

Proceedings
of the
Board of Supervisors
Outagamie County, Wisconsin

From
APRIL 1950
To
APRIL 1951

Published by Order of the Board

L. HUGO KELLER
Chairman

JOHN E. HANTSCHER
County Clerk

the Superintendent and Ruth Voigt, his wife, as the Matron of the Outagamie County Home for a period of one year beginning July 1, 1950 and that the compensation of the Superintendent shall be at the rate of one thousand (\$1,000.00) Dollars per year and that of the Matron at the rate of one thousand (\$1,000.00) Dollars per year, which sums shall be paid monthly during the course of their employment.

It is further agreed by and between the parties hereto that either reserve the right to terminate this contract upon thirty days written notice to the other party at any time prior to July 1, 1951.

The parties of the first part agree that they shall each obtain and file with the party of the second part a surety bond for each of themselves in the amount of Five Thousand (\$5,000.00) Dollars, indemnifying and protecting the Outagamie County Home, the Board of Trustees of Outagamie County Home and Outagamie County from any damages or loss by reason of neglect of duty, defalcation on the part of the parties of the first part during their term of employment.

The parties of the first part further agree that they will employ an administrator whose appointment and employment shall be subject to confirmation by the party of the second part, and such employee shall be accountable to and under the direction of the Superintendent in the course of his employment, and the parties of the first part agree that they will be responsible for the actions of the administrator as an employee.

It is further understood and agreed that such administrator shall be paid a salary agreeable to the board of Trustees out of money appropriated by Outagamie County for the maintenance of the County Home.

It is agreed and understood that the parties of the first part will devote their time, skill, labor and attention to their duties as Superintendent and Matron of the Outagamie County Home, and be responsible for the proper operation, care and conservation of the property known as the Outagamie County Home, and responsible for the welfare of the patients confined therein; that as a part of their duties as Superintendent and Matron the parties of the first part shall maintain a full and complete set of books of account showing the income and disbursements of the institution, and the patients records.

It is further understood and agreed that the employment of the parties of the first part shall be conditioned upon and subject to the strict compliance by the said parties of the first part with the rules of the Board of Trustees of the Outagamie County Home that are now established and which may hereafter be established. In Witness Whereof, the parties have hereunto set their hands and seals this 31st day of August, A. D., 1950.

In the presence of:

Alvin Fulcer
John R. E. Miller

Ralph Voigt
Ruth Voigt

In the presence of
Leyan H. Hauert
Marian E. Walter

J. B. MacLaren, M. D.
Wm. VanZeeland
Joseph J. Franzke

RESOLUTION

WHEREAS, the Outagamie County Home has been completed and preparations have been made for reception of its residents, and

WHEREAS, the Superintendent and Matron of the Outagamie County Hospital have been given the additional duty of Superintendent and Matron of the County Home, and

WHEREAS, Ralph and Ruth Voigt have assumed those duties as of July 1st, 1950, and the Board of Trustees of the County Home have entered into a written contract with them for an additional annual salary of \$1,000.00 each beginning July 1st, 1950, and which contract is subject to the approval of the Outagamie County Board.

NOW, THEREFORE, BE IT RESOLVED, that the action of the Trustees of the Outagamie County Home in executing the contract

with Ralph and Ruth Voigt as Superintendent and Matron of the Outagamie County Home at an annual additional salary of \$1,000.00 each, beginning July 1st, 1950, be confirmed and approved. Dated this 12th day of September, A. D., 1950.

Respectfully submitted

Herbert Shauger
Walter A. Blake
L. Hugo Keller
M. J. Verfurth
George Miller

EXECUTIVE COMMITTEE

Superv. Peotter moved to adopt. Roll call—Members voting aye Adrian, Armitage, Baehler, Ballstadt, Barbleur, Becker, Blake, Bleck, Brown, Jos. W., Brown, W. B., Conradt, Cunningham, Esler, Farrell, Fuhrman, Fulcer, Grunwaldt, Gunderson, Henk, Hietpas, Hill, Kalbus, Knudsen, Krause, Kuehn, Miller, Geo. F., Miller, John R. E., Otto, Peotter, Pribnow, Reichel, Root, Ruddy, Ruhsam, Schiebler, Scholl, Schreiter, Shauger, Sievert, Thiel, Timmers, Vandeyacht, Verfurth, Wagner, Weifenbach, Wehling, Weyenberg, Williams, Wichmann, Keller. Member voting nay—Weyers. Member not voting—Jacobs. Member absent—Catlin.

50 aye, 1 nay, 1 not voting, 1 absent—Contract and resolution adopted.

No. 20. County Zoning Ordinance.

ZONING ORDINANCE FOR OUTAGAMIE COUNTY, WISCONSIN

A Zoning ordinance enacted pursuant to the provisions of Section 59.97 and 59.99 of the Statutes and providing penalties for the violation of its provisions.

For the purpose of promoting the public health, safety and general welfare, the Board of Supervisors of Outagamie County does ordain as follows:

SECTION I. DEFINITIONS

For the purposes of this ordinance, certain words and terms are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure" and the word "shall" is mandatory.

Accessory Building. A subordinate building or portion of the main building, the use of which is incidental to the permitted use of the main building.

Alley. A public thoroughfare not exceeding 30 feet in width and officially dedicated or recorded as a street.

Boarding House. A building other than a hotel where meals are provided for 3 or more persons not members of the family, for compensation and pursuant to a previous arrangement and not to anyone who may apply.

