

## ZONING ORDINANCE for ASHLAND COUNTY, WISCONSIN

An ordinance regulating, restricting and determining the areas within the County in which agriculture, forestry and recreation may be conducted, the location of roads, schools, trades and industries and the location of buildings, designed for specified uses, and the establishment of districts for such purposes and the establishment of set-back building lines outside of the limits of incorporated villages and cities pursuant to section 59.97 of the Wisconsin Statutes.

The County Board of Supervisors of Ashland County does ordain as follows:

### SECTION I.

#### Districts and District maps.

For the purpose of promoting public health, safety and general welfare, and regulating, restricting and determining the areas within which agriculture, forestry and recreation may be conducted and establishing districts which are deemed best suited to carry out such purposes, outside of the limits of incorporated villages and cities, and in accordance with the provisions of section 59.97 of the Wisconsin statutes, the territory included in the boundaries of the following towns, to-wit: Agenda, Ashland, Butternut, Gingles, Gordon, Jacobs, LaPointe, Marengo, Morse, Peeksville, Sanborn, Shanagolden, and White River are hereby divided into two classes of use districts as follows, to-wit:

1. Forestry and recreation district, and
2. Unrestricted district.

The boundaries of the aforesaid two (2) use districts are shown upon the official map of Ashland County, attached hereto, being designated as the "Zoning Map" showing Use Districts, Ashland County, Wisconsin, dated November, 1934, and made a part of this ordinance. All notations, references and other things shown upon said zoning map showing use districts shall be as much a part of this ordinance as if the matter and things set forth by said map were all fully described herein.

No land or premises shall be used except in conformity with the regulations herein prescribed for the use districts in which such land or premises is located.

No building shall be erected or structurally altered or used except in conformity with the regulations herein prescribed for the use districts in which such building is located.

### SECTION II.

#### District No. 1 – Forestry and Recreation District.

In the forestry and recreation district no building, land or premises will be used except for one or more of the following specified uses:

1. Production of forest products
2. Forest industries
3. Public and private parks, playgrounds, camp grounds and golf grounds.
4. Recreational camps and resorts
5. Private summer cottages and service buildings
6. Hunting and fishing cabins
7. Trappers' cabins
8. Boat liveries
9. Mines, quarries and gravel pits
10. Hydro-electric dams, power plants, flowage areas, transmission lines and sub-stations
11. Telephone and telegraph line rights-of-way
12. Harvesting of any wild crop such as marsh hay, ferns, moss, berries or tree fruits or seeds.  
(Explanation – Any of the above uses are permitted in the forestry and recreation district, and all other uses, including family dwellings, shall be prohibited.)

### SECTION III.

#### District No. 2 – Unrestricted District.

In the unrestricted district, any land may be used for any purpose whatsoever, not in conflict with the law.

### SECTION IV.

#### Non-conforming Uses.

The lawful use of any building, land or premises existing at the time of the passage of this ordinance, although such use does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued any future use of said building, land or premises shall be in conformity with the provisions of this ordinance.

The lawful use of a building, land or premises existing at the time of the passage of this ordinance may be continued although such use does not conform with the provisions hereof, and such use may be extended throughout such building, land or premises.

Whenever a use district shall be hereafter changed, any then existing non-conforming use in such changed district may be continued or changed to a use permitted in the new use district, provided all other regulations governing the new use are complied with.

Whenever a non-conforming use of a building, land or premises has been changed for more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use, unless the district in which such building, land or premises is located is changed to a less restricted use.

Immediately following publication of this ordinance by the county board, the Zoning Committee shall prepare a list of all instances of established non-conforming uses of land and publish the same to permit appeal on errors and omissions. Thirty days after publication of this list a final and official copy shall be filed in the office of the Register of Deeds.

Nothing in this ordinance shall be construed as prohibiting forestry and recreation in any of the us districts nor a change from any other use to forestry or to recreation.

SECTION V.  
Land Exchange.

Lands acquired by Ashland County through tax deed in the unrestricted district may be subject to exchange for privately owned lands within the forestry and recreation district when such exchange will promote the regulation and restriction of agricultural and forestry lands.

SECTION VI.  
Boundaries of Districts.

District Boundary lines shall follow along the lines, or along lines extended, indicated on the United States General Land Office survey maps, or along meandered streams.

SECTION VII.  
Interpretation and Application.

The provisions of this act shall not apply to buildings, land or premises belonging to and occupied by the United States, the State of Wisconsin, any town or any school district.

SECTION VIII.  
Changes and Amendments.

The Board of Supervisors of Ashland County may from time to time amend, supplement or change by ordinance the boundaries of districts or regulations herein supplemented. Any amendment, supplement or change may be proposed by the board of supervisors of the county or by the town board or town boards of the town or towns in which may be situated any lands affected by such amendment, supplement or change. Any proposed changes shall first be submitted to the Zoning Committee for its recommendation and report.

Any and all ordinances which may amend this ordinance which have been adopted as herein provided, shall be submitted to the town boards governing the territory affected thereby, and their approval obtained before the same shall be adopted by the county board.

SECTION IX.  
Enforcement and Penalties.

The provisions of this ordinance will be enforced by and under the direction of the County Board of Supervisors. Any person, firm, company or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be subject to a fine of not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars, together with costs of action, and in default of payment thereof, to imprisonment in the county jail for a period of not less than one (1) day nor more than six (6) months, or until such fine and costs be paid. Compliance therewith may be enforced by injunctive order at the suit of the county or the owner or owners of land within the district affected by the regulations of this ordinance.

SECTION X.  
Validity.

