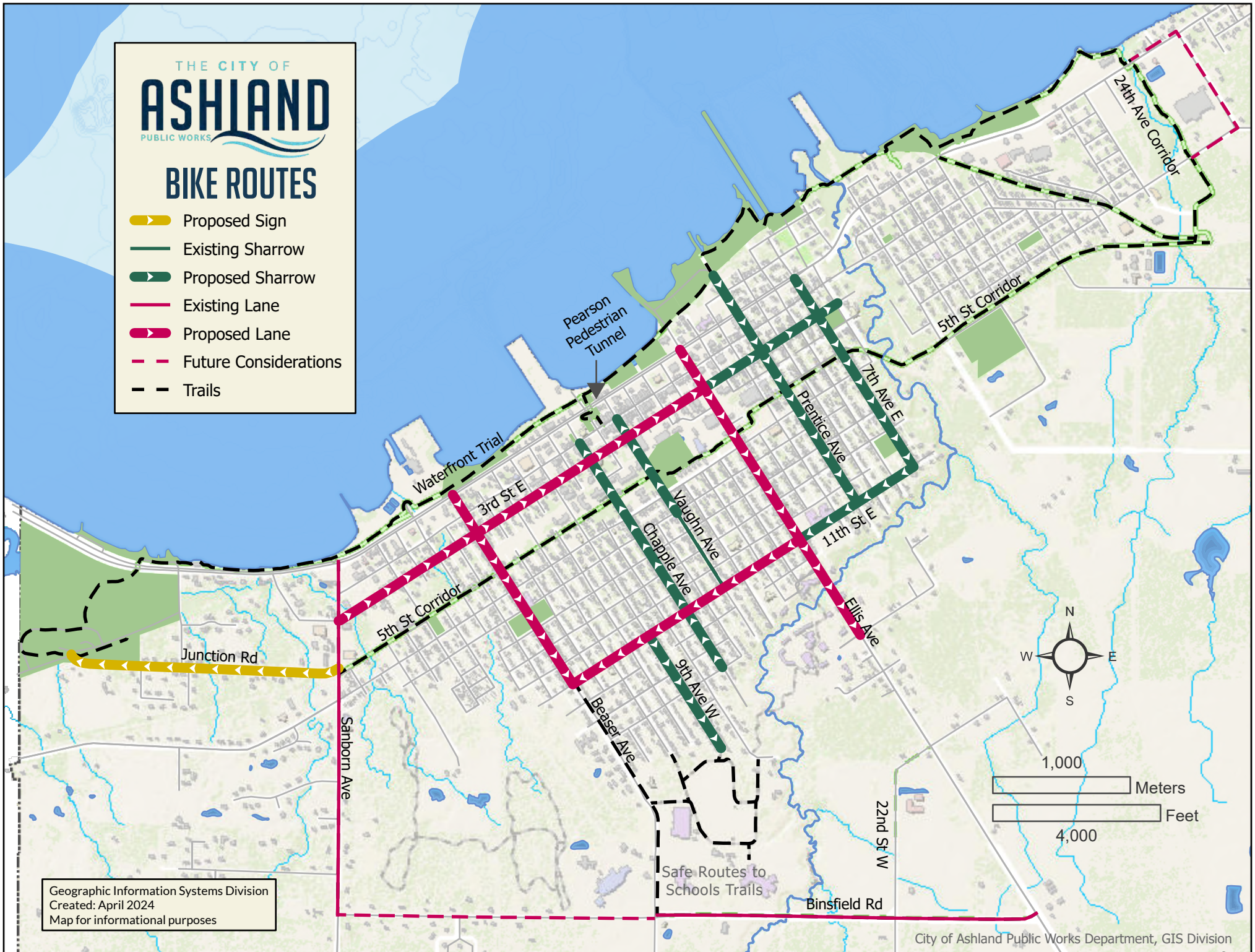


References

- United States Department of Transportation Policy Statement on Bicycle and Pedestrian Accommodation Regulations and Recommendations
 - https://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/policy_accom.cfm
- Wisconsin Traffic Operations and Safety (TOPS) Laboratory
 - <https://topslab.wisc.edu/>
- NACTO – High Quality Bike Facilities Increase Ridership and Make Biking Safer
 - <https://nacto.org/2016/07/20/high-quality-bike-facilities-increase-ridership-make-biking-safer/>
- NACTO – Urban Bikeway Design Guide
 - <https://nacto.org/publication/urban-bikeway-design-guide/bike-lanes/conventional-bike-lanes/>
- WisDOT - Wisconsin Bicycle Facility Design Handbook
 - <https://wisconsindot.gov/documents/projects/multimodal/bike/facility.pdf>
- City of Ashland – 2018 Downtown Parking Analysis
 - <https://www.coawi.org/DocumentCenter/View/664/2018-Downtown-Parking-Analysis>

BIKE ROUTES

-  Proposed Sign
-  Existing Sharrow
-  Proposed Sharrow
-  Existing Lane
-  Proposed Lane
-  Future Considerations
-  Trails



SUBJECT: Discussion on Planning for Future Private Lead Water Service Lateral Replacements
(Public Works)

RECOMMENDATION: Discussion

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: Public Works Director

EXHIBITS:

COMPLIANCE WITH STRATEGIC PLAN: Infrastructure

SUMMARY STATEMENT:

The City has participated in the Wisconsin Department of Natural Resources (WI DNR) lead service lateral (LSL) replacement program since 2017. In 2023, many changes were made to the program by the WI DNR due to implementation of funds from the Bipartisan Infrastructure Law (BIL). Uncertainty regarding these changes resulted in confusion with regard to procurement and financing of the 2023 LSL replacement work.

