

CHAPTER 13

LAND DIVISION & PLATTING

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13.01.01 STATUTORY AUTHORITY. These regulations are adopted under the authority granted by appropriate Wisconsin Statutes.

13.01.02 PURPOSE. The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town in order to promote the public health, safety, prosperity, aesthetics and general welfare of the Town.

13.01.03 INTENT. It is the general intent of this Ordinance to regulate the division of land so as to:

- (a) Obtain the wise use, conservation, protection and proper development of the Town's soil, water, wetland, woodland and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.
- (b) Lessen congestion on the roads and highways.
- (c) Further the orderly layout and appropriate use of land.
- (d) Secure safety from fire, panic and other dangers.
- (e) Provide adequate light and air.
- (f) Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds and other public facilities and services.
- (g) Secure safety from flooding, water pollution, disease and other hazards.
- (h) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects.
- (i) Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters.
- (j) Preserve natural vegetation and cover, and promote the natural beauty of the Town.
- (k) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development.

- (l) Facilitate the further division of larger tracts of land into smaller parcels.
- (m) Ensure adequate legal description and proper survey monumentation of subdivided land.
- (n) Provide for the administration and enforcement of this Ordinance.
- (o) Provide penalties for Ordinance violations.
- (p) Implement those Town, County, watershed or Regional Comprehensive Plans or their components adopted by the Town; in general, to facilitate enforcement of Town development standards as set forth in this Ordinance and in the adopted Regional, County and Town's comprehensive plans, adopted plan components, the County Zoning Code, the Town's Official Map and the County Shoreland-Wetland and Floodplain Zoning Codes.

13.01.04 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any zoning or shore-land regulations contained in the Oneida County Zoning and Shoreland Protection Ordinance. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

13.01.05 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 Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes to the Town.

13.01.06 NON-LIABILITY. The Town hereby asserts that there is no liability on the part of the Town, its agencies or its employees for sanitation problems, structural damage or flood damages that may occur as a result of reliance upon and conformance with this Ordinance.

13.01.07 SEVERABILITY. If a court of competent jurisdiction adjudges any portion of the Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected.

13.01.08 (Reserved for future use)

GENERAL PROVISIONS 13.02

13.02.01 JURISDICTION. Jurisdiction of these regulations shall include all lands within the limits of the Town. The provisions of this Ordinance, as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to the following:

- (a) Transfers of interests in land by a will or pursuant to court order.
- (b) Leases for a term not to exceed 10 years, mortgages or easements.
- (c) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the Oneida County and Shoreland Protection Ordinance (hereinafter "Oneida Code") or other applicable laws or Ordinances.
- (d) Cemetery plats made under §157.07, Wis. Statutes
- (e) Assessors' plats made under §70.27, Wis. Statutes, but such assessors' plats shall comply with §236.15(1)(a) to (g) and §236.20(1) and (2)(a) to (e), Wis. Statutes

13.02.02 COMPLIANCE. No person shall divide any land located within the Town of Newbold without submitting the land division proposal to the Town Clerk and without compliance with all requirements of this Ordinance, applicable Wisconsin Statutes and the following:

- (a) Chapter 236, Wis. Statutes and/or subsequent revisions there to.
- (b) Duly approved Comprehensive Plan of the Town of Newbold.
- (c) The Oneida County Code and any other applicable local and County Ordinances.
- (d) A developer's or subdivider's agreement ("Agreement") between the Town and the developer or subdivider if required by the Town Board.

13.02.03 DEDICATION AND RESERVATION OF LANDS, ROADS, HIGHWAYS, DRAINAGE WAYS AND RECREATIONAL TRAILS. Whenever a tract of land to be divided encompasses all or any part of an arterial road, public drainage-way or other public way (herein "public ways") which has been designated in the Town's Comprehensive Plan, or on the Official Map of the Town, said public ways shall be made a part of the plat and dedicated to the Town.