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION XI.  
Definitions.

Certain terms and words used in this ordinance are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory.

**FOREST PRODUCTS** – Products obtained from stands of forest trees which have been either naturally or artificially established.

**FOREST INDUSTRIES** – The cutting and storing of forest products, the operation of portable sawmills and planer, the production of maple syrup and sugar.

**PUBLIC AND PRIVATE PARKS, PLAYGROUNDS, CAMP GROUNDS, and GOLF GROUNDS** – Areas of land with or without buildings designed for recreational uses.

**RECREATION CAMPS and RESORTS** – Areas of land improved with buildings or tents and sanitary facilities used for occupancy during a part of the year only.

**PRIVATE COTTAGES and SERVICE BUILDINGS** – Buildings designed for seasonal occupancy only and normally used by the owner together with additional structures to house materials and services.

**HUNTING and FISHING CABINS** – Buildings used at special seasons of the year as a base for hunting, fishing and outdoor recreation.

**TRAPPERS' CABIN** – A building used as a base for operating one or more trap lines

**BOAT LIVERIES** – Establishments offering the rental of boats and fishing equipment.

**BUILDING** – A structure having roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels.

NON-CONFORMING USE – A building or premises occupied by a use that does not conform with the regulations of the use district in which it is situated.

FAMILY DWELLING – Any building designed for and occupied by any person or family establishing or tending to establish a legal residence or acquiring a legal settlement for any purpose upon the premises so occupied.

SECTION XII.  
When Effective.

This ordinance upon passage and publication shall be in effect in the Towns of Agenda, Ashland, Butternut, Gingles, Gordon, Jacobs, LaPointe, Marengo, Morse, Sanborn, Shanagolden and White River each of said towns having given its approval to the provisions hereof in the manner provided by section 59.97, Wisconsin Statutes.

Adopted – November 15, 1934      Signed:      Frank G. Shefchik  
Chairman, Board of Supervisors  
Ashland County, Wisconsin

Published – November 23, 1934      Edwin H. Quistorff  
Ashland County Clerk  
Ashland County, Wisconsin

**REPORT OF ZONING COMMITTEE**

To the Honorable Board of Supervisors  
Ashland County, Wisconsin

Gentlemen:

Your County Zoning Committee, having reviewed the approvals of various town boards of the report and recommendations of your County Zoning Committee submitted at a meeting of the said board on May 9, 1934, which said report consists of an ordinance as set forth in the proceedings of this board at the said meeting held May 9, 1934, including the map therein mentioned, and made a part thereof, begs leave to report thereon as follows:

That approvals have been obtained of town boards, so far as the same affects the lands in such towns, in accordance with the provisions of subsection (1) of section 59.97 of the Wisconsin Statutes, as follows:

The town board of the Town of Agenda which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 10th day of July, 1934, a certified copy of which said resolution was filed in the office of the County Clerk of Ashland County on the 14th day of July, 1934.

The town board of the Town of Butternut which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 28th day of July, 1934, a certified copy of which said resolution was filed in the office of the County Clerk of Ashland County on the 4th day of August, 1934.

The town board of the Town of Gordon which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 17th day of July, 1934, a certified copy of which said resolution was filed in the office of the County Clerk of Ashland County on the 20th day of July, 1934.

The town board of the Town of Shanagolden which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 14th day of July, 1934, a certified copy of which said resolution was filed in the office of the County Clerk of Ashland County on the 17th day of July, 1934.

The town board of the Town of Peeksville which said disapproval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 17th day of July, 1934, a certified copy of which said resolution was filed in the office of the County Clerk of Ashland County on the 20th day of July, 1934.

The town board of the Town of Morse which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 14th day of July, 1934, a certified copy of which said resolution was filed in the office of the County Clerk of Ashland County on the 13th day of November, 1934.

The town board of the Town of Jacobs which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 8th day of November, 1934, a certified copy of which said resolution was filed in the office of the County Clerk of Ashland County on the 13th day of November, 1934.

The town board of the Town of Ashland which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 4th day of September, 1934, a certified copy of which said resolution was filed in the office of the County Clerk of Ashland County on the 8th day of September, 1934.

The town board of the Town of Marengo which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 19th day of July, 1934, a certified copy of which said resolution was filed in the office of the County Clerk of Ashland County on the 23rd day of July, 1934.

The town board of the Town of White River which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 14th day of July, 1934, a certified copy of which said resolution was filed in the office of the County Clerk of Ashland County on the 17th day of July, 1934.



Offered and Passage moved by Supervisor  
Seconded Supervisor

Wm. G. Zielke  
Sam Jensen

Result of Vote:            For Adoption    –    25  
                                  Against Adoption –    0  
                                  Absent            –    2

Roll call was ordered which resulted as follows:

**AYES:**        Barabe, Bay, Deringer, Fraedrichs, Giese, Griffith, Gustafson, Hansen, Jensen,  
                         Amelung, Lindblad, Lockard, Maats, Markee, Meindl, Reedy, Russell,  
                         Schoenborn, Schrader, Shefchik, Stemm, Upthgrove, Warren, Wilson and Zielke.  
**NOES:**        0.  
**ABSENT:** Selner and Zoesch.  
**AYES:**        25.  
**NOES:**        0.  
**ABSENT:**     2.

Motion Carried.

Adopted: November 14th, 1934.

**FRANK SHEFCHIK,**  
Chairman Board of Supervisors  
Ashland County, Wisconsin

**EDWIN H. QUISTORFF, (S-E-A-L)**  
County Clerk,  
Ashland County, Wisconsin.  
Published, November 23rd, 1934.