Building. A structure having a roof supported by columns or wall for the shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

Building, Front of. That side of a building which faces toward the principal road, street, highway or way serving the same.

Building, Height of. The vertical distance between the established grade at the front of the lot in recorded plats or the front of the building in unsubdivided areas and the highest point of the roof surface of a flat roof, the deck line of a mansard roof, and a point 2/3rds the height of a gable, hip or gambrel roof.

Club. An association of persons organized for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

District. A part or parts of Outagamie County for which the regulations governing the use of land and buildings are uniform.

Dwelling. One Family. A detached building designed for an occupied exclusively by 1 family.

Dwelling. Two Family. A detached building designed for an occupied exclusively by 2 families.

Dwelling. Multiple Family. A building or portion thereof used or intended to be used by 3 or more families living independently of each other.

Family. Any number of individuals living together and cooking on the premise as a single housekeeping unit, together with all necessary employees of the family.

Garage, Private. A building or portion used for housing of not more than 2 self-propelled vehicles.

Garage Storage. A building used for the housing only of more than 2 self-propelled vehicles having no facilities for service of any kind.

Garage, Public. A building or portion thereof used for the housing or care of more than 3 self-propelled vehicles or where any such vehicles are equipped, repaired or kept for remuneration or for hire or sale.

Home occupation. A gainful occupation conducted by members of the family only, within it place of residence, provided that the space used is incidental to residential use and that no article is sold or offered for sale except such as is produced by such home occupation, and that no stock in trade is kept or sold.

Hotel. A place where rooms and meals are supplied to the transient public for compensation.

Lodging Home. A building other than a hotel where lodging is provided for 5 or more persons not members of a family, for compensation, pursuant to a previous arrangement and not to anyone who may apply.

Lot: A parcel of land which is or may be occupied by a building and its accessory buildings or uses customarily incident thereto, together with such yards or open spaces as may be required by this ordinance.

Lot lines. The lines bounding a lot as defined herein.

Conforming Use. A building or premises occupied by a use that does not conform to the regulations of the district in which it is situated.

Public Airport. Any airport which complies with the definition contained in Section 114.013(3). Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.

Roadside Stand. A farm building used or intended to be used solely by the owner or tenant of the farm on which it is located for the sale of only seasonal farm products.

Street. A public thoroughfare more than 30 feet.

Street Line. The dividing line between the street and the lot.

Setback Lines. Lines established adjacent to highways for the purpose of defining limits within which no building or structure of any part thereof shall be erected or permanently maintained. "Within the setback line" means between the setback line and the highway right-of-way.

Story. That portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one half or more of its height above grade shall be deemed a story for the purpose of height regulation.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting utility poles and towers.

Structural Alterations. Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, or any substantial change in the roof.

Summer Residence Hotel. An establishment where lodging, with or without meals, is furnished to the public as a seasonal service and not the year round.

Temporary Structure. A movable structure not designed for hu-

man occupancy nor for the protection goods or chattels and not forming an enclosure.

Tourist Camp. A tract or parcel of land, open to the public either free or for a fee, upon which 2 or more camp cottages are located or where temporary accommodations are provided for 2 or more automobile trailers, tents or housecars.

Yard. A space on the same lot with a building, between a building and the lot line, unoccupied and unobstructed from the ground upward unless otherwise provided herein.

Front Yard. A yard extending across the full width of the lot between the street line and the nearest point on the front line of a building or any projection thereof, excluding uncovered steps.

Rear Yard. A yard extending across the full width of the lot between the rearlot line and the rear line of the building or any projection thereof, excluding uncovered steps.

Side yard. A yard between the building or any projection thereof and the side line of the lot and extending from the front yard to the rear yard.

Vision Clearance. An open, unoccupied triangular space at a street or highway corner of a corner lot or tract of land, the space being defined by a setback line extending across the corner between points established in the lot lines by measurements from the intersection of such lot lines.

SECTION II DISTRICTS

In order to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses; and to regulate and limit the bulk of buildings hereafter erected or altered; to regulate and determine the area of open spaces surrounding buildings; to establish setback building lines; to regulate and limit the density of population and for the purpose of promotion the public health, safety and general welfare, the County of Outagamie, outside the limits of incorporated villages and cities, is hereby divided into districts, of which there shall be 5, known as: Single Family Residence District, Agricultural District, Commercial District, Light Industrial District, Heavy Industrial District.

The Boundaries of the aforesaid 5 districts are shown upon the map of Outagamie County Wisconsin, attached hereto, being designated as the "Zoning Map of Outagamie County," dated Aug. 31st, 1950, and made a part of this ordinance. All notations, references and other things shown upon the said "Zoning Map of Outagamie County" shall be as much a part of this ordinance as if the matter and things set forth by the said map were fully described herein.

No buildings, structure or premises shall be erected or structurally altered or used for any purpose other than is permitted by this ordinance in the district in which such building, structure or premises is located.

No lot area shall be so reduced or diminished that the yards or other upon spaces shall be smaller than prescribed by this ordinance nor shall the density of population be increased in any manner except in conformity with the regulations herein established.

Except as hereinafter provided, no building or object of natural growth located or to be located at the ends of the runways of any public airport shall be erected or altered or permitted to grow to a height above the level of the airport landing area which is greater than 1/30th of its distance from the ends of such runways. See section XV(h).

