



ASHLAND COUNTY WISCONSIN

- **ZONING:**
 - a. Shoreland
 - b. Floodplain
 - c. Comprehensive
- **SUBDIVISION**
- **PRIVATE SEWAGE**

ASHLAND COUNTY ZONING, SUBDIVISION AND SANITARY ORDINANCES

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ASHLAND COUNTY

PRIVATE SEWAGE SYSTEM ORDINANCE

Amended January 6, 2003

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INTRODUCTION

15.01 STATUTORY AUTHORITY

This ordinance is adopted pursuant to the authorization in §59.70(1), 59.70(5), 145.04, 145.19, .20, .245 Wisconsin Statutes.

15.02 PURPOSE

This ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems.

15.03 REPEAL AND EFFECTIVE DATE

After public hearing, adoption by the County Board and publishing or posting as required by law, this ordinance shall be effective on the effective date of revisions to Comm 81-91, Wisconsin Administrative Code, which were submitted to the Wisconsin Revisor of Statutes on February 3, 2000. The existing sanitary provisions for the County shall be repealed effective on the date of the enactment of this ordinance.

15.04 SEVERABILITY AND LIABILITY

Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private sewage system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

15.05 INTERPRETATIONS

The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

15.06 DEFINITIONS

The following terms shall have the meanings indicated in this section.

BUILDINGS. See STRUCTURE.

CONVENTIONAL PRIVATE SEWAGE SYSTEM. A private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

COUNTY. The County Authority; The Ashland County Zoning Administration.

COUNTY SANITARY PERMIT. A permit issued by the County for the reconnection of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to §59.70 and 145.04, Wisconsin Statutes.

FAILING PRIVATE SEWAGE SYSTEM. “Failing private sewage system” has the meaning specified under §145.245 (4), Wisconsin Statutes. A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

HUMAN HABITATION. The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

MODIFICATION IN WASTEWATER FLOW OR CONTAMINANT LOAD. A modification in wastewater flow or contaminant load shall be considered to occur:

In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and

In dwellings, when there is an increase or decrease in the number of bedrooms, or an increase in total square footage of enclosed living space or more than 25%.

NON-PLUMBING SANITATION SYSTEM. Sanitation systems and devices within the scope of Comm 91, Wisconsin Administrative Code, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets and privies.

OCCUPANCY. Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

PLUMBER. A person licensed by the State as a Master Plumber or Master Plumber-Restricted Services.

PORTABLE RESTROOM. A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to contain human excrement.

PRIVATE SEWAGE SYSTEM. Also referred to as a “Private On-Site Wastewater Treatment System” or “POWTS”, has the meaning given under s. 145.01(12), Wis. Stats.

PRIVY. An enclosed nonportable toilet into which nonwater-carried human wastes are deposited.

PRIVY-PIT. A privy with a subsurface storage chamber which is not watertight.

PRIVY-VAULT. A privy with a subsurface storage chamber that is watertight.

REBUILT. The construction which takes place after a structure is demolished or damaged to the extent of fifty percent (50%) of its current equalized assessed value.

SANITARY PERMIT. The term “sanitary permit”, as used in this ordinance shall mean a County Sanitary Permit, a State Sanitary Permit or both.

SEPTIC TANK. A anaerobic treatment tank.

SOIL AND SITE EVALUATION APPLICATION. An application submitted for the purpose of requesting county verification of a Soil and Site Evaluation Report.

STATE. The Wisconsin Department of Commerce.

STATE SANITARY PERMIT. A permit issued by the County for the installation or modification of a private sewage system, pursuant to §145.135 and 145.19, Wisconsin Statutes.

STRUCTURE. Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include (but are not limited to) truck campers, semi-truck trailers, travel trailers, park or model units, buses and motor homes.

GENERAL REQUIREMENTS

15.07 COMPLIANCE

- (1) All structures or premises in the County that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.
- (2) The private sewage system or non-plumbing sanitation system for newly constructed structures or structures requiring a Reconnection Permit shall be installed, inspected, and approved before the structure may be occupied.

15.08 INCORPORATION OF PROVISIONS BY REFERENCE

This ordinance incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of private sewage systems: §59.70(5), Chs. 145, 281.48 and 968.10, Wisconsin Statutes; Chs. Comm 52.63, Comm 81, Comm 82, Comm 83, Comm 84, Comm 85, Comm 91, NR 113 and NR 116 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

15.09 APPLICABILITY

This ordinance applies to all geographic areas of Ashland County except for lands identified in Comm 83.02(2), Wisconsin Administrative Code.

15.10 LIMITATIONS

- (1) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the State or this ordinance.
- (2) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or water under pressure is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
- (3) Any private sewage system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Ashland County Floodplain Zoning Ordinance.

- (4) When a failing private sewage system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by County order.
- (5) Building sewers for new construction shall exit the building such that a minimum of 18 inches of soil cover above the sewer can be provided without placing soil within 8 inches of building materials not approved for ground contact. (Note: if untreated lumber is used for framing and sheeting, the top of the building sewer must exit at least 26 inches below the top of the foundation.)

15.11 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system shall be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the local sewer service entity.

Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of Comm 83, Wisconsin Administrative Code.

- (2) The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with Comm 83, Wisconsin Administrative Code.

PERMITS AND APPLICATIONS

15.13 SOIL AND SITE EVALUATION

- (1) Soil and site evaluations shall be done prior to the issuance of permits as specified in Comm 83, Comm 85 and Comm 91, Wisconsin Administrative Code.
- (2) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. This is best accomplished by the excavation of backhoe pits.
- (3) County verification of a Soil and Site Evaluation Report may be necessary to determine the suitability of a lot for a private sewage system. This verification will be made at the discretion of the Zoning Administrator and will be made prior to the issuance of the sanitary permit. This verification will result in one of the following:
 - (a) Issuance of the permit, provided all information on the application is correct and complete.
 - (b) Establishment of a file indicating site suitability.
 - (c) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
 - (d) Denial of the permit if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes.
- (4) A certified soil tester may request County verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. Application for this verification shall include all information required in §15.15(1)(a-e) on forms provided by the County,

the original copy of the Soil and Site Evaluation Report and as many copies as are required by the County.

15.14 SANITARY PERMITS

- (1) Every private sewage system shall require a separate application and sanitary permit.
- (2) A sanitary permit shall be obtained by the property owner, prior to the installation, establishment or construction of any structure which requires a private sewage system or non-plumbing sanitation system. Any property owner, his agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to citation or other enforcement action.
- (3) A sanitary permit shall be obtained by the property owner, before any private sewage system or part thereof may be installed, replaced, reconnected or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles, filters or pumps.
- (4) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.
- (5) If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated for compliance with existing codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the County.

If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

15.15 APPLICATION REQUIREMENTS

- (1) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the County along with all applicable fees:
 - (a) Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).
 - (b) Legal description of the subject site and the parcel identification or parcel number.
 - (c) All lot dimensions.
 - (d) Driving directions to the site, or provide the unique building identification number.
 - (e) Building use (single family, duplex, etc.).
 - (f) Soil and Site Evaluation report.
 - (g) System plans (see §15.16).
 - (h) Appropriate agreements and contracts for system management and maintenance.
 - (i) Verification that any existing private sewage systems on the same parcel of land

are not failing private sewage systems.

- (j) Copies of any documents required in §15.15(4) and verification that they have been recorded.
 - (k) Any other information required by the County, including verification of compliance with §15.40(11) of this ordinance.
- (2) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.
 - (3) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with Comm 91, Wisconsin Administrative Code.
 - (4) The following documents must be recorded with the Ashland County Register of Deeds prior to sanitary permit issuance:
 - (a) Maintenance agreements or contracts, if recording is required by Comm 83, Wisconsin Administrative Code, of §15.37 of this ordinance.
 - (b) If a private sewage system, or parts thereof, are located on a different parcel than the structure served, an appropriate easement or combined parcel affidavit must be recorded.
 - (c) If a private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.
 - (d) If a private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance must be recorded.
 - (e) If the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction limiting occupancy to that used in the design must be recorded.
 - (5) The County reserves the right to require Floodplain and/or Wetland delineation for a building site or proposed private sewage system area prior to sanitary permit issuance. The County may require elevations on plans to be tied to floodplain elevation datum.
 - (6) The County reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

15.16 PLANS

System plans shall be submitted for approval to the County or to the State in accordance with Comm 83, Wisconsin Administrative Code. Plans shall comply with the requirements of Comm 83, Wisconsin Administrative Code, and this ordinance.

- (1) Plans submitted to the County shall include the original and as many copies as are required by the County.
- (2) If plans are reviewed and approved by the State, at least one set of the plans submitted to the County shall bear an original State approval stamp or seal.
- (3) Plans submitted shall be clear, legible and permanent copies.

- (4) Plans submitted shall comply with Comm 83, Wisconsin Administrative Code, and include the following:
 - (a) The name of the property owner and the legal description of the site;
 - (b) Estimated daily wastewater flow and design wastewater flow.
 - (c) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8-1/2 inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private sewage system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in Comm 83.43, Wisconsin Administrative Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.
 - (d) Details and configuration layouts depicting how the system is to be constructed.
 - (e) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired. (see §15.10(4)); or an alternate area may be provided.
 - (f) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private sewage system or modification to an existing system complies with this ordinance.
- (5) Plans shall be signed or sealed as specified in Comm 83, Wisconsin Administrative Code.
- (6) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected and accepted. The plans shall be made available to the County or the State upon request.
- (7) A modification to the design of a private sewage system which has been previously approved shall be submitted to the County or the State as specified in Comm 83, Wisconsin Administrative Code. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans, see §15.25.

15.17 PERMIT CARDS

- (1) The permit card issued by the County to the property owner or his agent shall serve as the sanitary permit.
- (2) The permit card shall contain all the information required by §145.135, Wisconsin Statutes.
- (3) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.
- (4) The permit card may not be removed until the private sewage system has been installed, inspected, and approved by the County.
- (5) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, his agent or contractor, to citation or other enforcement action.

15.18 PERMIT EXPIRATION

- (1) A sanitary permit for a private sewage system or non-plumbing sanitation system which has not been installed, modified or reconnected and approved shall expire two years after the date of issuance. Permits may be renewed following written application to the County by the property owner, his agent or contractor, prior to the expiration date of the original permit.
- (2) There shall be a fee for the renewal of a sanitary permit.
- (3) The renewal shall be based on ordinance requirements in force at the time of renewal.
- (4) Changed ordinance requirements may impede the renewal.
- (5) The property owner shall return the original permit card and receive a new card when the permit is renewed.
- (6) All sanitary permits issued prior to the effective date of this ordinance shall expire two years from the date of issuance unless renewed.
- (7) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

15.19 TRANSFER OF OWNERSHIP

Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:

- (1) The applicable State transfer form submitted to the County.
- (2) The sanitary permit card shall be returned to the County so that a new permit card may be issued.
- (3) Transfer of ownership shall not affect the expiration date unless a renewal is also requested.
- (4) There may be a filing fee. (See §15.25).

15.20 CHANGE OF PLUMBERS

- (1) When an owner wishes to change plumbers, it will be necessary for him to furnish the County with the applicable transfer form signed by the new plumber. New plans must also be submitted by the plumber.
- (2) The transfer of sanitary permits shall take place prior to the installation of the private sewage system.
- (3) Sanitary permits for systems requiring State plan approval shall not be transferred to a different plumber unless the plan bears the stamp of an architect or engineer, plumbing designer, or a State level approval is obtained by the new plumber.
- (4) There may be a filing fee. (See §15.25).

15.21 PERMIT DENIAL

When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this Ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. Reasons for the denial shall be forwarded to the plumber, landowner and when appropriate State representative(s) and Corporation Counsel.

15.22 RECONNECTION

- (1) A County reconnection permit shall be obtained prior to:
 - (a) Construction of a structure to be connected to an existing private sewage system;
 - (b) Disconnection of a structure from an existing private sewage system and connection of another structure to the system, except as permitted in §15.22(4); or
 - (c) Rebuilding a structure that is connected to a private sewage system.
- (2) Prior to issuing a reconnection permit, the existing private sewage system shall be examined to:
 - (a) Determine if it is functioning properly and whether it is a failing system
 - (b) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
 - (c) Determine that all minimum setback requirements of Comm 83, Wisconsin Administrative Code, will be maintained.
- (3) Application for a County reconnection permit shall include the following:
 - (a) All items in §15.15(1)(a-e) and §15.15(1)(i-k);
 - (b) For all systems that utilize in situ soil for treatment or disposal, a Soil and Site Evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and bedrock complies with Comm 83, Wisconsin Administrative Code, unless a valid report meeting these criteria is on file with the County;
 - (c) A report provided by a licensed plumber, certified septage servicing operator or a POWTS inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks;
 - (d) A report provided by a licensed plumber or POWTS inspector relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
 - (e) A plot plan prepared by a plumber including information specified in §15.16(4)(c); and
 - (f) Complete plans, as specified in §15.16, for any system components which will be modified or replaced.
 - (g) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance.
 - (h) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
- (4) Replacing a structure with a new or different structure within two years of the date of

permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, a plot plan that documents all setbacks between the structure and system components.

- (5) When reconnection to an undersized system is permitted by Comm 83 and 84, Wisconsin Administrative Code, an affidavit for the use of the undersized system must be recorded in the Register of Deeds office.
- (6) Systems may be inspected at the time of reconnection, prior to backfilling, at the discretion of the County to insure that proper materials and methods are being used.

15.23 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater flow and/or contaminant load to an existing private sewage system, the owner(s) of the property shall:

- (1) Possess a sanitary permit to construct a new private sewage system or modify an existing private sewage system to accommodate the modification in wastewater flow or contaminant load; or
- (2) Provide the following to the County:
 - (a) Documentation that a Private Sewage System of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in Comm 83, Wisconsin Administrative Code;
 - (b) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private sewage system components; and
 - (c) Documentation specified in §15.22(3)(b, c & d).
- (3) If the existing private sewage system is found to be undersized, construction of the building addition or modification shall be allowed only if permitted by Comm 83 and Comm 84, Wisconsin Administrative Code, and an affidavit for the use of the undersized system is recorded in the Register of Deeds office.
- (4) Any installation, addition or modification of a system must be completed and accepted before the addition or modified area of the structure may be occupied.

15.24 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to commencing construction of any structure or addition to a structure on a site where there exists a private sewage system, the owner or his agent shall determine that the proposed structure conforms with applicable setback limitations of Comm 83, Wisconsin Administrative Code. Documentation shall be submitted as required in Comm 83, Wisconsin Administrative Code.

15.25 PERMIT FEES

Permit fees shall be set and amended from time to time by the Zoning Committee and approved by the County Board. Failure to obtain a permit results in a double permit fee.

INSPECTIONS

15.27 INSPECTIONS; GENERAL.

- (1) Notice for final inspection shall be given to the County for all private sewage systems installed, modified or reconnected.
- (2) These private sewage systems shall be inspected by the County for compliance with Comm 82, Comm 83, Comm 84 and Comm 91, Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
- (3) Notification for final inspection shall be given in accordance with the requirements of Comm 83, Wisconsin Administrative Code.
- (4) When a private sewage system is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
- (5) Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the County.

15.28 INSPECTIONS; SITE CONSTRUCTED HOLDING TANKS

- (1) All site constructed holding tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set but in all instances before any concrete for the walls has been poured.
- (2) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.
- (3) This inspection shall not eliminate the need for an inspection after the installation has been completed.