Per WI DNR staff, it is possible that principal forgiveness will not be available to the City at 100% of construction costs in the future. In response, staff is only completing minimal LSL replacement work and working to apply for WI DNR funding for LSL replacement projects two to three years in advance, as opposed to applying concurrent with construction. Receipt of funding in advance will allow staff to communicate costs and financial assistance terms (ten years payback, low interest) to property owners ahead of construction, with staff proposing to levy property assessments for any costs above WI DNR funding levels.

This work will be primarily administered by the recently hired Civil Engineer in Utilities. Staff estimates there are approximately 350 private LSLs connected to the water system. Regulations from the Environmental Protection Agency (EPA) are requiring that these LSLs be replaced by 2034.

Projects currently being planned for future funding are Prentice Avenue Phase 1 Reconstruction (2024), Ore Dock Access Road (2024), Ellis Avenue Reconstruction (2025) and Chapple Avenue Reconstruction (2025).

SUBJECT: Discussion and Possible Action Regarding Adding the Former Baron Radiator Property to the City's Comprehensive Outdoor Recreation Plan (CORP) (*Planning*)

RECOMMENDATION: Discussion and Possible Action

DEPARTMENT OF ORIGIN: Planning and Development

CLEARANCES: Parks Director

EXHIBITS: 1. 2024 CORP Amendment

COMPLIANCE WITH STRATEGIC PLAN: The City's Strategic Plan identifies as goals *Development of Main Street* and *Development of Areas other than Main Street*. The adaptive reuse of the City-owned vacant former Baron Radiator property is consistent with the City's Strategic Plan goals. The site is located adjacent to the Vaughn Public Library within a block of Main Street and is dilapidated. As a vacant blighted property it does nothing to attract visitors to the downtown or nearby areas. The property currently detracts from its surroundings. The reuse of the property as a beverage-based use and outdoor event space would create a destination that would attract people to the downtown and nearby areas. For this reason the reuse of the property is a high priority for the City and staff is of the opinion that the reuse of the property and destination created as a result would further the City's Strategic Plan goals.