SECTION III. GENERAL PROVISIONS

Height and Area Exceptions

The Regulations herein contained relating to the height of buildings shall be subject to following exceptions:

1. Churches, schools, hospitals, sanatoriums and other public and quasipublic buildings may be erected to a height not exceeding 60 feet or 5 stories, is to be located are each increased at least one foot for each foot of additional building height above

- the height limit otherwise established for the district in which such building is to be located.
- Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, Wireless or broadcasting towers, masts or aerials and necessary mechanical appurtenances, radio and television antennae or towers and utility poles and towers are hereby excepted from the height regulations of this ordinance except in the restricted area surrounding a public airport and may be erected in accordance with other regulations or ordinances of Outagamie County.
 - Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record or under contract of purchase at the time of the passage of this ordinance, such lot may be occupied by one (1) family.
 - An accessory building not over fifteen (15) feet in height may occupy not more than twenty-five (25) per cent of the area of a required rear yard, but shall not project within two (2) feet of any side lot line, or within two (2) feet of the rear lot line.
 - Open or enclosed fire escapes, and fire towers may project into a required ward not more than five (5) feet provided they be so located as not to obstruct light and ventilation.
 - Buildings or parts of buildings hereafter erected or altered for commercial purposes, abutting on a public or private alley, shall provide adequate loading space on the same lot with such building.

Trailer Exceptions, When not in a Trailer Camp

Single trailers may be parked in any district for a period not exceeding thirty (30) days without securing a permit from the Building Inspector, according to the provisions of Section XIV of this ordinance provided that the location of said trailer shall comply with the regulations for accessory building in that district. Single trailers parked for a longer time than thirty (30) days shall be considered a residence, and the owner thereof must apply for a permit from the Building Inspector and comply with all other regulations set out in this ordinance.

Under no circumstances, unless the owner of the trailer owns the land on which the trailer is located, may a trailer be occupied as a residence for the period of more than Ninety (90) days without securing an extension of time from the Building Inspector who will only issue such extension subject to the approval and conditions as determined by the Town in which the trailer is located.

SECTION IV. SINGLE FAMILY RESIDENCE DISTRICT

In the Single Family Residence District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following specified uses:

- Single Family residences.
- Churches, schools, colleges, libraries, museums, hospitals and community buildings.
- General farming and truck gardening, except farms operated for this disposal or reduction of garbage, sewage, rubbish or offal, and fur farms.
- Nurseries and greenhouses.
- Parks, playgrounds, golf courses and private clubs except whose principal activity is a service customarily carried on as a business.
- Telephone offices, telephone, telegraph and power transmission lines and substations.
- Accessory buildings.
- Use customarily incident to the above permitted uses when located on the same lot and not involving the conduct of a business, including the office of a physician, lawyer, architect, engineer, surgeon, dentist, musician or similar profession, when

situated within the dwelling, provided that no name plate exceeding 1 square foot in area shall be permitted.

- Home occupations not involving the conduct of a business on the premises.
- Signs pertaining to the lease, hire or sale of the premises not more than 2 square feet in area.

Height and Area

Lot area and minimum lot dimensions: Every lot in the Residence District not of record or under contract of purchase at the time of the adoption of this ordinance shall have an area of not less than nine thousand (9000) square feet, a frontage of not less than seventy-five (75) feet and a mean Width of not less than seventy-five (75) feet.

Height. Building or parts of buildings hereafter erected or structurally altered shall not exceed 2½ stories or 35 feet in height.

Side Yard. There shall be a side yard on each side of a building. For buildings not over 1½ stories high, the aggregate width of the side yards shall be not less than 16 feet and no single side yard shall be less than 6 feet in width.

For buildings from 1½ stories to 2½ stories high, the aggregate width of the side yards shall be not less than 20 feet and no single side yard shall be less than 8 feet in width.

For lots less than 75 feet wide and of record as such on the effective date of this ordinance, the aggregate width of the side yards shall be not less than 3.2 inches for each foot of frontage, and the width of no side yard shall be less than 40 per cent of the aggregate width, provided that the buildable width of such lot shall not be less than 24 feet.

Rear Yard. There shall be a rear yard of not less than 25 feet. An accessory building or buildings may be located in the rear yard provided that the area occupied by such building or buildings be not more than 25 per cent of the required rear yard, but such accessory building or buildings shall not be less than 2 feet from any lot line.

Setback. There shall be a setback line of not less than 25 feet in platted areas, otherwise as provided in Section XII, Highway Setback lines.

SECTION V. AGRICULTURAL DISTRICT

In the agricultural district no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this ordinance, except for one or more of the following specified uses:

- All uses permitted in the single Family Residence Districts.
- Two-Family and multiple-family residences.
- Farming.
- Aircraft landing fields, hangars and equipment.
- Manufacturing or processing of natural resources indigenous to Outagamie County.
- Lodging and boarding houses.
- Creameries, condenseries, cheese factories, pea viners, canneries, and agricultural warehouses.
- Governmental buildings.
- One sign not over 6 square feet in area advertising the sale of farm products, all other signs to comply with set back regulations.
- Cemeteries.
- Public dumping grounds, subject to the provisions of Section XIV(g).
- Hospitals and sanitarium.
- Roadside stands for the sale of farm products produced on the premises.
- Tourist camps when such camps provide not less than 3800 square feet of lot area for each cabin, trailer, tent or housecar, provided, however, that no person, persons, or party other than the owner shall occupy any tourist camp for more than 90 days in any one year.