15.29 INSPECTIONS; NON-PLUMBING SANITARY SYSTEMS

- (1) All non-plumbing sanitary systems installed shall be inspected for compliance with Comm 91, Wisconsin Administrative Code, or as amended, and this ordinance. Non-plumbing sanitary systems serving uses other than one and two family dwellings shall also be inspected for compliance with Comm 52.63, Wisconsin Administrative Code.
- (2) The property owner shall notify the County for inspection immediately after the non-plumbing sanitary system has been constructed or installed.
- (3) Privies in Ashland County shall be constructed and maintained in a manner consistent with the brochure entitled "Ashland County Recommendations for the Construction of Sanitary Privies," which is available in the office of the Ashland County Zoning Administrator and the terms and provisions of which brochure are incorporated herein by reference.

Further, all privies in Ashland County shall comply with each of the following requirements:

I. LOCATION

- A. Privies shall be located at a minimum horizontal distance of

1. 25 feet from dwellings,
2. 10 feet from slab constructed accessory buildings,
3. 75 feet from navigable waters and watercourses,
4. 10 feet from all lot lines,
5. 50 feet from water supply wells,
6. 3 feet above high ground water or bedrock (unless equipped with watertight vault)

II. GENERAL REQUIREMENTS

- A. All privy buildings should be fly tight and vermin proof.

15.30 INSPECTIONS; MOUNDS

- (1) The plumber installing the mound shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Mound systems may be inspected at the time the ground surface is plowed, before aggregate is placed in the distribution cell, at the time the distribution piping installation has been completed and after all work has been completed. At least one inspection prior to completion is required.

15.31 INSPECTIONS; AT-GRADE SYSTEMS

- (1) The plumber installing the at-grade shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) At-grade systems may be inspected at the time the ground surface is plowed, at the time the distribution piping installation has been completed and after all work has been completed. At least one inspection prior to completion is required.

15.32 INSPECTIONS; SAND FILTERS

- (1) The plumber installing the sand filter shall notify the County the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Sand filters shall be inspected at the time the liner or tank and underdrain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed and after all work has been completed.

15.33 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY COMM 83.61

- (1) The plumber installing the system shall coordinate any required preconstruction meeting(s).
- (2) The plumber installing the system shall notify the County at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.

- (3) Inspections shall be done pursuant to the approved plan requirements and as deemed necessary by the County to assure compliance with appropriate codes and the plan approval.

15.34 REINSPECTION

- (1) A reinspection fee may be assessed when a reinspection of a private sewage system is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, Administrative Codes, the approved plans or this ordinance. Each additional reinspection required at the site will require a fee.
- (2) The reinspection fee shall be due within ten working days of written notification by the County. Failure to pay this fee within that period shall constitute a violation of this ordinance.

15.35 TESTING

- (1) If testing of new systems or new system components is required by Comm 82, 83 or 84, Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the County as specified in §15.27(3), so that the County may make an inspection during the test.
- (2) The County shall verify that required testing has been completed, by:
 - (a) Performing an inspection during the test,
 - (b) Requiring written verification from the responsible person, or
 - (c) Both a and b.
- (3) Review and approve plans for private sewage systems for one and two family residences or as approved through agent status by the State.

SYSTEM MANAGEMENT AND MAINTENANCE

15.36 MAINTENANCE AND MANAGEMENT

- (1) All private sewage systems shall be managed and maintained in accordance with Comm 83 and 84, Wisconsin Administrative Code, and this ordinance.
- (2) The property owner shall report to the County each inspection, maintenance or servicing event, in accordance with Comm 83, Wisconsin Administrative Code, and this ordinance.
- (3) The property owner shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the County prior to sanitary permit issuance.
- (4) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the County whenever there is a change to such document(s).
- (5) The property owner shall submit a new maintenance agreement and/or servicing contract to the County prior to expiration of any existing maintenance agreement and/or servicing contract.

15.37 HOLDING TANK MAINTENANCE AGREEMENT

- (1) The owner of the holding tank shall enter into a Maintenance Agreement with the appropriate city, village or town guaranteeing that the local governmental unit which signed the agreement will service the holding tank, if the owner fails to have the holding tank properly serviced in response to orders issued by the County. The Maintenance Agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner. The Maintenance Agreement shall be filed with the register of deeds and shall be recorded in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.
- (2) The owner or agent shall submit a copy of the holding tank Maintenance Agreement when plans are submitted to the County for review.

ADMINISTRATION AND ENFORCEMENT

15.38 ADMINISTRATION

The Zoning Administrator shall be responsible for the administration of this ordinance. The Zoning Administrator may delegate his responsibilities to personnel employed by the Zoning Department and in the case of issuing abatement orders, to the County Health Department or Corporation Counsel.

15.39 POWERS AND DUTIES

In the administration of this ordinance, the Zoning Administrator shall have the following powers and duties:

- (1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (2) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.
- (3) Review and approve plans for private sewage systems for one and two family residences or as approved through agent status by the State.
- (4) Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (5) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
- (6) Report violations of this ordinance to the Zoning Committee and Corporation Counsel.
- (7) Have access to any premises for the purpose of performing official duties between 8 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or his agent and the Zoning Administrator or upon issuance of a special inspection warrant in accordance with §66.122, Wisconsin Statutes. Application for a sanitary permit is considered for the purposes of this ordinance as the owner's consent to enter the premises.
- (8) Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of this ordinance, until compliance with this ordinance or applicable Wisconsin Statutes and the Administrative Code is obtained.

- (9) Issue and enforce orders to plumbers, pumpers, property owners, their agents or contractors or the responsible party, to assure proper compliance with all provisions of this ordinance or delegate this authority to the County Health Department.
- (10) Withhold permit(s) or approval(s) pursuant to this ordinance where the applicant, owner or licensed contractor is in violation of this or any ordinance administered by the County and for any parcel(s) of land which have an outstanding violation until the violation(s) have been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and the Zoning Committee.
- (11) Issue citations and/or commence actions on behalf of Ashland County to enforce this ordinance. Such actions may seek legal and/or equitable relief.
- (12) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

15.40 ZONING COMMITTEE

- (1) Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this ordinance may appeal to the Zoning Committee. Any appeal shall be made on forms furnished by the County within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

15.41 VIOLATIONS AND PENALTIES

- (1) Any person who fails to comply with the provisions of this ordinance, or any order of the County issued in accordance with this ordinance, or resists enforcement, shall be subject to a citation or other enforcement action.
- (2) Any construction which is in violation of this ordinance shall cease upon written orders from the County or the placement of a notification of violation at the site.
- (3) All construction shall remain stopped until the order is released by the County.
- (4) Violations of this ordinance shall be prosecuted by the Corporation Counsel.

AMENDMENTS

NOTE: Section 15.29(3)
 AMENDMENT DATE: January 6, 2003
 DATE OF PUBLIC HEARING: December 12, 2002
 CLASS 2 NOTICE PUBLISHED: November 23, 2002 and November 30, 2002
 COUNTY BOARD ADOPTION: January 6, 2003
 DATE OF PUBLICATION: January 10, 2003, Ashland Daily Press
 Resolution #0-01-2003-46

CHAPTER 25

CONSTRUCTION AND EFFECT OF ORDINANCES

25.04 PENALTY PROVISIONS

(1) General Penalty

Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

- (a) **First Offense.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.
- (b) **Second Offense.** Any person found guilty of violating any ordinance or part of an ordinance of this Code, who has previously been convicted of a violation of the same ordinance within one year, shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 6 months.

(2) Continued Violations

Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this code shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(3) Execution Against Defendant's Property

Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the County, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

**ASHLAND COUNTY FLOODPLAIN
ORDINANCE**

FEBRUARY 2008

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1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;

(a) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(b) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for the County of Ashland, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood.

Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Ashland County Floodplain Appendix. Any change to the base flood elevations

(BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Zoning Administrator, Ashland County. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS : Based on the FIS,

(a) Flood Insurance Rate Map (FIRM), panel number 550004 0001-0100, dated (February 15, 1978); with corresponding profiles that are based on the Flood Insurance Study (FIS) dated (June 1976);

(b) Flood Boundary and Floodway Map (FBFW), panel number 550004 0001-0100, dated (June 1976);

Approved by: The DNR and FEMA

OFFICIAL MAPS: Based on other studies,

(a) Day Lake Hydraulic Shadow for 100 Year Flood With Dam Non-Existent Floodplain Map, dated (November 18, 1996), prepared by (U.S.D.A. Forest Service)

Approved by: The DNR and FEMA

(3) ESTABLISHMENT OF DISTRICTS

The regional floodplain areas are divided into three districts as follows:

(a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.

(b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.

(c) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below.

(a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s. 8.1 (6).

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

(6) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

(8) ABROGATION AND GREATER RESTRICTIONS

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Ashland County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(13) GENERAL DEVELOPMENT STANDARDS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

- (1) Except as allowed in par. (3) below, no floodplain development shall:
 - (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
 - (b) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
- (2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (3) are met.
- (3) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.0.

Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

2.2 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to s. 8.0.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1)The campground is approved by the Department of Health and Family Services.
- (2)A land use permit for the campground is issued by the zoning administrator.
- (3)The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (4)There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (5)This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.
- (6)Only camping units are allowed.
- (7)The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (8)All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- (9)The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.

(10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0 or s. 4.0 for the floodplain district in which the structure is located.

(11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.

(12) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4.

3.2 PERMITTED USES

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- They are not prohibited by any other ordinance;
 - They meet the standards in s. 3.3 and 3.4; and
 - All permits or certificates have been issued according to s. 7.1:
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
 - (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.
 - (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
 - (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
 - (7) Public utilities, streets and bridges that comply with s. 3.3(3).

3.3 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS

(1) GENERAL

- (a) Any development in floodway areas shall comply with s. 2.0 and have a low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1:

1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 2. An analysis calculating the effects of this proposal on regional flood height.
- (c) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (b) above.

(2) **STRUCTURES**

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) The structure is not designed for human habitation and does not have a high flood damage potential.
- (b) It must be anchored to resist flotation, collapse, and lateral movement;
- (c) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- (d) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(3) **PUBLIC UTILITIES, STREETS AND BRIDGES**

Public utilities, streets and bridges may be allowed by permit, if:

- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of s. 2.1.

(4) **FILLS OR DEPOSITION OF MATERIALS**

Fills or deposition of materials may be allowed by permit, if:

- (a) The requirements of s. 2.1 are met;
- (b) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (d) The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.4.

4.2 PERMITTED USES

Any structure, land use, or development is allowed in the floodfringe district if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS

S. 2.1 shall apply in addition to the following requirements according to the use requested.

(1) RESIDENTIAL USES

Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;

- (a) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;
- (b) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
- (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. (d).

- (d) In developments where existing street or sewer line elevations make compliance with par. (c) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 2. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

(2) ACCESSORY STRUCTURES OR USES

- (a) Except as provided in par.(b), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
- (b) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Sections 3.3 (2) (a),(b),(c) and (d) and 4.3 (5) below.

(3) COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(1)MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in s. 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- (a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with s. 7.5 to the flood protection elevation;

- (b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All on-site sewage disposal systems shall be floodproofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.

(8) WELLS

All wells shall be floodproofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES

- (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - 1. Have the lowest floor elevated to the flood protection elevation; and
 - 2. Be anchored so they do not float, collapse or move laterally during a flood
- (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5.0 GENERAL FLOODPLAIN DISTRICT (GFP)

5.1 APPLICABILITY

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

5.2 PERMITTED USES

Pursuant to s. 5.4, it shall be determined whether the proposed use is located within a floodway or floodfringe area.

Those uses permitted in floodway (s. 3.2) and floodfringe areas (s. 4.2) are allowed within the general floodplain district, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

5.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance applies to either district.

5.4 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;
- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - (a) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 - (c) Profile showing the slope of the bottom of the channel or flow line of the stream;
 - (d) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- (3) Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 7.1(2)(c) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

6.0 NONCONFORMING USES

6.1 GENERAL

(1) APPLICABILITY

If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (e) 1. Except as provided in subd. 2., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
2. For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.
- (f) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used.

6.2 **FLOODWAY AREAS**

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
 - (a) Has been granted a permit or variance which meets all ordinance requirements;
 - (b) Meets the requirements of s. 6.1;
 - (c) Will not increase the obstruction to flood flows or regional flood height;
 - (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation;
 - (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE AREAS

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in s. 4.3, except where s. 6.3(2) is applicable.
- (2) Where compliance with the provisions of par. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of par. (1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (a) No floor is allowed below the regional flood elevation for residential or commercial structures;

- (b) Human lives are not endangered;
 - (c) Public facilities, such as water or sewer, will not be installed;
 - (d) Flood depths will not exceed two feet;
 - (e) Flood velocities will not exceed two feet per second; and
 - (f) The structure will not be used for storage of materials as described in s. 4.3(6).
- (3) If neither the provisions of par. (1) or (2) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
- (a) Meets all other regulations and will be granted by permit or variance;
 - (b) Does not exceed 60 square feet in area; and
 - (c) In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.
- (4) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- (5) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

7.0 ADMINISTRATION

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

7.1 ZONING ADMINISTRATOR

- (1) The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:
- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (b) Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.
 - (bm) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
 - (c) Keep records of all official actions such as:
 - 1. All permits issued, inspections made, and work approved;

2. Documentation of certified lowest floor and regional flood elevations for floodplain development;
 3. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 4. All substantial damage assessment reports for floodplain structures.
- (d) Submit copies of the following items to the Department Regional office:
1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 2. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

Note: Information on conducting substantial damage assessments is available on the DNR website – <http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>

- (e) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (f) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(2) LAND USE PERMIT

A land use permit shall be obtained before any new development or any structural repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;

6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

(c) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS

1. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:
 - a. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
 - b. A map showing location and details of vehicular access to lands outside the floodplain; and
 - c. A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire 730 days after issuance.

(3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (a) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (b) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit

issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of s. 7.5.

(4) OTHER PERMITS

The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ZONING AGENCY

(1) The Ashland County Zoning Committee shall:

- (a) Oversee the functions of the office of the zoning administrator; and
- (b) Review and advise the Governing body on all proposed amendments to this ordinance, maps and text.

(2) This zoning agency shall not

- (a) Grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals;
or
- (b) Amend the text or zoning maps in place of official action by the Governing body.

7.3 BOARD OF ADJUSTMENT/APPEALS

The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the Board.

(1) POWERS AND DUTIES

The Board of Adjustment/Appeals shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD

(a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:
 - a. Fix a reasonable time for the hearing;
 - b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
 - c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
2. Hearing - Any party may appear in person or by agent. The board shall:
 - a. Resolve boundary disputes according to s. 7.3(3).
 - b. Decide variance applications according to s. 7.3(4).
 - c. Decide appeals of permit denials according to s. 7.4.

(c) DECISION: The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;
2. Be sent to the Department Regional office within 10 days of the decision;
3. Be a written determination signed by the chairman or secretary of the Board;
4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
- (a) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
- (c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0.

(4) VARIANCE

(a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

1. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
3. The variance is not contrary to the public interest; and
4. The variance is consistent with the purpose of this ordinance in s. 1.3.

(b) In addition to the criteria in par. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

1. The variance may not cause any increase in the regional flood elevation;
2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district.
2. Be granted for a hardship based solely on an economic gain or loss.
3. Be granted for a hardship which is self-created.
4. Damage the rights or property values of other persons in the area.
5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.1.
6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

(1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:

- (a) Permit application data listed in s. 7.1(2).
- (b) Floodway/floodfringe determination data in s. 5.4.
- (c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator.