SUMMARY STATEMENT:

City staff seeks Committee of the Whole approval to amend the City's 2019-2024 Comprehensive Outdoor Recreation Plan (CORP) to add the former Baron Radiator Property to the CORP. The property was not originally included in the CORP as approved by the City Council and WI Department of Natural Resources (WDNR) in 2019. The City acquired the Baron property after approval of the CORP. In 2022 and 2023, City staff worked with the Environmental Protection Agency (EPA), the EPA's consultant, and WI DNR on a reuse plan for the former Baron site. Since then, the City Administrator has provided several reports to the Council regarding the reuse of the former Baron Radiator property. The Council approved a contract between the City and Meyer Group Architecture to create construction documents for the reuse project. Staff anticipates opening up the project for contractor bids upon completion of the construction documents.

In order to assist with funding the adaptive reuse of the former Baron Radiator site, City staff would like to apply for funding through the WI DNR Stewardship Grant program. In order to do so, the project must be listed in the City's CORP, and it must support a goal identified in an approved CORP. The Parks and Recreation Director is seeking Wisconsin Coastal Management (WCM) funds to update the CORP because the plan has reached its five-year mark and updating at five years. The update of the CORP will not occur before the deadline for 2024 Stewardship funds, which is May 1, 2024. The Stewardship Grant can fund the construction of public restrooms, green stormwater systems, and the public plaza space.

The Stewardship program requires a 1:1 match for eligible expenses and only eligible expenses are considered for the match. The cost estimates provided for the site in the concept plan for the Baron reuse project were between \$300,000 and \$500,000. DNR Stewardship funds could potentially cover half of this and are therefore a significant funding source for the project. For this reason, staff requests approval of the proposed amendment to the CORP to include the former Baron Radiator property in the 2019-2024 CORP. The DNR has indicated that they will need to see progress towards amending the CORP to include the Baron property in the plan at the time of application submission. If the COW and Council approve the proposed CORP amendment, staff would apply for WDNR Stewardship and other available funds in 2024. Staff anticipates completion of the adaptive reuse project between 2024 and 2025.

Goal 14: Complete the Adaptive Reuse of the City-owned Former Baron Radiator Property

<i>Actions</i>	<i>Cost</i>	<i>Timeline</i>
Complete architectural design, construction documents, and bid specs for the adaptive reuse project.	\$\$\$\$	2024-2025
Issue Request for Proposals for contractors		
Secure and leverage City and outside funding for the project		
Explore opportunities for programming and use of the public open space		

*CORP Amended XX/XX/2024

Year	Park	Proposed Project	Priority	Estimated Cost
2024-2025	Former Baron Radiator Property	Adaptive reuse of the former Baron Radiator Property structure and site. Amenities will include an outdoor public open space and public restrooms	1	\$800,000

* CORP Amended XX/XX/2024

Outside Funding Source	Outside Funding Amount	Funding Needed
WDNR Stewardship Grants, WAM Grants	\$400,000	\$400,000

SUBJECT: Discussion and Possible Action on Ammending the Burning Ordinance to Allow Fires for Recreational Events on the Ice of Chequamengon Bay (*Fire Department*)

RECOMMENDATION: Fire Chief recommends approval

DEPARTMENT OF ORIGIN: Fire Department

CLEARANCES:

EXHIBITS: 1. Chapter 978

COMPLIANCE WITH STRATEGIC PLAN: This item conforms to the Ashland Comprehensive Plan in that it is "...in accordance with existing and future needs, best promotes the public health, safety, morals, and the general welfare..." for the City's residents and community

SUMMARY STATEMENT:

The current burning ordinance is unclear if recreational fires are allowed on the ice during events like Book Across the Bay. The Fire Chief proposes adding a specific exemption to the language in Chapter 978 so that events like Book Across the Bay can continue to have fires in a controlled manner with a few guidelines to help ensure the safety of the event participants and the City.