Height and Area

Lot Area and Minimum Lot Dimensions: Every lot in the Agricultural District not of record or under contract of purchase at the time of the adoption of this ordinance shall have an area of not less than nine thousand (9000) square feet, a frontage of not less than seventy-five (75) feet, and a mean width of not less than seventy-five (75) feet, and provide not less than forty-five hundred (4500) square feet of lot area per family.

For buildings hereafter designed, erected or altered for occupancy by a single family, the lot area, height, setback, side yards and rear yard shall be the same as required in Section IV. Single Family Residence District.

Height. No building or parts of buildings hereafter erected or altered for human habitation for more than 1 family shall be more than 3 stories or 45 feet in height.

Side Yards. There shall be a side yard on each side of a building or part of a building designed, erected or altered for occupancy by more than 1 family. The aggregate width of such side yards shall be not less than 30 feet and no single side yard shall be less than 12 feet wide.

Rear Yard. There shall be a rear yard of not less than 25 feet.

Setback. Shall be the same as in Section XII, Highway Setback lines.

SECTION VI. COMMERCIAL DISTRICT

In the Commercial District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following specified uses:

1. All uses permitted in the Single Family Residence District.
2. Two-Family and multiple-family residences.
3. Business uses, retail and wholesale, except dog hospitals, pounds or kennels, the storage of old iron, rags, bottles and junk, automobile wrecking yards and such uses as are hazardous and uses which are noxious by reason of the emission of smoke, gas, dust, noise or odors.
4. Any kind of processing or treatment which is clearly inconducive of a retail or wholesale business conducted on the premises.
5. Temporary structure.
6. Hotels.
7. Bakeries employing not more than 7 persons.
8. Laundries, cleaning, pressing and dyeing establishments employing not more than 4 persons.
9. Contractors' storage yards employing not more than 5 persons.
10. Motor vehicle sales, service and repairs, provided that no entrance or exit from such establishment shall be located within 200 feet of an entrance to or exit from a public or a private school, park, playground, public library, church, hospital, home for children or the aged or other similar public or semipublic institution.
11. Bicycle sales, service and repairs.
12. Business and professional offices.
13. Carpenters and cabinet shops and sheet metal works.
14. Printing and publishing establishments.
15. Ice plant or storage house of not more than 25 tons capacity.
16. Creameries, condenseries, cheese factories, pea canneries, canneries, and agricultural warehouses.
17. All billboards shall comply with set-back regulations.
18. Tourist camps when such camps provide not less than 3800 square feet of lot area for each cabin, trailer, tent or housecar, provided, however, that no person, persons, or party other than the owner shall occupy any tourist camp for more than 90 days in any one year.

Height and Area

Lot Area and Minimum Lot Size. Buildings or parts of buildings hereafter erected or structurally altered for human habitation shall provide a lot area not less than is required in Section V., Agricultural District.

Height. Buildings or parts of buildings hereafter erected

or structurally altered shall not exceed 4 stories or 50 feet in height, except that buildings intended to be used wholly or in part for human habitation shall not exceed 3 stories or 45 feet in height.

Side Yard. There shall be a side yard on each side of a building or that part of a building used for human habitation. The width of such side yards shall be the same as is required for such buildings in Section V. Agricultural District.

Rear Yard. There shall be a rear yard of not less than 25 feet in depth for a building used for human habitation and accessory buildings shall occupy not more than 24 percent of the area of such required rear yard.

Setback. There shall be a setback line of not less than 25 feet in plats of record at the time of the adoption of this ordinance, otherwise as in Section XIII, Highway Setback Lines.

SECTION VII. LIGHT INDUSTRIAL DISTRICT

In the Light Industrial District no premises shall be used and no building shall be erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. All uses permitted in the Committee District.
2. Printing and publishing.
3. Paper products manufacturing, except the manufacture of paper.
4. Repair, service and assembly of vehicles.
5. Storage and warehousing, except the storage of old iron, bottles, rags or junk, or so-called automobile wrecking garages or the business of wrecking and parking automobile wrecks on the premises or in garages.
6. Bottling works and non-alcoholic beverage manufacture.
7. Food processing and packing.
8. Contractors' storage yards.
9. Fuel and material yards.
10. Wood products manufacture and repair.
11. Office, home appliance and sporting goods manufacture.
12. Wholesale business.
13. Leather goods manufacture.
14. Manufacture of products from woven goods.
15. Cleaning, dyeing, pressing and laundry establishments.
16. Laboratories.
17. Jewelry and cosmetic manufacture.
18. Manufacture of cigars, cigarettes and smoking tobacco.
19. Enameling and painting.
20. Sheet metal work and tinsmith.
21. Ice plant.
22. Wholesale business and warehousing.
23. Bakeries.
24. Any kind of processing or treatment which is clearly incidental to the conduct of a wholesale business conducted on the premises.

Height and Area

Except as otherwise provided herein, the height of buildings, the size of yards and other open spaces and the lot area per family required in the Light Industrial District shall be as follows:

Lot Area and Minimum Lot Size. Buildings or parts of buildings hereafter erected or structurally altered for human habitation shall provide a lot area as required in Section V., Agricultural District.

Height. No principal building or structure or part thereof hereafter erected or altered for human habitation shall be more than 45 feet or 3 stories in height.

Side Yard. There shall be a side yard on each side of a building or part of a building used for human habitation. The width of such yards shall be the same as required as such buildings in Section V, Agricultural District.