- (d) Other data submitted with the application, or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
 - (a) Follow the procedures of s. 7.3;
 - (b) Consider zoning agency recommendations; and
 - (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
 - (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
 - (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

7.5 FLOODPROOFING

- (1) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
- (2) Floodproofing measures shall be designed to:
 - (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (b) Protect structures to the flood protection elevation;
 - (c) Anchor structures to foundations to resist flotation and lateral movement; and
 - (d) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (3) Floodproofing measures could include:
 - (a) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or
 - (b) Adding mass or weight to prevent flotation.
 - (a) Placing essential utilities above the flood protection elevation.
 - (b) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
 - (c) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
 - (d) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

7.6 PUBLIC INFORMATION

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) All real estate transfers should show what floodplain zoning district any real property is in.

8.0 AMENDMENTS

8.1 GENERAL

The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (1) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
 - (2) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
 - (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
 - (4) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
- (1) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
- (2) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Note: Consult the FEMA web site - www.fema.gov - for the map change fee schedule.

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. Such petitions shall include all necessary data required by ss. 5.4 and 7.1(2).

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
- (4) For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other available information. (See s. 1.5(4).)

9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$100.00 and not more than \$500.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

10.0 DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. "A ZONES" - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. "ACCESSORY STRUCTURE OR USE" - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
3. "BASE FLOOD" - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
4. "BASEMENT" - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
5. "BUILDING" - See STRUCTURE.
6. "BULKHEAD LINE" - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
7. "CAMPGROUND" - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
8. "CAMPING UNIT" - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
9. "CERTIFICATE OF COMPLIANCE" - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
10. "CHANNEL" - A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
11. "CRAWLWAYS" OR "CRAWL SPACE" - An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

12. "DECK" – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
13. "DEPARTMENT" - The Wisconsin Department of Natural Resources.
14. "DEVELOPMENT" - Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
15. "DRYLAND ACCESS" - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
16. "ENCROACHMENT" - Any fill, structure, equipment, building, use or development in the floodway.
17. "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" - A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads
18. "EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK" - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
19. "FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)" - The federal agency that administers the National Flood Insurance Program.
20. "FLOOD INSURANCE RATE MAP" (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
21. "FLOOD" or "FLOODING" – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - ✓The overflow or rise of inland waters,
 - ✓The rapid accumulation or runoff of surface waters from any source,
 - ✓The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
 - ✓The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

- 1."FLOOD FREQUENCY" - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
- 2."FLOODFRINGE" - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- 3."FLOOD HAZARD BOUNDARY MAP" - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- 4."FLOOD INSURANCE STUDY" - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- 5."FLOODPLAIN" - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
- 6."FLOODPLAIN ISLAND" - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- 7."FLOODPLAIN MANAGEMENT" - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- 8."FLOOD PROFILE" - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- 9."FLOODPROOFING" - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- 10."FLOOD PROTECTION ELEVATION" - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
- 11."FLOOD STORAGE" - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- 12."FLOODWAY" - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- 13."FREEBOARD" - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

14. "HABITABLE STRUCTURE" - Any structure or portion thereof used or designed for human habitation.
15. "HEARING NOTICE" - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
16. "HIGH FLOOD DAMAGE POTENTIAL" - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
17. "HISTORIC STRUCTURE" - Any structure that is either:
 - ✓ Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
 - ✓ Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
 - ✓ Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
 - ✓ Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
1. "INCREASE IN REGIONAL FLOOD HEIGHT" - A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
2. "LAND USE" - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
3. "MANUFACTURED HOME" - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
4. "MOBILE RECREATIONAL VEHICLE" - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
5. "MUNICIPALITY" or "MUNICIPAL" - The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
6. "NAVD" or "NORTH AMERICAN VERTICAL DATUM" – Elevations referenced to mean sea level datum, 1988 adjustment.

7. "NGVD" or "NATIONAL GEODETIC VERTICAL DATUM" - Elevations referenced to mean sea level datum, 1929 adjustment.
8. "NEW CONSTRUCTION" - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
9. "NONCONFORMING STRUCTURE" - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
10. "NONCONFORMING USE" - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
11. "OBSTRUCTION TO FLOW" - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
12. "OFFICIAL FLOODPLAIN ZONING MAP" - That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
13. "OPEN SPACE USE" - Those uses having a relatively low flood damage potential and not involving structures.
14. "ORDINARY HIGHWATER MARK" - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
15. "PERSON" - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
16. "PRIVATE SEWAGE SYSTEM" - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
17. "PUBLIC UTILITIES" - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
18. "REASONABLY SAFE FROM FLOODING" - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
19. "REGIONAL FLOOD" - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

20. "START OF CONSTRUCTION" - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
21. "STRUCTURE" - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
22. "SUBDIVISION" - Has the meaning given in s. 236.02(12), Wis. Stats.
23. "SUBSTANTIAL DAMAGE" - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
24. "UNNECESSARY HARDSHIP" - Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
25. "VARIANCE" - An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
26. "VIOLATION" - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
27. "WATERSHED" - The entire region contributing runoff or surface water to a watercourse or body of water.
28. "WATER SURFACE PROFILE" - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
67. "WELL" - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

APPENDIX

- 1) Regional Flood Elevation Determination For Proposed Plat Of Chippewa Meadows On The North Fork Of The Chippewa River Dec. 2002 Approved March 5 2003.
- 2) Floodplain Analysis Flambeau River Paul Korab Lot 4 Section 32 T41N R1E Town of Agenda Approved Nov 23 1984.
- 3) David Allen R.F.E. On The Chippewa River T41N R3W Section 32 Approved August 28 1995.
- 4) Neal Schaper Property Sec 32 T41N R1E Approved Feb 24 1984.
- 5) Ken Arvey Site Located in the NE SW Sec 36 T44N R3W Approved Oct 15 1990

Enacted by the Ashland County Board April 15 2008 Published April 26 2008

SHORELAND AMENDATORY ORDINANCE

**Adopted January 19, 1971
Amended September 10, 1985
Amended June 4, 1991
Amended December 17, 1996
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Amended July 24, 2000
Amended June 14, 2001
Amended May 22, 2002
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Amended October 4, 2006**

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SHORELAND AMENDATORY ORDINANCE

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in State Statutes 59.97, 59.971, 59.99, 87.30 and 144.26, Wisconsin Statutes.

1.2 FINDING OF FACT

Uncontrolled use of the shorelands and pollution of the navigable waters of Ashland County would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Ashland County, Wisconsin.

1.3 PURPOSE

For the purpose of promoting the public health, safety, convenience and welfare, this ordinance has been established to:

1.31 FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS AND PREVENT AND CONTROL WATER POLLUTION THROUGH:

- (1) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
- (2) Establishing minimum lot sizes to provide adequate area for private sewage disposal facilities.
- (3) Controlling filling and grading to prevent serious soil erosion problems.

1.32 PROJECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE THROUGH:

- (1) Preserving wetlands and other fish and aquatic habitat.
- (2) Regulating pollution sources.
- (3) Controlling shoreline alterations, dredging and lagooning.

1.33 CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES THROUGH:

- (1) Separating conflicting land uses.
- (2) Prohibiting certain uses detrimental to the shoreland area.
- (3) Setting minimum lot sizes and widths.
- (4) Regulating side yards and building setbacks from waterways.

1.34 PRESERVE SHORE COVER AND NATURAL BEAUTY THROUGH:

- (1) Restricting the removal of natural shoreland cover.
- (2) Preventing shoreline encroachment by structures.
- (3) Controlling shoreland excavation and other earth moving activities.
- (4) Regulating the use and placement of boathouses and other structures.

1.4 TITLE

Shoreland Zoning Ordinance for Ashland County, Wisconsin.

2.0 ABROGATION AND GREATER RESTRICTIONS

2.1 The shoreland provisions of this Ordinance supersede all the provisions of any county zoning ordinance adopted under Section 59.97, Wisconsin Statutes, which relate to shorelands. However, where an ordinance adopted under a statute other than Section 59.97, Wisconsin Statutes, is more restrictive than this Ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2.2 All land uses shall comply with the Ashland County Sanitary and Subdivision Control Ordinances.

3.0 JURISDICTION

3.1 GENERAL PROVISIONS

3.11 Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply when Section 13.48 (13), Wisconsin Statutes, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12 (4)(a), Wisconsin Statutes, applies.

3.12 These regulations shall not require the approval of or be subject to disapproval by any town or town board.

3.2 AREAS TO BE REGULATED

Areas regulated by this Ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Ashland County which are:

3.21 Within one thousand (1,000) feet of the ordinary highwater mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Ashland County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication, "Surface Water Resources of Ashland County" or shown on the United States Geological Survey quadrangle maps.

3.22 Within three hundred (300) feet of the ordinary highwater mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Ashland County shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps. Flood Hazard Boundary Maps, Flood Insurance Rate Maps, Flood Boundary-Floodway Maps, county Soil Survey Map or other existing county floodplain zoning maps used to delineate floodplain areas which have been adopted by Ashland County, shall be used to determine the extent of the floodplain of navigable rivers or streams in Ashland County.

3.23 Determinations of navigability and ordinary highwater mark shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary highwater mark.

3.3 LOCATING SHORELAND-WETLAND BOUNDARIES

Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary was mapped in error. If the Department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the Wisconsin Wetland Inventory Maps, the zoning administrator shall be responsible for initiating shoreland-wetland map amendment within a reasonable period of time.

3.4 COMPLIANCE

The use of any land or water, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. (However, see Section 10.0 for standards applicable to nonconforming uses.) Buildings, signs and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

3.5 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by a standard in Chapter NR 115, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Chapter NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

3.6 SEVERABILITY

If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

4.0 ZONING DISTRICTS

4.1 The shorelands of Ashland County are divided into the following districts: General Purpose District, Recreational Residential District, Wetland District.

4.2 The maps designated below are hereby adopted and made part of this ordinance. They are on file in the office of the zoning administrator for Ashland County.

4.21 Official Shoreland Zoning Maps adopted January 19, 1971.

4.22 United States Geological Survey Quadrangle Maps for Ashland County.

MAPS NO.

- | | |
|---------------------------|-----------------------|
| 1. Rocky Island (1963) | 8. Mellen (1967) |
| 2. Outer Island (1963) | 9. Clam Lake (1942) |
| 3. Bayfield (1964) | 10. Glidden (1942) |
| 4. Madeline Island (1964) | 11. Butternut (1940) |
| 5. Ashland (1964) | 12. Draper (1944) |
| 6. Odanah (1964) | 13. Kennedy (1941) |
| 7. Marengo (1967) | 14. Park Falls (1941) |

4.23 Wisconsin Wetland Inventory Maps stamped "FINAL" on January 16, 1985.

4.24 Floodplain zoning maps identified as Flood Boundary and Floodway Maps and Flood Insurance Rate Maps dated February 15, 1978.

4.3 The uses named in districts other than the Wetland District are without limitation because of enumeration, provided that such uses are compatible with the uses in the district.

4.4 GENERAL PURPOSE DISTRICT

This district includes all shorelands in Ashland County which are not included in the Recreational Residential or Wetland districts.

- (1) Permitted Uses:
Commercial, agricultural, forestry, recreational and residential.
- (2) Conditional Uses:
Industrial uses and nonmetallic mining may be permitted, provided the applicant received permission from the Division of Resource Development as provided in Section 144.95, Wisconsin Statutes. Provided further, that such industrial use and nonmetallic mining meets all the standards of the sanitary and subdivision control ordinances of Ashland County, Wisconsin.

4.5 RECREATIONAL RESIDENTIAL DISTRICT

This district includes all shorelands designated in RED on the official Shoreland Zoning Map of Ashland County, Wisconsin, a copy of which shall at all times be on file in the office of the zoning administrator, Courthouse, Ashland, Wisconsin.

- (1) Permitted Uses:
Seasonal and year around residences.
- (2) Accessory Uses:
Horticultural, gardening and any permitted use allowed under Section 4.6.
- (3) Conditional Uses:
Resorts, dinner clubs, taverns, marinas, mobile home parks, nonmetallic mining or similar uses.

4.6 WETLAND DISTRICT

4.61 Designation

This district shall include all shorelands within the jurisdiction of this ordinance which are wetlands of five acres or more on the Wisconsin Inventory maps revised on May 3, 1990, May 11, 1990, May 18, 1990, May 10, 1991, May 13, 1991, May 14, 1991, May 17, 1991 and September 28, 1995 (09-28-95) that are hereby adopted and made a part of this ordinance and are on file in the office of the zoning administrator for Ashland County. That portion of a wetland located in the shoreland area that extends across the corporate limits of the municipality, across the County boundary or across the shoreland limits in the unincorporated area of the County, shall be included in this district if the wetland would otherwise be regulated if it were wholly within the shoreland area under County jurisdiction.

4.62 Purpose

This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

4.63 Permitted Uses

The following uses shall be allowed, subject to general shoreland zoning regulations in Sections 5.0 through 10.0 of this Ordinance, the provisions of Chapters 30 and 31, Wisconsin Statutes, and the provisions other local, state and federal law, if applicable:

- 4.631 Activities and uses which do not require the issuance of a zoning permit, but which may not include filling, flooding, draining, dredging, ditching, tiling or excavating:
 - (1) Hiking, fishing, trapping, hunting, swimming and boating;
 - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural

reproduction of such crops;

- (3) The pasturing of livestock;
- (4) The cultivation of agricultural crops;
- (5) The practice of silviculture, including the planting, thinning and harvesting of timber; and
- (6) The construction or maintenance of duck blinds.

4.632 Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:

- (1) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
- (2) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries;
- (3) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system, provided that dredged spoil is placed on existing spoil banks where possible;
- (4) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
- (5) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
- (6) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

4.633 Uses which require the issuance of a zoning permit and which include limited filling, flooding, draining, dredging, ditching, tiling or excavating but only to the extent specifically provided below:

- (1) The construction or maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:
 - (a) The road cannot, as a practical matter, be located outside the wetland;
 - (b) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland;
 - (c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - (d) Road construction activities are carried out in the immediate area of the roadbed only; and
 - (e) Only limited filling, flooding, draining, dredging, ditching, tiling or excavating necessary for the construction or maintenance of the road is allowed.

- (2) The construction or maintenance of nonresidential buildings, provided that:
 - (a) The building is essential for and used solely in conjunction with a use permitted in the shoreland-wetland district;
 - (b) The building cannot, as a practical matter, be located outside the wetland;
 - (c) Such building is not designed for human habitation and does not exceed 500 square feet in floor area; and
 - (d) Only limited filling or excavating necessary to provide structural support for the building is allowed.

- (3) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
 - (a) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Chapter 29, Wisconsin Statutes, where applicable;
 - (b) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Section 4.633(1); and
 - (c) Ditching, excavating, dredging, or dike and dam construction in public and private wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

- (4) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water and construction and maintenance of railroad lines provided that:
 - (a) The transmission, distribution, and railroad lines and related facilities cannot, as a practical matter, be located outside the wetland;
 - (b) Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland; and
 - (c) Only limited filling or excavating for such construction or maintenance is allowed.

4.634 Prohibited Uses

Any use not listed in Sections 4.631, 4.632 or 4.633 is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendments of this Ordinance in accordance with Section 4.635 of this Ordinance and Section 59.97(5)(e), Wisconsin Statutes.

4.635 Rezoning of lands in the Shoreland-Wetland Zoning District

4.6351 For all proposed text and map amendments to the shoreland-wetland district, the appropriate district office of the Department shall be provided with the following:

- (1) A copy of every petition for a text or map amendment to the shoreland-wetland district, within 5 days of the filing of such petition with the county clerk.
- (2) Written notice of the public hearing to be held on a proposed amendment, at least 10 days prior to such hearing;

- (3) A copy of the County Zoning Agency’s findings and recommendations on each proposed amendment, within 10 days after the submission of those findings and recommendations to the County Board; and
- (4) Written notice of the County Board’s decision on the proposed amendment, within 10 days after it is issued.