The following language is proposed to be added to 978.02 (e) **"(3) Campfires built on the ice of Chequamegon Bay for recreational events. The size of the allowable fire is dependent upon snow cover. If the ground is completely covered with snow, then no restriction on the size of the fire is in place. If there is no snow cover or only partial snow cover, the allowable size of each fire is 6' x 6' x 6'. Each fire must be attended by an event representative."**

978 (1831) Burning Of Grass, Leaves, And Garbage

[978.01 Purpose](#)

[978.02 Applicability](#)

[978.03 \(Reserved\)](#)

[978.04 Definitions](#)

[978.05 General Prohibition On Outdoor Burning And Refuse Burning](#)

[978.06 Materials That May Be Burned](#)

[978.07 Burning Brush, Clean Wood, And Weeds](#)

[978.08 Backyard Fire Rings](#)

[978.09 Burn Barrels](#)

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[978.11 Exemption For Burning Certain Papers](#)

[978.12 Burning Permits](#)

[978.13 Sky Lanterns](#)

[978.14 Liability](#)

[978.15 Right Of Entry And Inspection](#)

[978.16 Enforcement And Penalties](#)

HISTORY

Amended by Ord. [2015-1844](#) Amends Chapter 978. Burning of Grass, Leaves, and Garbage. Amends references in Sections 978.02, 987.06, and 987.07. on 5/26/2015

Amended by Ord. [2016-1866](#) Amend Section 978.02. Applicability. Item (e). on 1/26/2016

978.01 Purpose

This chapter is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of and visitors to the City of Ashland due to the air pollution and fire hazards of open burning, outdoor burning, and refuse burning.

978.02 Applicability

This chapter applies to all outdoor burning and refuse burning within the City of Ashland, except as provided below.

- (a) This chapter does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- (b) This chapter does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section 978.04.
- (c) This chapter does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- (d) This chapter does not apply to an outdoor wood fired furnace as defined in Section 978.04.
- (e) Sec. 978.08 does not apply to:
 - (1) The fire area located on the Northland College campus west of Wheeler Hall; and
 - (2) Campfires built within 20 feet of the Lake Superior shore on snow or ice or, before June 1, on sand, provided such fires are not built on Maslowski Beach, Sixth Avenue Beach, Kreher Park beach, or Bayview Park beach west of the pier, as such parks and beaches are designated under Section 463.04, Ashland City Ordinances.

HISTORY

Amended by Ord. [2015-1844](#) Amends Section 978.02. Replace reference in 978.02(b) "978.13" with "978.04.", Replace reference in 978.02(d) "978.13" with "978.04.", Replace reference in 978.02(e) "978.17(1)" with "978.08(1)." on 5/26/2015
Amended by Ord. [2016-1866](#) Amend Section 978.02(e). Replace the reference to "978.08(1)" with "978.08." on 1/26/2016

978.03 (Reserved)

978.04 Definitions

- (a) "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
- (b) "Clean Wood" means natural wood which has not been painted, varnished, or coated with a similar material, has not been pressure treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.
- (c) "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.
- (d) "Extinguished" in relation to a fire means that there are no flames, glowing embers, smoke, or steam, and that all combustible materials are cold to the touch.
- (e) "Fire Chief" means the Chief of the Ashland Fire Department or other person authorized by the Fire Chief.
- (f) "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.
- (g) "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.
- (h) "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
- (i) "Refuse" means any waste material except clean wood.

978.05 General Prohibition On Outdoor Burning And Refuse Burning

Open burning, outdoor burning, and refuse burning are prohibited in the City of Ashland unless the burning is specifically permitted by this chapter.

978.06 Materials That May Be Burned

Unless a specific written approval has been obtained from the Fire Chief or the Department of Natural Resources, only the following materials may be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. *

- (a) Clean wood.
- (b) Brush.
- (c) Weeds, as allowed under Section 978.07 and papers as allowed under Section 978.11.

*Materials such as those listed below (but not limited to those listed below) are banned because burning them can cause adverse effects to human health and the environment or because they can be recycled.

(a) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

(b) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

(c) Asphalt and products containing asphalt.

(d) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(e) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(f) Rubber including tires and synthetic rubber-like products.