Rear Yard. There shall be a rear yard of not less than 25 feet in depth for a building use for human habitation and ac-

cessory buildings shall occupy not more than 25 per cent of the area of such required rear yard.

Setback. Shall be the same as in the Commercial District. See Section VI, Commercial District.

SECTION VIII, HEAVY INDUSTRIAL DISTRICT

In the Heavy Industrial District a building or premises may be used for any use except the following:

1. Residential, educational and institutional uses.
2. Uses which are hazardous and uses which are noxious by reason of the emission of smoke dust, gas, odors or noise unless the location of such use has been approved by the Board of Adjustment after public hearing. (See Section XV (f)).
3. Wrecking or storage yard, unless it shall be fenced in by a tight board fence or equal at least 8 feet high, and said fence shall comply with the setback regulations.

Height and Area

Building or parts of building hereafter erected or structurally altered shall not exceed 4 stories or 50 feet in height.

Side Yards. Side yards, if provided, shall be not less than 10 feet wide.

Rear Yard. There shall be a rear yard of not less than 25 feet.

Setback Lines. Shall be the same as in the Light Industrial District. See Sec. VII.

SECTION IX. NONCONFORMING USES

The lawful use of land and buildings existing at the time of the adoption of this ordinance although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued, any future use of the said premises shall be in conformity with the provisions of this ordinance. Such use may be extended throughout the building but no additions or structural alterations to such building shall be permitted unless the use thereof is changed to a conforming use.

The nonconforming use of a building or premises may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use of a building or premises has been changed to a more restricted use, such shall not thereafter be changed to a less restricted use.

Whenever district boundaries or regulations shall be hereafter changed, any then existing nonconforming use in such changed district may be continued or changed to a use permitted in the same district as that in which the existing use is permitted, provided that all other regulations governing the new uses are complied with.

SECTION X. DISTRICT BOUNDARIES

In unsubdivided lands, unless otherwise indicated on the "Zoning Map of Outagamie County," the district boundary lines are the center lines of streets, highways or railroads or section lines, quarter-section lines, quarter-quarter-section lines, government lot lines, or such lines extended.

When district boundary lines are shown on the "Zoning Map of Outagamie County" as being adjacent to streets, highways or railroads, it is intended that such district boundary lines be located parallel to and distant 200 feet from the right-of-way line of such railroad, street or highway.

Whenever dimensions are shown on the "Zoning Map of Outagamie County," they shall govern.

In subdivided lands where district boundaries are shown as adjacent and parallel or approximately parallel to street lines, such district boundary lines shall be assumed to be the lot lines of the lots abutting such street.

Where uncertainty exists with respect to the location of the district boundary lines shown on the "Zoning Map of Outagamie County," such location shall be determined by the use of the scale contained on such map.

9-12-1950

SECTION XI.

COMPLETION & RESTORATION OF EXISTING BUILDING

Nothing herein contained shall require any change in the plans, construction, or intended use of a building for which plans have been prepared heretofore and the construction of which shall have been diligently prosecuted within 1 month after date of passage of this ordinance, and the ground story framework of which, including the second tier of beams, shall have been completed within 6 months after the date of passage of this ordinance.

Nothing herein contained shall prevent the restoration of a building destroyed by fire, explosion, act of God or act of the public enemy subsequent to the passage of this ordinance; except that a nonconforming use so destroyed, to the extent of 75 per cent or more of its assessed valuation, according to the assessment for the fiscal year in which such destruction occurs, shall, from and after the date of such destruction, conform to all the regulations of the district in which it is located.

SECTION XII, HIGHWAY SETBACK LINES

1. Unless otherwise described, setback lines shall be parallel to the other lines of the highway at the distance hereinafter specified for each highway, measured at a right angle to the center line of the highway.
2. At intersections of highways with highways where the grades are not separated, setback lines are hereby established across each sector between intersecting highways for vision clearance. Such setback lines shall be straight lines, connecting two points on the intersecting highway setback lines, which points are located 50 feet distant from the intersections of the highway setback lines.
3. At intersections of highways and railroads where the grades are not separated, setback lines are hereby established across each sector between the intersecting highways and railroads for vision clearance. Such setback lines shall be straight lines connecting points on the highway setback lines and the railroad right-of-way lines, which points are located at distances of 100 feet from the intersections of such highway setback lines and railroad right-of-way lines, respectively.
4. No building or structure of any kind shall be hereafter constructed, erected or moved into the space within the setback lines.
5. No building or structure presently existing within the established setback lines nor shall such building or structure be altered, enlarged or added to in any way which will increase or prolong the permanency of any portion located within the established setback lines.
6. The regulations established in paragraphs 4 and 5 above shall not apply to signs placed by the public authorities for the guidance or warning of highway traffic, signs permitted in the Agricultural District, temporary structures in the Commercial and Industrial Districts, and open fences.
7. The provisions of this section as they affect temporary structures shall not apply to the area within the setback lines established across the sectors at the intersections of highways or highways and railroads.
8. In all cases where any of the highways for which setback lines are established by this ordinance are located on the county line or municipal boundaries, they shall apply only within this county or the unincorporated area.
9. Telephone, Telegraph and power transmission lines may be constructed within the setback line and additions to and replacements of existing lines may be made, provided that the owner will first file with Outagamie County an agreement in writing that the owner will remove at his own expense all new lines, additions and replacements constructed after the effective date of this ordinance, when such removal is necessary for the improvement of the highway.