4.6352 A wetland, or portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- (1) Storm and water flood water storage capacity;
- (2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Shoreline protection against soil erosion;
- (5) Fish spawning, breeding, nursery or feeding grounds;
- (6) Wildlife habitat; or
- (7) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

4.6353 If the Department notifies the County Zoning Agency that a proposed amendment to the shoreland-wetland district may have a significant adverse impact upon any of the criteria listed in Section 4.6352 of this Ordinance, that amendment, if approved by the County Board, shall contain the following provision: “This amendment shall not take effect until more than 30 days have elapsed since written notice of the County Board’s approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of natural Resources may notify the County Board that will adopt a superseding shoreland ordinance for the county under Section 59.971(6) of the Wisconsin Statutes. if the Department does so notify the County Board, the effect of this amendment shall be stayed until the Section 59.971(6) adoption procedure is completed or otherwise terminated.”

5.0 SETBACKS FROM WATER

5.1 All permanent structures except legally erected piers shall be set back a minimum distance of 75 feet from the ordinary highwater mark of any navigable water.

5.2 Section 5.2 of the Ashland County Shoreland Amendatory Ordinance entitled “Reduced Building Setbacks” is hereby repealed in its entirety.

5.3 SETBACK FROM NAVIGABLE WATER

- (1) Open structures within the shoreland setback area (59.692(1v) permits). As required by s.59.692(1v), Wis Stats., the construction or placement of certain structures within the shoreland setback area shall be permitted if all the following conditions are met:
 - a) The structure that is the subject of the request for a 59.692(1v) permit has no sides or has open or screened sides. Knee walls of 32 inches or less will be considered open construction.

- b) That part of a structure that is nearest to the water shall be located at least 35 feet landward from the ordinary highwater mark.
- c) The structure shall not be constructed on slopes in excess of 20 percent.
- d) The total combined floor area of all of the structures within the shoreland setback area of the property will not exceed 200 square feet. Walkways, stairways and boathouses without decks shall be excluded in calculating this square footage.
- e) The structure shall be visually inconspicuous (earthtones) and shall blend with native or restored vegetation at the site during the growing season.
- f) The eave overhang shall not exceed one foot.
- g) The side yard setback shall be a minimum of 30 feet.
- h) The structure height shall not exceed 12 feet above the existing grade within the structure footprint.
- i) Roofs of existing structures shall not be converted to decks/seating areas.
- j) Utilities except for electricity shall not be connected to the structure.
- k) The Ashland County Land Conservation Department shall approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative protection area that covers at least 70 percent of the half of the shoreland setback area that is nearest to the water.
- l) Vegetative protection area restoration shall be committed to by the property owner through the recording of a county approved deed restriction with the Ashland County Register of Deeds, prior to the issue of a 59.692(1v) permit.
- m) The issue of a 59.692(1v) permit may be delayed for up to twelve months to ensure that the vegetative protection area restoration plan is implemented by the owner of the property and that the vegetative protection area has been established for at least one growing season.
- n) Destruction or removal of any portion of the restored vegetative protection area shall cause the Zoning Office to issue an order for the removal of the structure allowed by the 59.692(1v).

6.0 REMOVAL OF SHORE COVER

The shoreland buffer zones created in this ordinance, which restrict the removal of shore cover, are intended to provide ecological benefits, including, but not limited to: minimizing the impact on the water resource from adjacent upland and landward activities, filtering sediment and runoff, encouraging the uptaking of nutrients, stabilizing shoreland, providing food and cover for wildlife, and improving aesthetics.

6.1 The shoreland buffer zone for parcels of land abutting on a navigable water or containing a navigable water which qualify as existing parcels as defined in Section 9.6 (a) of this ordinance, is 35 feet deep.

6.2 The shoreland buffer zone for parcels of land abutting on a navigable water or containing a navigable water which do not qualify as existing parcels as defined in Section 9.6(a) of this ordinance, is 50 feet deep.

6.3 The cutting or removal of trees, shrubs or other vegetation within a shoreland buffer zone is prohibited, except as provided for in Section 6.4 of this ordinance. Except for the 30 foot length

referred to in Section 6.4 of this ordinance, there shall be no cutting or mowing of grass within a shoreland buffer zone.

6.4 Within any 100 foot length of the shoreland buffer zone, up to 30 feet in length of the shoreland buffer zone may be clear-cut to the depth of the buffer zone.

6.5 A conditional use permit is required for clear-cutting on any slope within the shoreland buffer zone which is greater than 20 percent.

6.6 From the inland edge of the shoreland buffer zone to the outer limits of the shoreland area, the cutting or removal of trees, shrubs and other vegetation is allowed when accomplished using generally accepted forestry management and soil conservation practices which protect water quality. Such cutting does not require the issuance of a zoning permit.

7.0 SIGNS

Any sign intended to be read from the water must be setback (75) feet from the normal highwater elevation and shall not exceed (30) square feet in gross area.

8.0 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING

8.1 GENERAL STANDARDS

Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under Section 8.2 may be permitted in the shoreland area provided that:

8.11 It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

8.12 Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of Sections 4.632 and 4.633 of this ordinance.

8.13 All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.

8.14 Any fill placed in the shoreland area is protected against erosion by the use of rip-rap, vegetative cover or a bulkhead.

8.2 PERMIT REQUIRED

A conditional use permit is required:

8.21 For any filling or grading of any area which is within 300 feet landward of the ordinary highwater mark of navigable water and which has surface drainage toward the water and on which there are slopes of more than 20 percent.

8.22 For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary highwater mark of navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

8.3 PERMIT CONDITIONS

In granting a conditional use permit under Section 8.2, the zoning committee shall attach the following conditions, where appropriate, in addition to those provisions specified in Sections 11.32 and 11.33:

8.31 The smallest amount of bare ground shall be exposed for as short a time as feasible.

8.32 Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

- 8.33 Diversion berms or bales, silting basins, terraces, filter fabric fencing and other methods shall be used to prevent erosion.
- 8.34 Lagoons shall be constructed to avoid fish trap conditions.
- 8.35 Fill shall be stabilized according to accepted engineering standards.
- 8.36 Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- 8.37 Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or rip-rap are provided.

9.0 DIMENSIONS OF BUILDING SITES

- 9.1 Lots not served by public sewer shall be (150) feet at shoreline, or other frontage, (150) feet average width and (30,000) square feet in area. Any part of a lot less than (30) feet in width shall not be used in computing the minimum area.
- 9.2 Lots served by public sewer shall have a minimum width of (65) feet at the shoreline or other frontage, (65) feet average width, (10,000) square feet in area.
- 9.3 The Zoning Committee may require larger lot sizes in case of adverse soil or topographical conditions or to provide a greater degree of protection for natural resources.
- 9.4 Substandard lots being used for a single family dwelling, not served by public sewer, shall have a minimum width of (65) feet at the shoreline or other frontage, (65) feet average width and (10,000) square feet in area, if the lots meet the following provisions:
 - (1) Such use is permitted in the zoning district.
 - (2) The lot is of record in the County Register of Deeds Office prior to the effective date of this ordinance.
 - (3) The lot is in separate ownership from abutting lands.
 - (4) All dimensional requirements of this ordinance are compiled with insofar as practical.
- 9.5 Substandard lots being used for a single family dwelling, served by public sewer, shall have a minimum width of (50) feet at the shoreline or other frontage, (50) feet average width and (7,500) square feet in area, if the lot meets the provisions of 1, 2, 3 and 4 under Section 9.4.

9.6 LAKE CLASSIFICATION DEVELOPMENT STANDARDS FOR WATERFRONT PROPERTY ON NAVIGABLE WATERS

The provisions of Section 9.6 apply only to waterfront property on navigable waters in Ashland County.

- (a) **Existing parcels.** Parcels of land abutting on a navigable water which are of record (i.e. documented by a recorded metes and bounds description, a certified survey map or a platted sub-division) on the date this ordinance is first effective, which are of substandard size under the lake classification development standards of this ordinance, shall be deemed to not be nonconforming as to parcel size.

No parcel of land abutting on a navigable water may be so reduced in size that the dimensional or size requirements under the lake classification development standards of this ordinance are not met.

The construction of new dwellings and other structures, replacement dwellings and other structures, additions to existing structures and the construction of accessory buildings, when a principal structure exists on the parcel, may be allowed by permit provided all other requirements, regulations and set-back requirements are met.

- (b) **Parcels other Than existing parcels.** Parcels of land abutting on a navigable water which do not qualify as existing parcels under Section 9.6(a) of this ordinance, shall comply with all terms and provisions of the lake development classification standards set forth herein for that navigable water, in addition to any other applicable laws, regulations and ordinances.
- (c) **Lake Classification Development Standards.** The lakes in Ashland County which are listed below, which are included in the publication entitled “Surface Water Resources of Ashland County”, published by the Wisconsin Conservation Department in 1966, and which appear by name on the topographic maps published by the U.S. Geological Survey (which maps are commonly referred to as USGS quadrangle maps) are classified in the manner set forth on the lists in this ordinance.

Unnamed lakes which are listed in the “Surface Water Resources of Ashland County” publication and all named lakes which are 20 acres or less in size are classified as Class 3 lakes.

Any lake omitted from the “Surface Water Resources of Ashland County” publication which is:

- i) Over 20 acres in size is to be classified according to the available information used in classifying lakes, and
- ii) 20 acres or less in size is classified as a Class 3 lake.

Unnamed lakes with “local” names are classified as Class 3 lakes.

The Lakes Classification Development Standards set forth in the Lakes Classification Development Standards Chart appearing below are adopted.

CLASS 1	CLASS 2	CLASS 3	
Beaver Dam Lake	Augustine Lake	Bass Lake	Nab Lake
Butternut Lake	Bear Lake	Bay Springs	Lindbergh Lake
Day Lake	Beaver Lake 21-44-4W	Beaver Lake 31-43-4W	Little Butternut Lake
English Lake	Caroline Lake	Beaver Lake 7-44-4W	Little Clam Lake
Eureka Lake	Dead Horse Slough	Blueberry Lake	Long Lake 19-45-4W
Gallilee, Lake	Hoffman Lake	Bullhead Lake	Loon Lake
Gordon Lake	McCarthy Lake	Cammerer Lake	Lost Lake
Long Lake 22-44-2W	Moquah Lake	Camp Four Lake	Luebke Lake
Meder Lake	Muskellunge Lake	Conley Lake	McLaren Lake
Mineral Lake	Pelican Lake	Cranberry Lake	Meyer Lake
Spider Lake	Snowshoe Lake	Cub Lake	Mud Lake
Tea Lake	Spillerberg Lake	Cycle Lake	Parker Lake
Upper Clam Lake	Summit Lake	Ditman’s Lake	Pole Lake
White River Flowage	Torrey Lake	Dollar Lake	Potter Lake
Twin Lakes (West)	Twin Lakes (East)	Dry Lake	Seagels Lake
West Twin Lake	East Twin Lake	Seitz Lake	Sells Lake
Zielke Lake	Gates Lake	Slim Lake	Snoose Lake
Gilbert Lake	Three (Lake)	Trout Lake	
Honest John Lake	Wolf Lake	Woodtick Lake	
John Frank Lake			
Kempf Springs			
Kenyon Springs			

LAKE CLASSIFICATION DEVELOPMENT STANDARDS CHART

LAKE CLASSIFICATION	MINIMUM LOT SIZE	MINIMUM LOT WIDTH (FOR EACH SINGLE FAMILY DWELLING UNIT)	MINIMUM LOT DEPTH
CLASS 1	30,000 s.f.	150 ft. *300 ft.	200 ft.
CLASS 2	40,000 s.f.	200 ft. *400 ft.	200 ft.
CLASS 3	62,500 s.f.	250 ft. *500 ft.	250 ft.
RIVERS & STREAMS	62,500 s.f.	250 ft.	250 ft.

NOTE: *1. Two Family Dwelling/Unit
s.f. equals square feet

The jurisdiction of this ordinance extends only to those parcels which are outside the boundaries of an incorporated village or city.

- (d) **Resorts and condominiums.** The construction of additional rental cabins/dwellings within an existing resort or the construction of additional dwelling units within a recorded condominium shall meet the minimum lot width, minimum lot depth and parcel size requirements of the Lake Class Development Standards. To determine the number of total cabins/dwelling units allowed, on a given parcel, take the total lot or parcel size in square feet and divide by the lake class size requirement off the chart. No principal structure shall be located less than 20 feet from an existing principal structure, and each shall meet all water line, road, lot line, septic setbacks and other requirements.

9.7 SIDE YARDS

There shall be side yards for each building or other structure in a shorelands area. The minimum width of one side yard shall be 10 feet. The minimum combined width of both side yards when added together shall be 40 feet. A side yard distance is measured from the furthest protrusion of each structure.

9.8 LIMITED KEY HOLE DEVELOPMENT

The granting, issuance or conveyance of a right of access to a navigable water through waterfront property is prohibited, except: a right of access to a navigable water through a parcel of waterfront property is permitted for up to a maximum of 4 other lots, each of which other lots has no habitable structure on it or has a maximum of one habitable structure on it, provided the waterfront property complies with all ordinances of Ashland County, including, but not limited to, the Lake Classification Development Standards.

10.0 NONCONFORMING USES AND STRUCTURES

- 10.1** The lawful use of a building, structure or property existing at the time this Ordinance or an amendment to this Ordinance takes effect, which is not in conformity with the provisions of this Ordinance, including the routine maintenance of such a building or structure, may be continued subject to the following conditions:

- 10.11 If such use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Ordinance.
- 10.12 The maintenance and repair of nonconforming boathouses that extend beyond the ordinary highwater mark of any navigable waters shall comply with the requirements of Section 30.121, Wisconsin Statutes.
- 10.13 The continuance of the nonconforming use of a temporary structure may be prohibited.
- 10.14 Uses which are nuisances shall not be permitted to continue as nonconforming uses.
- 10.15A Nonconforming principal structures less than 40 feet from the ordinary high water mark are permitted ordinary maintenance and repair. Such structures may be improved internally provided:
 - (1) Internal improvement is confined to the building envelope (i.e., no new basements, additional stories, lateral expansion or accessory construction outside of the perimeter of existing enclosed dwelling space are permitted but replacement of windows, doors, roofing, siding and upgrading of the insulation of a structure are permitted);
 - (2) The property owner implements a plan approved by the County Land Conservationist which restores the shoreland cover buffer zone.
- 10.16A A nonconforming principal structure located between 40 and 75 feet from the ordinary high water mark which includes at least 500 square feet (footprint) of enclosed area may be expanded providing:
 - (1) The addition does not exceed 50% of the existing footprint or 2000 square feet of total enclosed area;
 - (2) All expansion is no closed to the water than the landward facade of the existing principal structure (placement of standard or walkout basements under existing structures is prohibited);
 - (3) Existing nonconforming accessory structures are removed from the property excluding legally erected boathouses and structures covered under 5.3; and
 - (4) The property owner implements a plan approved by the County Land Conservationist which restores the shoreline cover buffer zone.

11.0 ADMINISTRATIVE PROVISIONS

11.1 ZONING ADMINISTRATOR

The zoning administrator shall have the following duties and powers:

- 11.11 Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
- 11.12 Issue permits and inspect properties for compliance with this ordinance.
- 11.13 Keep records of all permits issued, inspections made, work approved and other official actions.
- 11.14 Submit copies of variances, conditional uses and decisions on appeals for map or text interpretations and map or text amendments within 10 days after they are granted or denied to the appropriate area office of the Department.

11.15 Investigate and report violations of this ordinance to the appropriate county zoning committee and the district attorney or corporation counsel.