(g) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance.

HISTORY

Amended by Ord. [2015-1844](#) Amends Section 978.06. Materials That May Be Burned. Replaces reference in 978.06(c) "978.16(1)" with "978.07.", and "978.20" with 978.11." on 5/26/2015

978.07 Burning Brush, Clean Wood, And Weeds

Open burning of weeds, brush, stumps, and clean wood is allowed only in accordance with the following provisions:

- (a) All allowed open burning 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. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- (b) No open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area, except for barbecue gas, and charcoal grills, unless such fires are included in the burning ban.
- (c) Grass, leaves, weeds, brush, and tree trunks, stumps, and limbs may be burned in areas zoned for agricultural use, upon receiving permission from the Fire Chief, provided that the burning is for agricultural purposes only. Prior to the actual start of burning, the permittee shall notify the Fire Department and the Dispatch Center for the Ashland Police Department. The permittee and the property owner where the burning occurs shall be responsible for any damage caused by the fire. Refuse other than grass, leaves, weeds, brush and tree trunks, stumps, and limbs, may not be burned pursuant to this section.

- (d) Grass, leaves, weeds, brush, and tree trunks, stumps, and limbs may be burned in areas zoned for industrial use, upon receiving permission from the Fire Chief, provided that the burning is for the purpose of site development for new construction only. Before issuing any permit under this section, the Fire Chief shall perform an on-site inspection of the area where the burning is to occur and may impose conditions on the permit, including but not limited to requirements for on-site fire suppression equipment and personnel, and time and weather requirements. Prior to the actual start of burning, the permittee shall notify the Fire Department and the Dispatch Center for the Ashland Police Department. The permittee and the property owner where the burning occurs shall be responsible for any damage caused by the fire. Refuse other than grass, leaves, weeds, brush and tree trunks, stumps, and limbs, may not be burned pursuant to this section.
- (e) Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources.
- (f) Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
- (g) Burning of trees, trunks, stumps and limbs, brush, or weeds is allowed only when snow cover is present at the burn site, or if it is not, then only if approved by the Fire Chief and if in accordance with other provisions of this chapter.
- (h) In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.
- (i) Except for barbecue gas, and charcoal grills, open burning under this section shall only be conducted at a location at least 10 feet from the property line.
- (j) Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished, as defined in Section 978.04(d). The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- (k) No materials may be burned upon any street, curb, gutter or sidewalk.
- (l) Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet of any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
- (m) No open burning may be conducted on days when the Fire Chief issues a burning ban.
- (n) Any otherwise lawful fire may be prohibited, or if already in progress, may be ordered extinguished, by the Fire Chief or any law enforcement officer of the City of Ashland, if the atmospheric conditions are such as to make the fire a hazard to public health or safety or to public or private property, or if the fire is producing excessive flame or smoke so as to endanger public health or safety or public or private property.

HISTORY

Amended by Ord. [2015-1844](#) Amends Section 978.07. Burning Brush, Clean Wood, and Weeds. Replaces reference in 978.07(j) "978.13(d)" with "978.04(d)." on 5/26/2015

978.08 Backyard Fire Rings

Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided:

- (a) The fire is confined by a control device or structure such as an enclosure, fire ring, or fire pit, no more than three feet wide at its widest point.
- (b) All other provisions contained in this chapter are followed.

- (c) No complaints related to such fires are received. If a complaint is received while a fire is burning, the Fire Chief or any law enforcement officer may order the fire extinguished. The Fire Chief may also prohibit all outdoor campfires and small bonfires at the address based on safety, health, or nuisance concerns, or may place specific conditions on allowing outdoor campfires and small bonfires at the address. The Fire Chief shall inform the complainant of any action taken as a result of the complaint. Any party aggrieved by the Fire Chief's response to a complaint may have that response reviewed by the City Council's Committee of the Whole. Upon review, the Committee of the Whole shall determine if safety, health, or nuisance concerns make it advisable to prohibit, limit, or condition outdoor campfires and small bonfires at the address. The decision of the Committee of the Whole shall be the final decision of the City.