9-12-1950

Setback Lines Established

For the purpose of this ordinance, all highways in Outagamie County outside the limits of incorporated cities and villages are divided into Class "A" Highway and Class "B" Highways.

1. Class "A" Highways. Setback Lines located parallel to and distant 85 feet from the center line of the highway are hereby established for all Class "A" Highways. The following highways are hereby designated as Class "A" Highways: All State and Federal Highways.
2. Class "B" Highways. Setback Lines located parallel to and distant 70 feet from the Center line of the highway are hereby established for all Class "B" highways. The following highways are hereby designated as Class "B" Highways: All highways not classified in Class "A" Highways, except the streets in platted sub-divisions, where the setback shall be as specified for the district in which it is located.

In no case shall the setback lines for Class "A" Highways be located less than 37 feet from the highway right-of-way line, except U. S. Highway 41 which shall have a minimum of 50 feet from the right-of-way line.

Where the location of two or more highways of different classification are coincidental, the greater setback shall apply.

SECTION XIII. INTERPRETATION AND PURPOSES

The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, and prosperity and general welfare of the County of Outagamie, Wisconsin.

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants or agreements between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws: provided, however, that where this ordinance imposes a greater restriction upon the use of building or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.

Nothing contained herein shall be construed to prohibit the permitted use of premises or the erection or alteration of buildings for uses permitted in the various districts on a single lot or tract of land of less area than is required by the district regulations for the district in which such premises or building is located; provided that such single lot or tract of land was recorded as such previous to the passage of this ordinance.

SECTION XIV.

BUILDING PERMITS: CERTIFICATES OF OCCUPANCY & USE

1. There is herewith created by the County Board the Office of Building Inspector, which office may be a full time or a part time position, as the Board in its discretion shall determine. The person appointed to this position may be an elective County Officer. The Building Inspector shall be elected by the County Board and shall hold office for the term of one year. His duties shall be to administer, supervise and enforce the provisions of the County Zoning Ordinance. His compensation shall be determined by the County Board. In the event that this ordinance and the Zoning Map of Outagamie County is amended it shall be the duty of the Building Inspector to make the necessary corrections in conformity with such changes immediately.
2. The Building Inspector shall have the power to appoint deputies to be known as "Deputy Building Inspector" in several towns which shall elect to become subject to the County Zoning Ordinance: such Deputy shall receive applications for Use or Building Permits under this Section and transmit the same to the Building Inspector: he shall assist the applicants in preparing their applications for certificates; he shall advise the applicants as to the provisions of the County Zoning

Ordinance; he shall inspect each building project for which a permit has been granted from time to time and report any variances in building design or use or apparent violation which appears to him.

3. The applicant shall upon filing his application with the Building Inspector, pay a fee of not more than Five (\$5.00) Dollars, as determined by the respective Town Boards of the Town Boards adopting the ordinance, to the officer receiving the application, but without such fee the application shall not be passed upon; in each case the fee so paid shall become the compensation of the Deputy Building Inspector of the Town in which the project is located, such fee shall be retained by the Deputy Building Inspector for his service in receiving the application, assisting in the preparation of the application and in supervising the program of the project until its completion.
4. Deputy Building Inspectors shall hold office during the term of the Building Inspector and shall be removable at the will of the Building Inspector.
5. No building or structure or any part thereof shall hereafter be built, enlarged, altered, repaired or moved within the areas subject to the provisions of this ordinance until a building permit has been applied for in writing and has been obtained from the Building Inspector. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, repair or moving. Forms for application for building permits shall be supplied by the Building Inspector and a record of all permits issued shall be kept in the office of the Building Inspector.

The term "Building" as used in this section shall include any building or structure; also material alteration in the heating plant, sanitary facilities or mechanical equipment of any such building which may affect a change in its use.

6. Certificate of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within 10 days after the erection, alteration, repair or moving of such building shall have been completed in conformity with the provisions of this ordinance and in conformity with the statements, on the application for a building permit.
- A record of all certificates issued shall be kept in the office of the Building Inspector.
7. No vacant land shall be occupied or used and no building now or hereafter erected, altered, repaired or moved, shall be occupied, used or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Inspector, stating that the proposed use of the building or vacant lands complies with the provisions of the Outagamie County Zoning Ordinance.
8. A building permit shall have lapsed and be void unless the operations described in such permit are commenced within six months from the date of its issuance.

SECTION XV. BOARD OF ADJUSTMENT

1. There shall be a Board of Adjustment consisting of 3 members to be appointed by the Chairman of the County Board with the approval of the County Board. The terms of the first 3 members so appointed shall be for 1, 2, and 3 years respectively. Successors shall be appointed in like manner at the expiration of each term and their terms of office shall be 3 years in all cases beginning July 1 in the year in which they are appointed and until their successors are appointed. The members in the Board shall all reside within the County and outside the limits of incorporated cities and villages; provided, however, the No. 2 members shall reside in the same town.

The Board shall choose its own chairman. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant, in the same manner as the original appointment.

POWERS AND DUTIES

1. The Board shall meet at the call of the Chairman and at such other times as the Board may determine, at a fixed time and place.
2. All meetings of the Board shall be open to the public.
3. The Board shall keep minutes of its proceedings showing vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
4. The Board shall have power to call on any other county departments for assistance in the performance of its duties and it shall be the duty of such other departments to render all such assistance as may be reasonably required.
5. The Board may adopt such rules as are necessary to carry into effect the regulations of the County.