11.16 Issue citations after approval from the zoning committee.

11.2 ZONING PERMITS

11.21 When required. Except where another section of this ordinance specifically exempts certain types of development from this requirement (as in Sections 4.631, 4.632 and 6.3), a zoning permit shall be obtained from the zoning administrator before any new development, as defined in Section 14.2(5), or any change in the use of an existing building or structure, is initiated.

11.22 Application. An application for a zoning permit shall be made to the zoning administrator upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, the following data:

- (1) Name and address of the property owner.
- (2) Legal description of the property and type of proposed use.
- (3) A sketch of the dimensions of the lot and location of buildings relative to the lot lines, center line of abutting highways and the ordinary highwater mark of any abutting water courses and water level on a date specified.
- (4) Location and description of any existing private water supply or sewage system or notification of plans for any such installations.
- (5) The property owner is required to furnish any other information requested by the zoning administrator or the zoning committee.
- (6) No action will be taken on any information defined to be incomplete or inaccurate.
- (7) The property owner is required to sign and be responsible for all information provided on the permit application form or other plans.

11.23 Expiration of permit. Zoning permits shall expire 24 months form date issued if no substantial work has commenced.

11.24 Zoning permits shall be properly posted – failure to post permit can result in a citation being issued.

11.3 CONDITIONAL USE PERMITS

11.31 Application for a conditional use permit. Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and a conditional use permit has been granted by the zoning committee.

11.32 Standards applicable to all conditional uses. In passing upon a conditional use permit, the zoning committee shall evaluate the effect of the proposed use upon:

- (1) The maintenance of safe and healthful conditions.
- (2) The prevention and control of water pollution including sedimentation.
- (3) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.

- (4) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (5) The location of the site with respect to existing or future access roads.
- (6) The need of the proposed use for a shoreland location.
- (7) Its compatibility with uses on adjacent land.
- (8) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
- (9) Location factors under which:
 - (a) Domestic uses shall be generally preferred;
 - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
 - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

11.33 Conditions attached to conditional uses. Upon consideration of the factors listed above, the zoning committee shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens, period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. To secure information upon which to base its determination, the zoning committee may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

- (1) A plan of the area showing surface contours, soil types, ordinary highwater marks, groundwater conditions, subsurface geology and vegetative cover.
- (2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
- (3) Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
- (4) Specifications for areas of proposed filling, grading, lagooning or dredging.
- (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

11.34 Notice, public hearing and decision. Before passing upon an application for a conditional use permit, the zoning committee shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the committee, shall be given as a Class 2 notice under Chapter 985, Wisconsin Statutes. Such notice shall be mailed to the appropriate area office of the Department at least 10 days prior to the hearing. The zoning committee shall state in writing the grounds for granting or refusing a conditional use permit.

11.35 Recording. When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional

use permit shall be mailed to the appropriate area office of the Department within 10 days after it is granted or denied.

11.36 Revocation. Where the conditions of a conditional use permit are violated, the conditional use permit may be revoked by the zoning committee.

11.4 VARIANCES

The board of adjustment may grant upon appeal a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates that literal enforcement of the provisions of the ordinance will:

- (1) Result in unnecessary hardship on the applicant;
- (2) Due to special conditions unique to the property; and
- (3) That such variance is not contrary to the public interest.

11.41 No use variance. A variance shall not grant or increase any use of property which is prohibited in the zoning district.

11.42 Notice, hearing and decision. Before passing on an application for a variance, the board of adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under Chapter 985, Wisconsin Statutes. Such notice shall be mailed to the appropriate area office of the Department at least 10 days prior to the hearing. The board shall state in writing the reasons for granting or refusing a variance and shall mail a copy of such decision to the appropriate Department area office within 10 days of the decision.

11.5 BOARD OF ADJUSTMENT

The chairman of the county board shall appoint a board of adjustment consisting of 3 members under Section 59.99, Wisconsin Statutes. The county board shall adopt such rules for the conduct of the business of the board of adjustment as required by Section 59.99(3), Wisconsin Statutes.

11.51 Powers and Duties.

- (1) The board of adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by Section 59.99, Wisconsin Statutes.
- (2) It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- (3) It may grant a variance from the dimensional standards of this ordinance pursuant to Section 11.4.
- (4) The board of adjustment may hear appeals from zoning committee decisions concerning conditional use permits.

11.52 Appeals to the board. Appeals to the board of adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be made within a reasonable time, as provided by the rules of the board, by filing with the officer whose decision is in question, and with the board of adjustment, a notice of appeal specifying the reasons for the appeal. The zoning administrator or other officer whose decision is in question shall promptly transmit to the board all the papers constituting the record concerning the matter appealed.

11.53 Hearing appeals and applications for variances.

- (1) The board of adjustment shall fix a reasonable time for a hearing on the appeal or application. The board shall give public notice thereof by publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, specifying the date, time and place of the hearing and the matters to come before the board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate area office of the Department at least 10 days prior to hearings on proposed shoreland variances, and appeals for map or text interpretations.
- (2) A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances and appeals for map or text interpretations shall be submitted to the appropriate area office of the Department within 10 days after they are granted or denied.
- (3) The final disposition of an appeal or application to the board of adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the board. Such resolution shall state the specific facts which are the basis of the board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
- (4) At the public hearing, any party may appear in person or by agent or by attorney.

11.6 FEES

The fees are cited in the fee schedule adopted by the county board. Failure to obtain a permit at the time required shall result in the amount of the permit fee payable being doubled.

12.0 CHANGES AND AMENDMENTS

The county board may from time to time, alter, supplement or change the boundaries of use districts and the regulations contained in this ordinance in accordance with the requirements of Section 59.97(5)(e), Wisconsin Statutes, Chapter NR 115, Wisconsin Administrative Code and Section 4.635 or this ordinance where applicable.

12.1 Amendments to this ordinance may be made on petition of any interested party as provided in Section 59.97(5)(e), Wisconsin Statutes.

12.2 Every petition for a text or map amendment filed with the county clerk shall be referred to the county zoning agency by the county clerk. A copy of each petition shall be mailed to the appropriate area office of the Department within 5 days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be mailed to the appropriate area office of the Department at least 10 days prior to the hearing.

12.3 A copy of the county board's decision on each proposed amendment shall be forwarded to the appropriate area office of the Department within 10 days after the decision is issued.

13.0 ENFORCEMENT AND PENALTIES

Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator or the county zoning agency shall refer violations to the district attorney or corporation counsel who shall expeditiously prosecute violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars per offense, together with the taxable costs of action. Each day which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Section 59.97(11), Wisconsin Statutes.

13.1 This ordinance is subject to Chapter 66.119, Wisconsin Statutes and the Ashland County Citation ordinance.

14.0 DEFINITIONS

14.1 For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted 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 “shall” is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

14.2 The following terms used in this ordinance mean:

1. “ACCESSORY STRUCTURE OR USE” – means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use. This shall include without limitation due to enumeration, such accessory structures as satellite disks, television and microwave towers, gazebos, signs (permanent and moveable), etc.
2. “BOATHOUSE” – means any permanent structure designed solely for the purpose of protecting or storing boats and related equipment for noncommercial purposes.
3. “COUNTY ZONING AGENCY” – means that committee or commission created or designated by the county board under Section 59.97(2)(a), Wisconsin Statutes, to act in all matters pertaining to county planning and zoning.
4. “DEPARTMENT” – means the Department of Natural Resources.
5. “DEVELOPMENT” – means any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.
6. “DRAINAGE SYSTEM” – means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
7. “FLOODPLAIN” – means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the floodfringe as those terms are defined in Chapter NR 116, Wisconsin Administrative Code.
8. “NAVIGABLE WATERS” – means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Section 144.26(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Section 59.971, Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:
 - (a) Such lands are not adjacent to a natural navigable stream or river;
 - (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - (c) Such lands are maintained to nonstructural agriculture use.

9. "NORMAL HIGHWATER MARK" – means the same as ordinary highwater mark.
10. "ORDINARY HIGHWATER MARK" – means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
11. "REGIONAL FLOOD" – means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.
- 11a. "SHORELAND BUFFER ZONE" – means and refers to the strip of land which runs parallel to the shoreline which commences at the ordinary highwater mark of a navigable water and proceeds inland the distance the shoreland buffer zone is wide. The width of the shoreland buffer zone is measured laterally from the ordinary highwater mark of the navigable water. The shoreland buffer zone runs the entire length of all waterfront which abuts on the parcel of land or is located on the parcel of land.
12. "SHORELANDS" – means lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
13. "SHORELAND-WETLAND DISTRICT: – means the zoning district created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.
14. "SILVICULTURE" – means a branch of forestry dealing with the development and care of forests.
15. "CONDITIONAL USE" – means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.
16. "UNNECESSARY HARDSHIP" – means that circumstances where special conditions which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.
17. "VARIANCE" – means an authorization granted by the board of adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.
18. "WETLANDS" – means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

SHORELAND AMENDATORY ORDINANCE

AMENDMENTS

NOTE: Section 5.1 and 5.3 were amended June 4, 1991

DATE OF PUBLIC HEARING: April 17, 1991

CLASS 2 HEARING NOTICE PUBLISHED: March 22, 1991 and March 29, 1991

COUNTY BOARD ADOPTION: June 4, 1991

DATE OF PUBLICATION: June 13, 1991, Mellen Weekly Record

NOTE: Section 4.6
AMENDMENT DATE: December 17, 1996
DATE OF PUBLIC HEARING: April 2, 1996
CLASS 2 NOTICE PUBLISHED: March 8, 1996 and March 15, 1996
COUNTY BOARD ADOPTION: December 17, 1996
DATE OF PUBLICATION: December 21, 1996, Ashland Daily Press

NOTE: Section 4.4(1)
AMENDMENT DATE: March 13, 1997
DATE OF PUBLIC HEARING: February 11, 1997
CLASS 2 NOTICE PUBLISHED: January 21, 1997 and January 28, 1997
COUNTY BOARD ADOPTION: March 13, 1997
DATE OF PUBLICATION: March 17, 1997, Ashland Daily Press

NOTE: Section 5.3 and Section 5.2
AMENDMENT DATE: June 14, 2001
DATE OF PUBLIC HEARING: June 5, 2001
CLASS 2 NOTICE PUBLISHED: May 11, 2001 and May 18, 2001
COUNTY BOARD ADOPTION: June 14, 2001
DATE OF PUBLICATION: June 28, 2001, Ashland Daily Press

NOTE: Section 4.4(2), Section 4.5(3), and Section 11.6
AMENDMENT DATE: January 6, 2003
DATE OF PUBLIC HEARING: December 12, 2002
CLASS 2 NOTICE PUBLISHED: November 23, 2002 and November 30, 2002
COUNTY BOARD ADOPTION: January 6, 2003
DATE OF PUBLICATION: January 10, 2003, Ashland Daily Press
Resolution #0-01-2003-45

NOTE: Section 6.0 through 6.3 and adopting 9.6 through 9.8 and 14.2(11a)
AMENDMENT DATE: July 24, 2000 Ordinance #0-07-2000-31
INFORMATIONAL MEETINGS HELD: January 28, 2000 (Mellen Community Center and Clam Lake Community Center)
DATE OF PUBLIC HEARING: March 10, 2000
CLASS 2 NOTICE PUBLISHED: February 11, 2000 and February 18, 2000, Ashland Daily Press
PUBLIC HEARING NOTICE ALSO PUBLISHED: February 9, 2000, Mellen Weekly Record and February 9, 2000, The Glidden Enterprise
COUNTY BOARD ADOPTION: July 24, 2000

NOTE: Section 10.15 and Section 10.16
AMENDMENT DATE: May 22, 2002
DATE OF PUBLIC HEARING: April 1, 2002
CLASS 2 NOTICE PUBLISHED: March 8, 2002 and March 15, 2002
COUNTY BOARD ADOPTION: May 22, 2002
DATE OF PUBLICATION: May 30, 2002, Ashland Daily Press

NOTE: Section 9.7
AMENDMENT DATE: October 4, 2006
DATE OF PUBLIC HEARING: August 10, 2006
CLASS 2 NOTICE PUBLISHED: July 19, 2006 and July 26, 2006, Ashland Daily Press
COUNTY BOARD ADOPTION: October 4, 2006
DATE OF PUBLICATION: October 12, 2006, Ashland Daily Press

AN ORDINANCE AMENDING SECTION 9.7 OF THE
SHORELAND AMENDATORY ORDINANCE
OF ASHLAND COUNTY

Ordinance #10-2006-59
Amendment Date: October 4, 2006

The County Board of Supervisors of the County of Ashland does ordain that Section 9.7 of the Shoreland Amendatory Ordinance of Ashland County be amended to provide as follows:

9.7 SIDE YARDS

There shall be side yards for each building or other structure in a shorelands area. The minimum width of one side yard shall be 10 feet. The minimum combined width of both side yards when added together shall be 40 feet. A side yard distance is measured from the furthest protrusion of each structure. This Section 9.7 shall not apply to a parcel of real property which is served by a municipal sewage system.



**ASHLAND COUNTY WISCONSIN
SUBDIVISION CONTROL
ORDINANCE**

ASHLAND COUNTY SUBDIVISION CONTROL ORDINANCE

Adopted - November 9, 1970
Amended - March 12, 2009
Published – March 19, 2009

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This ordinance incorporates by reference all applicable rules, regulations and laws as set forth in the Wisconsin Statutes and Wisconsin Administrative Code, and all other subsequent rules and regulations promulgated thereunder, Pursuant to Chapter 236.45 Wisconsin Statutes, the Ashland County Board of Supervisors does ordain as follows:

Section

1.0 DEFINITIONS

1. **APPLICANT:** Any person or persons, firm or corporation or any thereof, dividing or proposing to divide land as defined by the terms of this ordinance.
2. **ALLEY:** A public or private right-of-way which provides secondary access to abutting properties.
3. **BLOCK:** A group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name through which it may be identified.
4. **CERTIFIED SURVEY MAP:** A map made according to Chapter 236, Wisconsin State Statutes. Chapter A-E 7, Wisconsin Administrative Code.
5. **CONDOMINIUMS/CONDOMINIUM PLAT:** A map of survey establishing boundaries, common areas and individual units of air space as described in the condominium declaration. The condominium plat is different from other plats because it does not subdivide land. A condominium plat shall be made according to, (see appendix for Wisconsin Statute and Administration Code), Chapter 703, Wisconsin State Statutes. Chapter A-E 7, Wisconsin Administrative Code.
6. **CUL-DE-SAC:** A road having one end open to traffic and the other permanently terminated by a vehicular turnaround.
7. **DEVELOPABLE BUILDING SITE:** An area suitable for construction. This area may not be in defined floodplain or wetland areas. This area must have adequate area for necessary portable water supply and private sewage disposal systems, if not served by public utilities.
8. **EASEMENT:** The legal authorization by a property owner providing for the use by another of a designated portion of his and or her property for a specified purpose.
9. **EXTRATERRITORIAL PLAT APPROVAL JURISDICTION:** The unincorporated area within 3 miles of the corporate limits of a first, second or third class City or 1 ½ miles of a fourth class City or a Village.
10. **LAND DIVISION:** The act or process of dividing land into two or more parcels.

11. **LOT:** A designated parcel tract or area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit, and containing the minimum frontage, width, and area sufficient to meet building, parking, setback, open space, sanitary, or other requirements. A lot shall have a single contiguous perimeter unbroken by public right-of-way, navigable waters, road easements, easements or other public or privately held lands. Utility easements not in existence at the time of the establishment of the lot shall not be considered a perimeter break.