978.09 Burn Barrels

No person shall use or maintain a burn barrel in the City of Ashland.

978.10 Fire Department Practice Burns

The Ashland Fire Department or Northwoods Technical College may burn a standing building if necessary or useful for fire-fighting practice upon compliance with any applicable requirements of the Department of Natural Resources.

HISTORY

Amended by Ord. [2024-1992](#) on 1/30/2024

978.11 Exemption For Burning Certain Papers

- (a) Notwithstanding Section 978.06, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.
- (b) Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.
- (c) Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
- (d) A fire set for burning of a small quantity of confidential papers shall be subject to and comply with all other requirements of this ordinance.

978.12 Burning Permits

- (a) The Fire Chief is authorized to issue burning permits under subsections 978.07(c), (d), and (f).
- (b) A burning permit issued under this chapter shall require compliance with all applicable provisions of this chapter and any additional special restrictions deemed necessary to protect public health and safety.
- (c) Any violation of the conditions of a burning permit shall be deemed a violation of this chapter. Any violation of this chapter or the burning permit shall void the permit.
- (d) A permit shall only be issued upon payment of the permit fee as established in the City's Comprehensive Fee Schedule.

978.13 Sky Lanterns

- (a) Definition. A "sky lantern" is a small hot air balloon made of paper or other fabric with an opening at the bottom where a small fire is suspended.

- (b) Prohibition. No person shall light, launch, or allow to become airborne any sky lantern.

978.14 Liability

A person starting, using, or maintaining an outdoor fire; or lighting, launching, or allowing to become airborne a sky lantern; shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

978.15 Right Of Entry And Inspection

The Fire Chief or law enforcement officer or Building Inspector of the City of Ashland may inspect any property for the purpose of ascertaining compliance with the provisions of this chapter. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Sec. 66.0199 Wis. Stats.

978.16 Enforcement And Penalties

- (a) The Fire Chief and any law enforcement officer of the City of Ashland are authorized to enforce the provisions of this chapter.
- (b) The penalty for violation of any portion of this chapter shall be a forfeiture of not less than \$50 or more than \$1,000 plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

* Materials such as those listed below (but not limited to those listed below) are banned because burning them can cause adverse effects to human health and the environment or because they can be recycled.

- (a) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- (b) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
- (c) Asphalt and products containing asphalt.
- (d) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- (e) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- (f) Rubber including tires and synthetic rubber-like products.
- (g) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance.

SUBJECT: Discussion and Possible Action Regarding Amending Chapter 925 (1443), Ashland City Ordinances, to Include Regulations for Vaping Products (*Clerk*)

RECOMMENDATION: Approve to Forward to Council for Formal Approval

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: Mayor

EXHIBITS:

COMPLIANCE WITH STRATEGIC PLAN: NA

SUMMARY STATEMENT:

The passing of [Wisconsin Act 73](#) resulted in several changes to both alcohol and tobacco regulations to now address vaping products. Act 73 requires retailers that sell electronic vaping devices to obtain a retail license from the municipality, creates minimum standards for persons to hold a retail license, and implements new application forms.

[Chapter 925 \(1443\)](#) regulates the licensing of tobacco and cigarettes. "Vaping" simply needs to be added to this chapter to correlat with WI State Statutes.

SUBJECT: Discussion and Possible Action Regarding Potential Changes to Private Property Lawn Height and the Implementation of Edging (*Councilor Ortman*)

RECOMMENDATION: Assign to Appropriate Committee for Further Discussion

DEPARTMENT OF ORIGIN: Councilor Ortman

CLEARANCES: Mayor

EXHIBITS:

**COMPLIANCE WITH STRATEGIC ENVIRONMENT
PLAN:**

SUMMARY STATEMENT:

Councilor Ortman wishes to open discussion regarding natural landscapes, and potentially ask the appropriate committee(s) to further discuss and evaluate.