APPEALS

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Outagamie County affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof, together with a fee of \$15.00 which sum shall be deposited with the County Treasurer and be placed in the general fund. The office from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the appeal was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and specific notice to each member of the Town Board of the town from which the appeal originates, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

The Board of Adjustment shall have the following powers:

- (a) To hear and decide appeal where it is alleged there is error in any order, requirements, decision or determination made by an administrative official.
- (b) To hear and decide special exceptions to the terms of this ordinance.
- (c) Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance the Board of Adjustment shall have the power in passing upon appeals, to authorize such variance from the terms of this ordinance as will not be contrary to the public interest and so that the spirit of the ordinance shall be observed and substantial justice done, provided, however, that no such variance shall have the effect of allowing, in my district, uses prohibited in that district.
- (d) To grant a permit for a temporary building for commerce or industry in a Residence or Agricultural District which is incidental to the residential development, but no such permit shall be granted for a period of more than 1 year.
- (e) To grant a permit for the erection and use of a building or premises in any location to a public service corporation or

for a public utility purpose which the Board finds reasonably necessary for the public convenience, safety or welfare.

- (f) To grant a permit for the location of uses listed in Section VIII (2) in the Heavy Industrial District, when the Board has determined that the proposed location and use is such as will not be detrimental, hazardous or injurious to the community, nor noxious by reason of the emission of smoke, dust, gas, noise or odors.
- (g) After public hearing, to designate areas in the Agricultural District to be used for public dumping grounds. The boundaries of such areas shall be defined and they shall be located not less than ½ miles from the boundary of any Residence District and not less than 750 feet from any federal, state, county trunk highway or town road. The location of such public dumping grounds may be changed from time to time by the same method by which they were originally established.
- (h) After public hearing, grant a permit for the structural alteration or erection of a building or structure located or to be located within 3 miles of the boundary lines of any licensed airport to a height than permitted by this ordinance, provided that the Board first shall have determined that the height, use and location of such building or structure will not constitute a hazard to the normal, safe operation of aircraft.

SECTION XVI. CHANGES AND AMENDMENTS

The County Board of Supervisors of Outagamie County, Wisconsin may from time to time alter, supplement or change the boundaries and regulations contained in this ordinance in the manner provided by law.

SECTION XVII. VIOLATIONS AND PENALTIES

The provisions of this ordinance shall be enforced by or under the direction of the County Board of Supervisors. Any person, firm or Corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall, upon conviction, forfeit not less than \$10.00 nor more than \$200.00 for each offense, together with the cost of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail of Outagamie County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that violation continues to exist shall constitute a separate offense. Compliance herewith may also be enforced by injunctive order at the suit of the County or the owner or owners of real estate within the district affected by the regulations of this ordinance.

SECTION XVIII. SAVING CLAUSE

The several terms and provisions of this ordinance shall be deemed severable, and if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons and circumstances shall not be affected thereby.

SECTION XIX. REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinance in conflict with the terms of this ordinance are hereby repealed.

SECTION XX. EFFECTIVE DATE

Note—Original Maps on file in County Clerk's office.

This ordinance upon passage and publication shall be effective in the Towns of Grand Chute, Vandenberg and Buchanan.

Each of said towns having given its approval to the provisions hereof in the manner provided by Section 59.97, Wisconsin Statutes.

Superv. Timmers moved that we waive the complete reading of the Zoning Ordinance as each member has a copy and that same be adopted. Roll call—Members voting aye — Adrian, Armitage, Ballstadt, Barbier, Becker, Blake, Bleck, Brown, Jos.

W., Brown, W. B., Conradt, Cunningham, Esler, Farrell, Fuhrman, Fulcer, Grunwaldt, Gunderson, Henk, Hietpas, Hill, Jacobs, Kalbus, Knudsen, Krause, Kuehnl, Miller, Geo. F., Miller, John R. E., Otto, Peotter, Pribnow, Reichel, Root, Ruddy, Ruhsam, Schiebler, Scholl, Schreiter, Shauger, Sievert, Thiel, Timmers, Vandeyacht, Verfurth, Wagner, Weifenbach, Weihsing, Weyenberg, Weyers, Williams, Wichmann, Keller. Member voting nay—Catlin. Member absent—Baehler.

51 aye, 1 nay, 1 absent—Zoning Ordinance Adopted.

Superv. Timmers moved that the County Clerk shall act as building inspector and he to appoint deputies in each township—Roll call—Members voting aye—Adrian, Armitage, Ballstadt, Barbieur, Becker, Blake, Bleck, Brown, Jos. W., Brown, W. B., Conradt, Cunningham, Esler, Farrell, Fuhrman, Fulcer, Grunwaldt, Gunderson, Henk, Hietpas, Hill, Jacobs, Kalbus, Knudsen, Krause, Kuehnl, Miller, Geo. F., Miller, John R. E., Peotter, Pribnow, Reichel, Root, Ruddy, Ruhsam, Schiebler, Scholl, Schreiter, Sievert, Thiel, Timmers, Vandeyacht, Verfurth, Catlin, Wagner, Weifenbach, Weihsing, Weyenberg, Weyers, Williams, Wichmann, Keller. Members absent—Baehler, Otto, Shauger.

50 aye, 3 absent—Motion adopted.

Mr. L. Hugo Keller, Chairman of the Board, discussed the report prepared by the County Clerk's office, regarding expenditures of 1942 and 1950 for comparison purposes.