12. **LOT AREA:** The total footage lying within the peripheral boundaries of a parcel of land. In any zoning jurisdiction, the area of a lot specifically excludes: any portion of public right-of way, areas of navigable water and shared private road easements. See 6.0 Survey Requirements, for areas on navigable waters.

13. **LOT WIDTH:** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth. On irregularly (non-perpendicular) shaped lots, the width shall be the average width of the lot computed according to Table 2 (in Section 16.0, appendix). Lot width shall be measured at the street setback line applicable to the zoning district the parcel is located within. In the shoreline jurisdiction, the lot width shall also be measured at the shore yard setback line applicable to the zoning district the parcel is located within. At least 50% of the lot shall be greater than or equal to the required lot width.

14. **ORDINARY HIGHWATER MARK:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention or terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. (see Ashland County Shoreland Amendatory Ordinance, Ashland County Zoning Administrator).

15. **OUTLOT:** A remnant parcel of land, other than a lot or block, not to be used for building purposes, so designated on a plat or Certified Survey Map.

16. **PARCEL:** A lot created by a division of land. A parcel(s) which is owned, controlled or managed as a single entity shall be treated as a single tract, unless separated by a public road and navigable and non-navigable waters. A parcel is created as of the date the deed, land contract, lease, etc., is recorded with the Register of Deeds Office.

17. **PLAT:** A map of specific land area such as a town, section, or subdivision showing the location and boundaries of individual parcels of land subdivided into lots, with streets, easements, etc., drawn to scale. The map is representative of a survey performed by a registered land surveyor. Plats must receive approval by state and local government in order to be filed with the register of deeds. The plats become effective upon being recorded and filed.

18. **PROPERTY SURVEY (MAP OF SURVEY):** A survey made by a Registered- Licensed Land Surveyor in the State of Wisconsin. Such Survey will be prepared according to Chapter A-E 7, Wisconsin Administrative Code.

19. **RECORDING:** The filing for the record of a Subdivision Plat, Certified Survey Map or Map of Survey with the Register of Deeds of Ashland County.

20. **REPLAT:** The process of changing, or the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
21. **ROAD EASEMENT:** A privately owned parcel of land reserved for the construction and maintenance of a roadway and its appurtenances.
22. **ROAD RIGHT-OF-WAY:** A publicly owned parcel of land reserved for the construction and maintenance of a roadway and its appurtenances.
23. **SHORELAND AREA:** Lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or the landward side of the floodplain, whichever distance is greater.
24. **SUBDIVISION PLAT (COUNTY):** A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where: The act of division creates 5 or more parcels or building sites, each of which is larger than 1 ½ acres and which is 5.0 acres or smaller in size, (larger lot sizes need County Zoning Administrator and County Surveyor approval), or 5 or more parcels or building sites which are larger than 1 ½ acres and 5.0 acres or less in size and created by successive divisions within a period of 5 years. Subdivisions to be prepared in accordance with Chapter 236 Wisconsin Statutes. Subdivisions satisfying this classification are subject to County review under this Ordinance.
25. **SUBDIVISION PLAT (STATE):** A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where: The act of division creates 5 or more parcels or building sites of 1 1/2 acres each or less in area; or 5 or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of 5 years. Subdivisions satisfying this classification are subject to Plat Review (Department of Administration Madison Wisconsin) under Chapter 236 of the Wisconsin Statutes. See appendix for State Statute Chapter 236 and check list.
26. **ZONING & LAND COMMITTEE:** The Ashland County Zoning and Land Committee is charged with oversight of all Zoning related Land issues and application of the Ashland County Subdivision Control Ordinance.
27. **DIVISION OF LAND ABUTTING A STATE TRUNK HIGHWAY OR CONNECTING HIGHWAY. CHAPTER TRANS 233, WISCONSIN ADMINISTRATIVE CODE (DEPARTMENT OF TRANSPORTATION): Applicability.** In accordance with ss. 86.07 (2), 236.12, 236.34 and 236.45, Stats., this chapter applies to all land division maps reviewed by a city, village, town or county, the Department of Administration and the Department of Transportation. This chapter applies to any land division that is created by plat or map under s. 236.12 or 236.45, Stats, by certified survey map under s. 236.14, Stats, or by condominium plat under s. 703.11 Stats, or other means not provided by statute, and that abuts a state trunk highway, connecting highway or service road. See appendix for Wisconsin Statute Chapter Trans 233, Department of Transportation).

2.0 JURISDICTION

The Ashland County Subdivision Control Ordinance shall apply to the unincorporated areas of Ashland County, and shall apply to all incorporated areas that do not enforce their own Subdivision Control Ordinance. The Ashland County Subdivision Control Ordinance shall not apply to the Bad River Indian Reservation, and Madeline Island Reservation, and those lands held in public trust by Federal Government where this Ordinance shall apply as recommendations without the force of jurisdiction.

3.0 GENERAL PROVISIONS

3.1 No division of land for the purpose of transfer, lease, sale or building development, except those excepted under Chapter 236 of the Wisconsin Statutes, shall be made without compliance with this ordinance.

3.11 No division of land shall be made prior to any required compliance to this ordinance.

3.12 Subdivision created under Chapter 236, Wisconsin Statutes shall be subject to the applicable provisions of this ordinance.

3.13 Replats shall be governed by the provisions of Chapter 236, Wisconsin Statutes.

4.0 APPROVALS

4.1 Approval of the land divisions for residential development will be based on consideration for the health and welfare of future residents, such as proper relation to adjoining areas, favorable topography and soil conditions, erosion and flooding danger, waste disposal needs and access to navigable waters where required (see sections 6.0 & 7.0).

4.2 Approval of land divisions for other than residential purposes shall be based on the suitability of the land for the proposed use.

4.3 Approval of land divisions shall comply with the requirements of the Ashland County Subdivision Control Ordinance and the Ashland County Zoning Ordinance.

4.4 Where the act of land division under Section 3.1 creates five lots or more having an area of more than 1 1/2 acres and not more than 5.0 acres each within a 5-year period, the approval, where required, of the town board and municipality having extraterritorial plat approval, jurisdiction will be a condition of approval by the Zoning and Land Committee and the Ashland County Surveyor.

4.5 In applying the provisions of this section, the Zoning and Land Committee shall state in writing and file with the County Clerk the particular facts upon which it bases any conclusion of unsuitability and such statement to be filed within 20 days after such conclusion is reached.

4.6 A certificate of approval of the Ashland County Surveyor and a certificate of approval of the Ashland County Zoning Administrator shall appear within the certificates of any Ashland County Certified Survey Map, (except within the City of Ashland limits and any Town having their own Subdivision Control Ordinance), submitted for approval.

4.7 Any substandard parcel of land created that does not meet the conditions of this ordinance must be approved or disapproved by the Ashland County Surveyor and the Ashland County Zoning Administrator where this ordinance has jurisdiction.

5.0 PROCEDURE FOR LAND DIVISION APPLICATION AND APPROVAL.

The subdivider shall submit a preliminary survey map to the Register of Deeds for a review of the proposed land division. The preliminary survey is reviewed by a committee made up of the following County Officers: the Zoning Administrator, Land Description Officer, County Surveyor and Register of Deeds. The committee will approve, approve conditionally, or disapprove the proposed division within 40 working days following submission of the survey map. The appropriate review fee shall be paid when a preliminary survey map is submitted to the Ashland County Register of Deeds. The preliminary survey map will not be reviewed until the fee is paid. A current fee schedule is on file at the Ashland County Register of Deeds.

5.1 The final survey map shall be complete and ready for recording.

5.2 The preliminary/final survey map shall be submitted to any Town having adopted an approved Subdivision Control Ordinance. Town approval where required is a condition of County approval.

5.3 Conceptual maps or surveys will be reviewed at no charge if these maps or surveys are submitted by a licensed Registered Land Surveyor, Professional Engineer or other qualified person.

6.0 SURVEY REQUIREMENTS

6.1 A Certified Survey Map shall be prepared by a Registered Land Surveyor, and recorded as required under Chapter 236, Wisconsin Statutes, Chapter A-E7, (Minimum Standards for Property Surveys) and Chapter Trans 233, Wisconsin Statutes, for all lots 5.0 acres and less in area, and shall show clearly on its face the following:

6.11 All existing buildings (permanent structures), setbacks to buildings (permanent structures), including those on adjacent property, (possible encroachments and their setbacks), location of public and or private road right-of-ways and existing roadway surfaces that cross or are adjacent to lots or parcels and other features pertinent to division of property shall be shown on all surveys.

6.12 Certified Survey Maps prepared on navigable waters, (for lots bounded by water), shall show on the map, the Ordinary Highwater Mark, Elevation and Datum along with and in addition to the overall area, (square footage), to the waters edge, include area, (square footage), to meander lines. If the lots are cluttered, show the areas, (square footage), in a table.

6.13 Owner's Certificates, (s. 236.21 (2) (a), Wis. Stats.), are required if the Certified Survey Map or State approved Subdivision Plat or County Plat includes public dedications, (ex. Streets, Roads, Parks, open space, etc.), or if the Certified Survey Map crosses the exterior boundary of a recorded subdivision plat or assessor's plat. A Village Board, or Town Board Approval Certificate is required when the map includes a public dedication.

6.14 Certified Survey Maps must be drawn at a scale of not more than 500 feet to one inch and in reference to a standard engineer scale.

6.15 Ashland County Certified Survey Map (sheet) requirements; the title **ASHLAND COUNTY CERTIFIED SURVEY MAP NO. _____**, in prominent letters, at the top of each sheet, along with location by Private Claim, Government Lot (include 1/4-1/4 Section in with Government Lot locations), 1/4-1/4 Section, Township, Range, Town, County and State.

6.16 In the preparation of any Ashland County Survey, the area of abutting roads or streets is not to be included in determining the size of lots or parcels and any boundary line surveyed that intersects a public road or street right of way, must have a monument set, (s. 236.15 (1) (c) , Wis. Stats.), at the boundary line and right of way line intersection, whether the public holds a fee or an easement, and regardless of the status of such road or street.

6.17 In subdividing land, a public road or street, whether the public holds a fee or an easement, regardless of the status of such road or street, constitutes a separation in a lot or parcel of land being created.

6.18 In subdividing land, navigable waters constitute a separation in a Lot or Parcel of land being created.

6.19 Survey drafting requirements of recordable documents, (8 ½" x 14" documents, (sheet)(s)), Certified Survey Maps, Maps of Survey, Section Corner Restoration Sheets), must leave a 3"x 3" space for Register of Deeds recording information, in the upper right hand corner, within the edge of sheet limits.

6.20 A Certified Survey Map must be prepared when any existing Lot or Parcel of land 5.0 acres or less in area, is acquiring, adding and or conveying land to create a new lot or parcel of land. Lot and Parcel remnants, of such division, of 5.0 acres or less in area must be included in Certified Survey as a separate lot and meet the requirements of the Ashland County Subdivision Control Ordinance, Chapter 236, Wisconsin Statutes, Chapter A-E7, (Minimum Standards for Property Surveys) and Chapter Trans 233, Wisconsin Statutes.

6.21 A Certified Survey Map must be prepared in any re-division of any existing Certified Survey Map, recorded in the Ashland County Register of Deeds Office, regardless of the record date. Any Lot or Parcel remnants created from such land division must be included in the required Certified Survey as a separate lot and meet the requirements of the Ashland County Subdivision Control Ordinance, Chapter 236, Wisconsin Statutes, Chapter A-E7, (Minimum Standards for Property Surveys) and Chapter Trans 233, Wisconsin Statutes.

6.22 Procedure for U.S. Public Land Survey Monument Record: A U.S. public land survey monument record shall be prepared and filed with the county surveyor's office as part of **Any Land Survey** which includes or requires the perpetuation, restoration, reestablishment or use of a U.S. public survey corner as per **Chapter A-E 7** of the Wisconsin Administrative Code. In the course of a Registered Land Surveyor's survey work in Ashland County, the Surveyor must contact the Ashland County Surveyor prior to the perpetuation of any U.S. Public Land Survey Monument location. The Ashland County Surveyor must approve or disapprove the perpetuated monument location through the completion to proceed part of an Ashland County Corner Restoration Application, (a copy found in the appendix of this ordinance), before any monumentation is set for the section corner location. When the proper Ashland County Surveyor's approval to proceed is obtained, only then will Ashland County Monuments be checked out of the Ashland County's Surveyor's office for section corner placement. Ashland County Monuments are to be used at section corner locations only, and not as accessory or witness reference points to a section corner location. This procedure does apply to Meander Corner locations as per Original Government Survey of the U.S. Public Land Survey in Ashland County Wisconsin. The above procedure is to insure and not impede that the proper section corner location is established or reestablished, (perpetuated), and used in the future as a correct section corner location and to eliminate multiple or erroneous section corner locations.

6.2 For One, Two, Three or Four lots, 5.0 acres or less each in area: A Certified Survey Map shall be prepared by a Registered Land Surveyor, and recorded as required under Chapter 236, Wisconsin Statutes, Chapter A-E7 (Minimum Standards for Property Surveys) and Chapter Trans 233, Wisconsin Statutes.

6.3 For Five lots or more, having an area of more than 1 1/2 acres each and 5.0 acres or less each, (larger lot sizes need County Zoning Administrator and County Surveyor approval), within a 5-year period: a Subdivision Plat (County) shall be prepared and recorded as permitted under Chapter 236, Wisconsin Statutes and Chapter Trans 233 Wisconsin Statutes.

6.31 In lieu of this requirement the subdivider may prepare and record two or more Certified Survey Maps in accordance with section 6.2. The Ashland County Zoning and Land Committee may however require the subdivider to file a Subdivision Plat (County) in accordance with section 6.3.

6.4 For Five lots or more, having an area of 1 1/2 acres each or less in area, within a 5-year period: a Subdivision Plat (State) shall be prepared and recorded as permitted under Chapter 236, Wisconsin Statutes and Chapter Trans 233 Wisconsin Statutes.

7.0 DESIGN STANDARDS

7.1 Minimum lot size for residential purpose, for lots not served by public sewer, shall be 150 feet at the shoreline, or other frontage, 150 feet average width and 30,000 square feet in area. Any part of a lot less than 30 feet in width shall not be used in computing the minimum lot area. Road or street right-of-ways and road or street easements shall not be included in calculations of minimum lot area.

7.11 Lots served by public sewer shall have a minimum width of 65 feet at the shoreline or other frontage, 65 feet average width, 10,000 square feet in area. (see Ashland County Shoreland Amendatory Ordinance, Ashland County Zoning Administrator).

7.12 The Ashland County Zoning Administrator may require larger lot sizes in case of adverse soil or topographical conditions or to provide a greater degree of protection for natural resources. (see Ashland County Zoning Administrator).

7.13 The size, shape, elevation and percent of slope of a lot shall permit the installation of a water supply system and a waste disposal system meeting the requirements of the Ashland County Private Sewage System Ordinance unless the lot is served by public sewer. (see Ashland County Zoning Administrator).

7.14 Only one resident unit or structure shall be allowed on a lot as per 9.6. Lake and stream classification Standards may govern lots in shoreland areas (see Table 1 in Section 16.0 appendix). (see Ashland County Shoreland Amendatory Ordinance, Ashland County Zoning Administrator).

7.2 Lots shall be designed and laid out with due regard to convenient access, shape and topographical conditions. All lots shall have frontage on a road right-of-way or road easement. Road right-of-ways and road easements should follow lot lines whenever possible.

7.3 Where more than one lot abuts a highway, a service road may be required to obtain a minimum number of access driveways as determined by proper highway authority. Highway access must be approved by the appropriate road or highway jurisdiction.

7.4 The construction of streets and roads, within a platted area, shall comply with local standards. Construction of streets and roads shall adhere to the most restrictive standard of either, the Town, Municipality, or Ashland County, Wisconsin State Statutes or Wisconsin Administrative rule. In addition the geometrics, grades, curves and radii of a road and street shall meet the guidelines set forth by the American Association of State Highway and Transportation Officials in its "Policy on Geometric Design of Highways and Streets", current edition. Variance to standards can be given after a review of the subdividers proposed road or street plan by the Ashland County Highway Commissioner and a subsequent approval of reduced standards by the Zoning and Land Committee. This approval shall be based on a determination that no significant safety problems would occur due to the exception to standards and a written agreement that the street or road will be maintained by the property owners in perpetuity. All roads and streets will have at a minimum a gravel surface that will provide year round usage of and provide access to the lots within the subdivision. The Zoning and Land Committee may require a hard surfaced roadway such as asphalt where it would be warranted. All rural roads and streets will be provided with drainage ways such as ditches with appropriate drainage structures. These drainage systems will be designed so as to not create erosion or flooding problems.

7.41 Minimum width for any road right-of-way or road easement shall be 50 feet. A 66 foot width shall be standard. A larger than minimum width may be required by the Zoning and Land Committee.

7.42 The responsibility for maintaining any roads or streets, within a platted area, shall be clearly defined in a written agreement between the subdivider and public entity accepting responsibility for the road or street or in a deed provision between the subdivider and the lot owners. The approval of the subdivision plat shall be contingent on adequate documentation of a long term plan and commitment of resources for the maintenance of any roads and streets providing access to the lots within it.

7.5 Before the approval of the final plat or map, the subdivider shall install all the planned improvements or file a performance agreement with the County Clerk, such an agreement being subject to the approval of the Corporation Counsel.

8.0 DEDICATION AND RESERVATION OF LAND

The Zoning and Land Committee may require that the dedication of certain lands for roads, streets, drainage ways, parks and the preservation of special natural resources be offered to the County, Town, or Municipality and may require the subdivider to grant the County, Town, or Municipality the right to acquire lands for said purposes, which right must be exercised within one year from the date of recordation and if not so exercised, the right shall thereupon terminate.

8.1 The provisions of Chapter 236, Wisconsin Statutes, shall apply to all plats under the provisions of this ordinance.

9.0 FEES

Prior to preliminary final approval of any lot division, the applicant shall pay a fee as determined from a Fee Schedule approved by the County Board and kept in the office of the Register of Deeds. This fee is in addition to the recording fee. All fees are non-refundable.

10.0 VARIANCES

10.1 Any person seeking a variance from the terms of this ordinance, upon request and in writing, shall be granted a hearing thereon before the Zoning and Land Committee.

10.2 The Zoning and Land Committee will hold public hearings as needed and may grant variances from terms of this ordinance as will not be contrary to law.

10.3 No variance, which may be granted shall have the effect of allowing prohibited uses and shall not be considered a precedent in any way.

11.0 PUBLIC HEARING

The Zoning and Land Committee shall give notice of any public hearing under Section 10.0 by one publication in the official newspaper of the County not less than ten days prior to the date set for the hearing, as well as by mailed notice to the owners of adjoining lands. Such notice shall state the purpose of the hearing and specify the land involved. The local town or municipal government shall also be notified by mail. Mailing and posting of notice shall be done not less than ten days prior to the date set for the hearing. All mailing shall be first class mail.

12.0 APPEAL

Any person aggrieved by a decision of the Zoning and Land Committee may request and shall be granted, a hearing before the Board of Appeals. For the purpose of this ordinance the Board of Appeals will be the Ashland County Board of Adjustment and any court review shall be handled as provided for under Section 59.99, Wisconsin Statutes. The provisions of 236.13(5), Wisconsin Statutes shall govern as to all appeal procedures herein.

13.0 VIOLATIONS – PENALTIES

13.1 Any violation of any provision of this ordinance which is not correct on the written order of the Zoning Administrator, County Surveyor or Land Description Officer within the time specified in the order, which shall not be less than 30 days following the delivery of such order to the alleged violator, shall be referred to Corporation Counsel, which will determine any further action, except that no litigation shall be commenced without Corporation Counsel approval.

13.2 Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall forfeit not less than \$10.00 or more than \$100.00, together with the full cost of such prosecution, and each day's failure to comply shall constitute a separate violation.

13.3 Recordation improperly made shall be subject to the provisions of Section, 236.30 Wisconsin Statutes.

13.4 Monuments disturbed or not placed shall be subject to the provisions of Section 236.32, Wisconsin Statutes.

13.5 Any imposed penalty will be in addition to the required compliance.

14.0 ADMINISTRATION

14.1 The administration of this ordinance shall be under the direction of the County Board of Supervisors.

14.2 The Zoning and Land Committee with the approval of the County Board shall provide enforcement oversight of this ordinance.

15.0 AMENDMENTS

The County Board of Supervisors may make amendments to this ordinance in the manner prescribed by law.

16.0 APPENDIX

TABLE 1

The Lakes Classification Development Standards set forth in the Lakes Classification Development Standards Chart appearing below are adopted.

CLASS 1	CLASS 2	CLASS 3	
Beaver Dam Lake	Augustine Lake	Bass Lake	Nab Lake
Butternut Lake	Bear Lake	Bay Springs	Lindbergh Lake
Day Lake	Beaver Lake 21-44-4W	Beaver Lake 31-43-4W	Little Butternut Lake
English Lake	Caroline Lake	Beaver Lake 7-44-4W	Little Clam Lake
Eureka Lake	Dead Horse Slough	Blueberry Lake	Long Lake 19-45-4W
Gallilee, Lake	Hoffman Lake	Bullhead Lake	Loon Lake
Gordon Lake	McCarthy Lake	Cammerer Lake	Lost Lake
Long Lake 22-44-2W	Moquah Lake	Camp Four Lake	Luebke Lake
Meder Lake	Muskellunge Lake	Conley Lake	McLaren Lake
Mineral Lake	Pelican Lake	Cranberry Lake	Meyer Lake
Spider Lake	Snowshoe Lake	Cub Lake	Mud Lake
Tea Lake	Spillerberg Lake	Cycle Lake	Parker Lake
Upper Clam Lake	Summit Lake	Ditman's Lake	Pole Lake
White River Flowage	Torrey Lake	Dollar Lake	Potter Lake
Twin Lakes (West)	Twin Lakes (East)	Dry Lake	Seagels Lake
West Twin Lake	East Twin Lake	Seitz Lake	Sells Lake
Zielke Lake	Gates Lake	Slim Lake	Snoose Lake
	Gilbert Lake	Three (Lake)	Trout Lake
	Honest John Lake	Wolf Lake	Woodtick Lake
	John Frank Lake		
	Kempf Springs		
	Kenyon Springs		

LAKE CLASSIFICATION DEVELOPMENT STANDARDS CHART

LAKES CLASSIFICATION	MINIMUM LOT SIZE	MINIMUM LOT WIDTH (FOR EACH SINGLE FAMILY DWELLING UNIT)	MINIMUM LOT DEPTH
CLASS 1	30,000 s.f.	150 ft. *300 ft.	200 ft.
CLASS 2	40,000 s.f.	200 ft. *400 ft.	200 ft.
CLASS 3	62,500 s.f.	250 ft. *500 ft.	250 ft.
RIVERS & STREAMS	62,500 s.f.	250 ft.	250 ft.

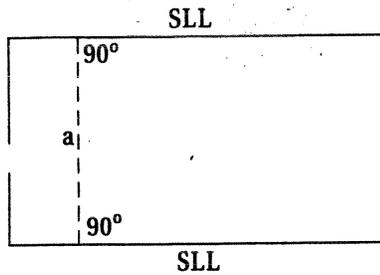
NOTE: *1. Two Family Dwelling/Unit s.f. equals square feet

16.0 APPENDIX

Table 2

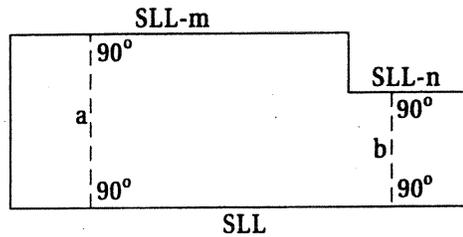
Average Lot Width. The following illustrations and formulas are provided to explain the methods of average lot width determination.

(a) *Parallel Lot Lines*



Average Lot Width is the perpendicular distance between Side Lot Lines (SLL)

(b) *Parallel Side Lot Lines, Alternate.*

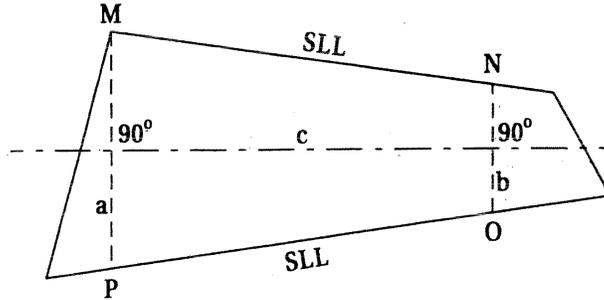


Average Lot Width is

$$a \times \frac{m}{m+n} + b \times \frac{n}{m+n}$$

Use only that part of length n that, when added to area of m portion of lot, satisfies minimum area requirements.

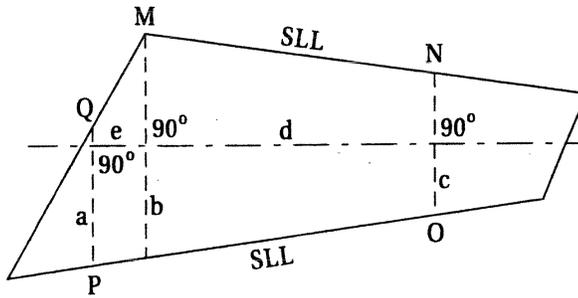
(c) Nonparallel Lot Lines



Average Lot Width is $\frac{a + b}{2}$

Area of MNOP equals Minimum Lot Area, and line c bisects angle formed by lines MN and OP extended.

(d) Nonparallel Lot Lines, Alternate 1.

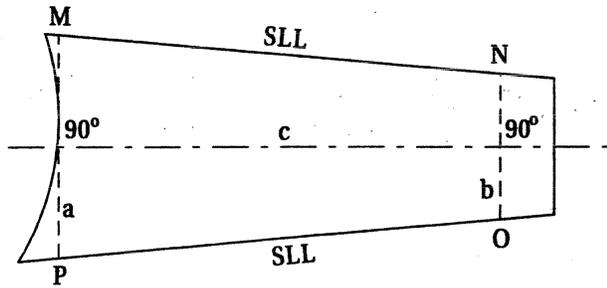


Average Lot Width is $\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}$

Area of MNO PQ equals Minimum Lot Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance

between lines b and c. e is the perpendicular distance between lines a and b.

(e) *Nonparallel Lot Lines, Alternate 2.*

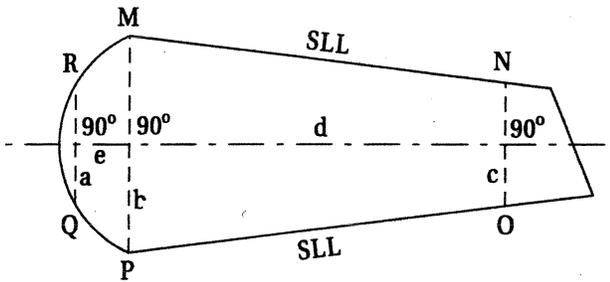


Average Lot Width is

$$\frac{a + b}{2}$$

Area of MNOP equals Minimum Lot Area and line c bisects angle formed by lines MN and OP extended. c is the perpendicular distance between lines a and b.

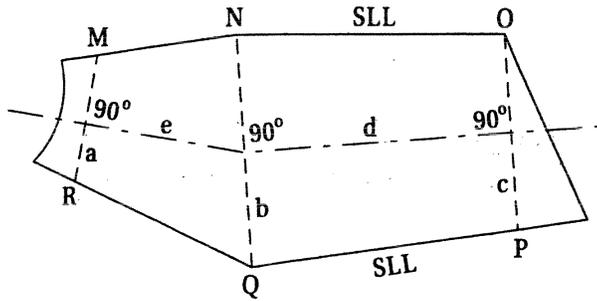
(f) *Nonparallel Lot Lines, Alternate 3.*



Average Lot Width is

$$\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}$$

Area of MNO PQR equals Minimum Lot Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.



Average Lot
Width is

$$\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}$$

Area of MNPQR equals Minimum Lot Area, line e bisects angle formed by lines MN and QR extended, and line d bisects angle formed by lines NO and PQ extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.

**ASHLAND COUNTY SURVEYOR'S OFFICE
Room 205-courthouse-Ashland, WI 54806**

**David Carlson
Ashland County Surveyor**

**Phone (715)682-7044
Fax (715)682-7032**

ASHLAND COUNTY CORNER RESTORATION APPLICATION FORM

Name of surveyor _____ WI Registration No. _____
Address _____

I hereby apply to perpetuate the following corner(s) _____
_____ in conjunction with a private land survey for _____

I hereby state that I understand and acknowledge that I am an independent contractor and am not an employee or agent of Ashland County for any purpose, including workers compensation.

I hereby agree to protect, indemnify and save harmless Ashland County from any and all causes of action, claims, demands, suits, liability or expense by reason of loss or damage to any property, or bodily injury to any person as direct or indirect result of my operations or with any action or omission of mine or those employed by me.

I further understand and agree that acceptance of a Land Corner Record or payment for same under this program, shall not be construed to imply that Ashland County places any sanction, written or unwritten, on the corner position, and that the liability for the authenticity, accuracy and acceptability of the corner position lies entirely with the surveyor who places and records the corner.

Surveyors Signature _____ Date _____

Approval to proceed Yes ___ No ___ County Surveyor _____
Date _____

I have perpetuated the above corner and submit this Land Corner Record for approval and payment.

Signature _____ Date _____

Application approved ___ Denied ___ Reason for denial _____

Ashland County Signature _____ Date _____

I have satisfied the above objections and resubmit this Land Corner Record for approval and payment.

Signature _____ Date _____

Payment of \$ _____ is hereby approved to the above surveyor for corner perpetuation.

Ashland County Surveyor _____ Date _____

Paid on _____, 20____, County Clerk _____

SCENIC ORDINANCE

SECTION 2

District No. 2 – Scenic Area District

The Scenic Area District shall include all lands within 166 feet from the center line of the designated road, County Trunk Highway GG or 100 feet from the right-of-way or whichever is greater.

The road, County Trunk GG, within the restricted district, starting at the southern point where it crosses the section line between Sections 29 and 20, in the Town 43 North, Range 4 West, and continues in a northeastern direction to the point where the road crosses the section line between Sections 2 and 1 in the Town 44 North, Range 3 West, shall be known as the Scenic Drive.