Superv. Timmers moved that the County Clerk, building inspector, of the County, Charge \$1.00 each for the Zoning Maps and attach Zoning Ordinance, to persons requesting same. Roll Call—Members voting aye—Adrian, Armitage, Baehler, Ballstadt, Barbieur, Becker, Blake, Bleck, Brown, W. B., Conradt, Cunningham, Esler, Farrell, Fuhrman, Fulcer, Grunwaldt, Gunderson, Henk, Hietpas, Hill, Kalbus, Krause, Kuehnl, Miller, Geo. F., Miller, John R. E., Otto, Peotter, Pribnow, Reichel, Root, Ruddy, Ruhsam, Schiebler, Scholl, Schreiter, Shauger, Sievert, Thiel, Timmers, Vandeyacht, Verfurth, Catlin, Wagner, Weifenbach, Weihsing, Weyenberg, Weyers, Williams, Wichmann, Keller. Member not voting—Knudsen. Members absent—Brown, Jos. W., Jacobs. 50 aye, 1 not voting, 2 absent—Motion adopted.

Superv. Catlin moved that the matter of keeping the name "City of Appleton" on the air map of the federal government be referred to the Executive Committee with power to act.

Motion prevailed.

Mr. Andrew J. Schiltz, Sheriff, addressed the Board regarding the organization of defense in Outagamie County and also stated that all county board members are placed on the mailing list for the Sheriff magazine.

No. 21. Resolution of the pension Advisory committee. (Regarding the case workers attending the University Extension Center in Green Bay for 15 weeks beginning Sept. 21 and the county to pay the tuition and mileage.

To The Honorable Members of the County Board of Supervisors of Outagamie County

RESOLUTION

WHEREAS, The University Extension Division of the University of Wisconsin is offering a course in Social Work at its University Extension Center in Green Bay, which will begin on the 21st day of September, 1950, and continue for fifteen weeks thereafter, and

WHEREAS, such courses are for two hours a week in the evening and are entitled:—

1. Case Work Theory
2. Psychiatric Social Work and,

WHEREAS, It will be necessary for anyone attending such course to pay a fee of from \$15.00 to \$25.00 depending on the Student's particular status, and

WHEREAS, four case workers of the Pension Department are desirous of attending such course, even though it will be taking up an evening of their own time each week, and

WHEREAS, it will be of great benefit to Outagamie County that

such case workers have additional knowledge concerning their job:

NOW THEREFORE BE IT RESOLVED that the fees for the course to be taken by the four case workers of the Pension Department be paid by the County, and

BE IT FURTHER RESOLVED that the driver of the automobile taking the case workers to Green Bay to attend the course be paid their mileage to and from Green Bay.

Dated: this 12th day of September, A. D., 1950.

Pension Advisory Committee

Hugo Baehler
Francis Reichel
Wm. Becker
Daniel Williams
Ray Schreiter

Superv. Williams moved to adopt. Roll call—Members voting aye—Adrian, Armitage, Baehler, Ballstadt, Barbieur, Becker, Blake, Bleck, Brown, Jos. W., Brown, W. B., Cunningham, Esler, Fuhrman, Fulcer, Grunwaldt, Hietpas, Hill, Krause, Kuehnl, Miller, Geo. F., Miller, John R. E., Otto, Peotter, Pribnow, Reichel, Root, Ruhsam, Schreiter, Shauger, Thiel, Vandeyacht, Verfurth, Catlin, Wagner, Weifenbach, Weihsing, Weyenberg, William, Wichmann, Keller. Members voting nay — Conradt, Farrell, Gunderson, Kalbus, Knudsen, Ruddy, Schiebler, Scholl, Weyers, Henk. Members absent—Jacobs, Sievert, Timmers.

40 aye, 10 nay, 3 absent—Resolution adopted.

No. 22. Resolution of the Traffic Police and Radio Committee. (Absence of Traffic Police due to call to Colors and filling the position.)

To The Honorable Members of the Outagamie County Board of Supervisors:

RESOLUTION

WHEREAS, Ira Dominowski, an officer of the Traffic Police Department has been ordered into active service with the United States Army and your Traffic Police and Radio Committee has granted him a leave of absence during his tour of duty with no loss of rights and privileges on his return, and

WHEREAS, there may be other officers of both the Radio and Traffic Police Department who may be called to the service which will deplete the force.

NOW, THEREFORE BE IT RESOLVED that the Traffic Police & Radio Committee be directed to work out a plan to keep the Traffic Police and Radio force intact and to report such plan to this Board at its next meeting for its approval.

Dated this 12th Day of September, A. D., 1950.

Respectfully submitted

TRAFFIC POLICE & RADIO COMMITTEE

Alvin Fulcer
E. Peotter
Henry H. Thiel
J. W. Weyenberg
George Knudsen

Superv. Weihsing moved to adopt. Motion prevailed.

No. 23. Resolution of the Highway Committee. (Extension of West College Avenue to U. S. Highway 41)

To The Honorable Members of the County Board of Supervisors of Outagamie County

RESOLUTION

WHEREAS, the State Highway Commission has found and determined the official location of State Trunk Highway 125, being the extension of West College Avenue in the City of Appleton to U. S. Highway 41 and forming one of the two agreed connecting links between U. S. Highway 41 and the City of Appleton, and

WHEREAS, the State Highway Commission has prepared all the necessary plans for the improvement so that construction thereof will be begun in the spring of 1951:

NOW THEREFORE, BE IT RESOLVED that the County Board of