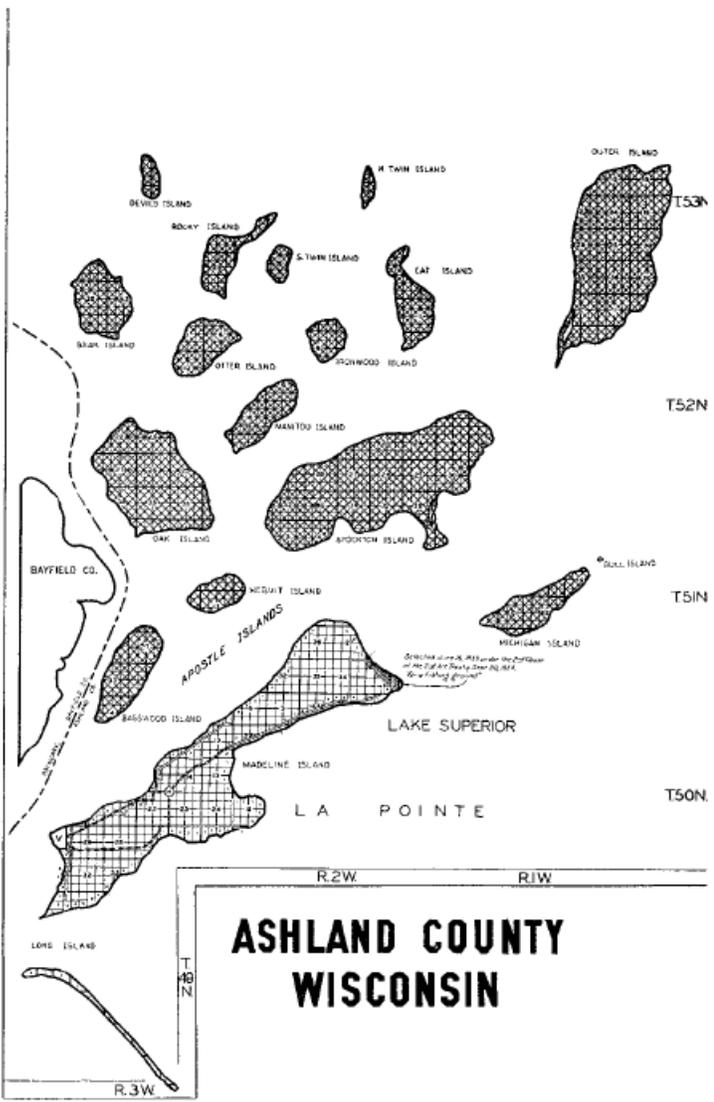
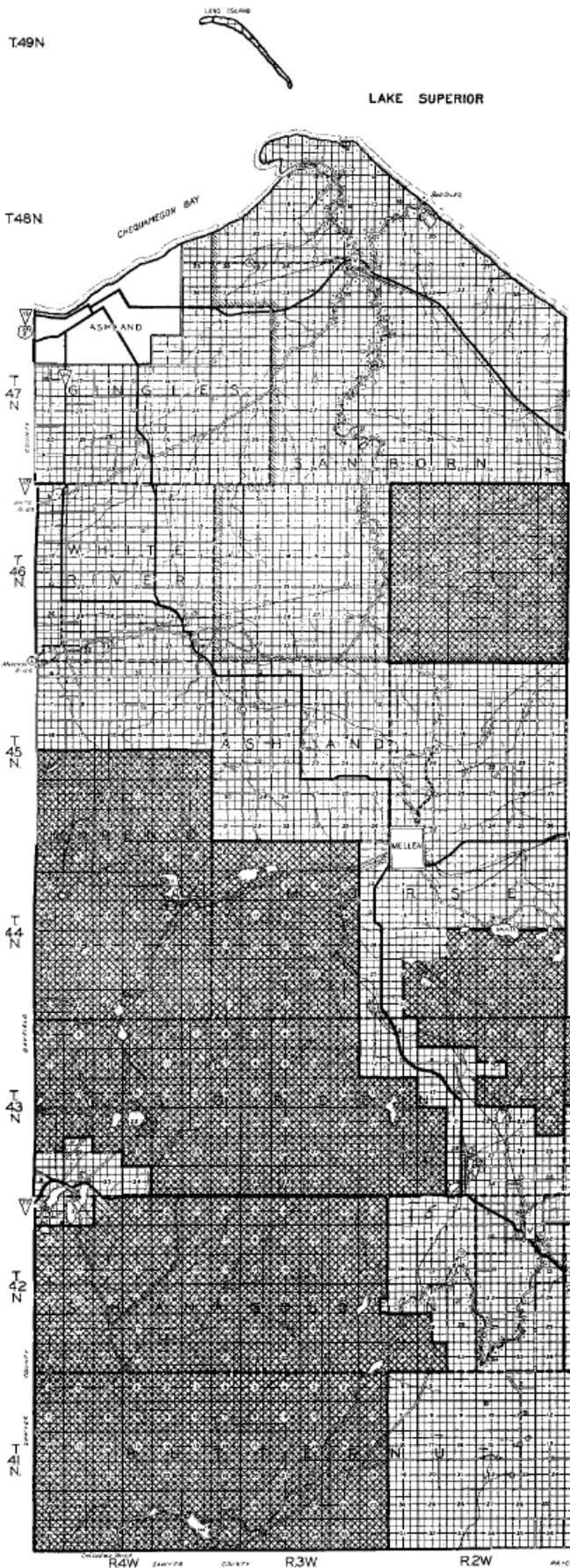
In the Scenic Area District, only the following use shall be permitted:

1. Production of forestry products.
2. Public and private parks, waysides, hiking trails, bridle paths and flowages.
3. Signs shall be permitted for the following uses only:
 - a. One non-artificially lighted directory advertising a business, service or resort, for each property abutting the Scenic Area District, or a property on a dead-end road which leads off County Trunk GG. Such a sign shall be no larger than 24 square feet in size, made of wood and of only two suitable colors; such as paint, stain or reflectory substance. The base or standard for signs may be made of other material.
 - b. One non-artificially lighted directory sign advertising a business, service, resort, residence, cabin or farm located on a side road intersecting the Scenic Area District.
 - c. Such signs shall be placed no greater than 200 feet from the right-of-way of the side road and mounted on common standard. Individual signs shall be no larger than 4 square feet in size and made of wood and of only two suitable colors such as paint, stain or reflective substance. The base or standard for signs may be made of other material.
 - d. Signs required by public agencies for traffic control devices or to provide information about public places, natural phenomena, scenic areas and historic sites; public utilities shall conform to the regulations as established by the Federal Forest.

ZONING ORDINANCE

**Adopted November 14, 1934
Amended July 24, 2002**

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NOTE: Government Lots T48N R.3W Sections 1-9
 T 45 N R. 3 W 10-11 12-14-15 16-23 and T 47N R.3W
 Section 1 appear on this map as if they had zoning,
 but have been reassigned reference to which is hereby
 made

ASHLAND COUNTY WISCONSIN

OFFICIAL
 ZONING MAP
 SHOWING USE DISTRICTS

CERTIFIED CORRECT
 AS APPROVED BY TOWN BOARDS
 AS ENACTED BY COUNTY BOARD *March 1934*

- FORESTRY & RECREATION DISTRICT
- UNRESTRICTED DISTRICT



ZONING ORDINANCE

SECTION 1

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, CAMPGROUNDS, AND GOLF GROUNDS” – areas of land with or without buildings designed for recreation uses.

“RECREATION CAMPS AND RESORTS” – Areas of land improved with 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.

“NONCONFORMING USE” – A building or premises occupied by a use that does not conform with the regulations of the use district in which it is suited.

“FAMILY DWELLING” – Any building 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.

ZONING ORDINANCE

**REPORT BY COUNTY CLERK TO THE COUNTY BOARD
ON APPROVAL OF ZONING ORDINANCE BY TOWN BOARDS**

To the Honorable County Board of Supervisors, Ashland County, Wisconsin.

Gentlemen:

This is to certify that approvals have been received and filed in this office from the town boards of Agenda, Butternut, Gordon, Shanagolden, Morse, Jacobs, Ashland, Marengo, White River, Gingles, LaPointe and Sanborn of the County Zoning Committee to your honorable body at a meeting held May 9, 1934.

You are further advised that said approvals are in the form required by subsection One (1) of Section 59.97 of the Wisconsin Statutes, and same are hereby submitted to your honorable body for consideration.

Respectfully submitted,
Edwin H. Quistorff
County Clerk

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 setback building lines outside 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 (A)

DISTRICT 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 14, 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 I (B)

BUILDING PERMITS

A. A building permit shall be obtained from the office of the Ashland County Zoning Administrator for any structure which is used, intended to be used, or designed to be used:

- 1. for human habitation or
- 2. for human occupancy

on either a permanent or temporary basis, for which a sanitary permit is required.

Exemptions. The following structures are exempt from this provision:

- 1. A satellite hunting station, a hunting stand and/or hunting blind which is designed with openings from which a rifle and/or bow and arrow can be shot, and
- 2. A warming shack and/or sleeping shack which is moved from job to job which is used in connection with an ongoing and bona fide:
 - a. logging project, or
 - b. construction project, or
 - c. similar work activity, and
- 3. A structure which is used by persons to shield them from the weather and/or climactic conditions while waiting for public transportation or a school bus.

B. No structure for which a building permit is required by this ordinance, shall be constructed, erected, assembled or moved onto real estate until after the required building permit has been issued.

C. The term “structure,” when used in this ordinance, has the meaning set forth in Section 15.06 of Ashland County’s Private Sewage System Ordinance, which is incorporated herein by reference as though fully set forth herein.

D. Minimum Setback Requirements.

The following minimum setback requirements apply to each structure covered by Section I(B) of this ordinance:

Front yard	10-foot setback
Rear yard	10-foot setback
Side yards	10-foot setback]

A setback is measured laterally between the furthest protrusion of the structure and the closest property boundary line. No portion of a structure shall be present within the required minimum setback area.

E. Applicability. The requirements of Section I(B) apply to all areas in Ashland County which are in District I-Forestry and Recreation or in District II-Unrestricted District, except as set forth in Section VII of this ordinance.

SECTION II

DISTRICT NO. 1 – FORESTRY AND RECREATION

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, campgrounds 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. Hydroelectric dams, power plants, flowage areas, transmission lines and substations,
11. Telephone and telegraph line right-of-ways,
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 purposes whatsoever, not in conflict with law.

SECTION IV

NONCONFORMING 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 nonconforming use is discontinued, any further 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 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, and then existing nonconforming 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 nonconforming 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 nonconforming 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 use 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, extended, indicated on the United States General Land Office survey maps, or along meandered streams.

SECTION VII
APPLICABILITY

This ordinance does not apply to:

- a. Any structure or real estate belonging to the United States of America or the State or Wisconsin.
- b. Any real estate situated within an incorporated city or village.
- c. Any real estate situated within the exterior boundaries of the Bad River Indian Reservation.
- d. Any real estate situated within the Town of LaPointe.

SECTION VIII
REPEAL AND/OR AMENDMENT

This ordinance may be repealed or amended, in whole or in part, in the manner provided for in Wisconsin Statutes at the time of such repeal or amendment.

SECTION IX
ENFORCEMENT AND PENALTY

The following provisions of Ashland County's private sewage system ordinance are incorporated herein by reference as though fully set forth herein: Sections 15.40, 15.41 and 25.04.

In addition, in the event a permit required by this ordinance is applied for or issued on an after the fact basis, the amount of the permit fee payable to Ashland County shall be double the normal or usual amount of such permit fee.

**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
WHEN EFFECTIVE**

This ordinance upon passage and publication shall be in effect in the towns of Agenda, Ashland, Butternut, Gingles, Peeksville, 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.

To the Honorable Board of Supervisors, Ashland, 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 said board on May 9, 1934, which said report consists of an ordinance as set forth in the proceedings of this board at said meeting held May 9, 1934, including the map herein 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 effects the lands in such towns, in accordance with the provisions of subsection one (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 14th day of July, 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 approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 14th day of August, 1975, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 2nd day of October, 1975.

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 September, 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 September, 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 Gingles 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 September, 1934, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 6th day of September, 1934.

The town board of the Town of LaPointe which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 18th 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 Sanborn which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 13th 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 14th day of November, 1934.

Wherefore, your committee recommends for adoption the following resolution:

Whereas, the zoning committee of the Ashland County Board duly submitted its report to the county board consisting of an ordinance with accompanying map made a part thereof, regulating, restricting and determining the area within the county in which agriculture, forestry and recreation may be conducted, the location of roads, schools and trades and industries, and the location of buildings, designed for specified uses, and establishing districts for such purposes outside the limits of incorporated villages and cities pursuant to Section 59.97 of Wisconsin Statutes, and

Whereas, the town board of the towns of Agenda, Ashland, Butternut, Gordon, Gingles, Morse, Shanagolden, Jacobs, Marengo, White River, LaPointe, Sanborn and Peeksville have submitted approval of the said ordinance insofar as the same affects the lands in each of said towns in accordance with and as provided by Section 59.97 of the Wisconsin Statutes, and particular subsection one (1) thereof:

Now Therefore Be It Resolved, that the above mentioned zoning ordinance submitted by the county zoning committee, at a meeting of the board, held May 9th, 1934, be and the same is hereby enacted, said ordinance with all amendments and changes to be hereafter made therein to become effective in the towns of Agenda, Butternut, Gordon, Shanagolden, Morse, Jacobs, Ashland, Marengo, White River, Gingles, LaPointe, Sanborn and Peeksville.

Be It Further Resolved that the county clerk upon publication of said ordinance, be and is hereby directed to file a certified copy of said ordinance, including the accompanying map, made a part thereof, in the office of the register of deeds of Ashland County.

Dated November 14, 1934
(Signed)

Frank Bay
John Warren
Archie L. Wilson
Zoning Committee

Offered and Passage moved by Supervisor Wm. G. Zielke, Seconded: Supervisor, Sam Jensen

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

Adopted: November 14th, 1934
FRANK SHEFCHIK
Chairman, Board of Supervisors
EDWIN H. QUIRSTORFF
County Clerk, Ashland County, Wisconsin

(S-E-A-L)
Published, November 23rd, 1934

**ASHLAND COUNTY ZONING ADMINISTRATION
FEE SCHEDULE**

Permit Type	Fee
County Building Permit (i.e. Residence, Seasonal, Relocation & Replacement)	\$200
Renewal of Building Permit	\$100
Change of Use Fee	\$100
911 Address	\$125
Non-Refundable Fee	\$50.00
Failure to Obtain Permit	Fee doubles
Sanitary Permit (Holding Tank, In-Ground Pressure or Non-Pressure System)	\$325
Sanitary Permit (Mound System and At-Grade System)	\$350
Privy/Non-Plumbing System Permit	\$130
Renewal of Sanitary Permit	\$100
Sanitary Re-Connect/Revision	\$100
Transfer of Sanitary Permit	\$75
Re-Inspection Fee for Sanitary System	\$50
Large System Fee (Equal to or greater than 5,000 gallons per day)	\$500.00
Flows and Loads Affidavit	\$20.00
Soil Test Filing Fee	\$30.00
Accessory Buildings (Shoreland Only)	\$100.00
Alterations/Additions (Shoreland Only)	\$75.00
Conditional Use Permit (Shoreland Only)	\$150.00
Renewal of Conditional Use Permit (Shoreland Only)	\$75.00
Commercial & Industrial Buildings (Shoreland Only)	\$250.00
Alteration/Addition Commercial & Industrial (Shoreland Only)	\$125.00
Gazebo #59.692 (Shoreland Only)	\$350.00
Sign Permit (Shoreland Only)	\$50.00
Land Use Permit (Shoreland Only)	\$100.00
Application For Zoning District Change	\$200.00
Application For Text Change	\$250.00
Special Meeting for Zoning & Land Committee	\$400.00
Day Lake Dam Flood Maps \$10.00 + \$1.00 Postage (If Mailed)	
Flood Insurance Rate Maps \$10.00 + \$2.00 Postage (If Mailed)	

All applications must be submitted with the required fee; a non-refundable fee will be retained upon withdrawal of application. Once the permit(s) has been issued, no fees will be refunded. Checks are to be made payable to: Ashland County Zoning Administration.

February 5, 2009: Approved by Ashland County Zoning & Land Committee.
March 12, 2009: Approved by Ashland County Board. (Effective 4/1/2009)