GENERAL PROVISIONS 13.02

13.02.04 IMPROVEMENTS. Before final approval of any plat, the subdivider shall enter into an "Agreement" with the Town to install the required improvements and shall file with the Town an irrevocable letter of credit or other appropriate sureties equal to the estimated cost of the improvements. The improvements may be installed by the subdivider, or their subcontractors, after approval of a preliminary plat or certified survey map by the Town Board, but not later than provided in the Agreement. The Agreement shall specify a completion date for all improvements. In addition, if the Town Board does not require an Agreement, final plat approval shall be withheld until all improvements are made and approved. Agreements shall contain the following:

- (a) Plans and specifications for all improvements. Review and approval of a final plat shall not be initiated until the improvement plans have been reviewed and approved and until the subdivider's agreement has been fully executed.
- (b) Contracts and contract specifications for the construction of road and utility improvements on dedicated road rights-of-way. Such work shall be subject to the written approval of the Town Board or its designee in accordance with Town standards and specifications.
- (c) Private roads serving lots or parcels in a subdivision, or a land division, or connecting the subdivision lots or lots in a land division to a Town road, County, or State highway shall be jointly held by the property owner in fee or by easement. In addition, a recorded landowners' agreement shall provide for the repair and maintenance of such private roads.

13.02.05 VARIANCES. Where in the judgment of the Town Board and upon the recommendation of the Plan Commission it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without impairing the intent and purpose of this Ordinance or the desirable general development of the Town. A majority vote of the entire membership of the Town Board shall be required to grant any modification of this Ordinance and the reason shall be entered in the meeting minutes, a copy of which shall be attached to the plat. No modification may be granted that would be contrary to the Wisconsin Statutes or Administrative Codes.

13.02.06 APPEALS. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve by certiorari to the Circuit Court, as provided in §62.23(7)(e)(10) Wis. Statutes, within thirty (30) days of notification of the rejection of the plat.

13.02.07 (Reserved for future use)

**Final Draft Document for Discussion Purposes
January, 17, 2012**

DEFINITIONS 13.03

13.03.01 The following definitions shall apply and control through this Ordinance. Words or phrases not defined specifically below but used in this Ordinance shall be interpreted so as to give them the same meaning as they have at common law and to give this Ordinance its most reasonable application.

AVERAGE LOT WIDTH: The average lot width (ALW) applies to the area covered by the minimum lot area and shall be calculated using the protocol described in Exhibit 2 attached to this Chapter.-

CERTIFIED SURVEY MAP (CSM): A map of a division of land prepared in accordance with §236.34, Wis. Statutes.

COMPREHENSIVE PLAN: The official guide for the physical, social and economic growth of the Town of Newbold or its constituent parts, properly enacted or adopted according to Statute, which is now or may hereafter be in effect.

COUNTY: Oneida County, unless a general reference to counties is inferred.

CUL-DE-SAC: A road having one outlet for vehicular traffic terminating with a vehicular turnaround.

DAYS: Calendar days, except if the final day falls on a weekend or legal holiday, the last day shall be the next business day.

DEVELOPER An entity that constructs a land development or creates a land division .

DEVELOPMENT: The act of dividing land, constructing buildings or installing site improvements.

DIVIDE: To create a land division.

EASEMENT: Any land reserved for public utilities, access, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the property owner, subject to the right of use designated in the reservation of the servitude.

FINAL PLAT: The map or drawing of a land division prepared in compliance with the provisions of Chapter 236, Wis. Statutes, and any accompanying material as described in §6. of this Ordinance.

FLOODPLAIN: The land that has been or may hereafter be covered by floodwater during a regional flood. The floodplain is comprised of the floodway and flow fringe and general floodplain areas as delineated on the FEMA maps.

FRONTAGE: The length of a property line of a lot, lots or tract of land abutting a waterway, a public road, highway, or a public right-of-way.

GRADIENT: The slope of a road, or other public way specified as a percentage.

HIGH GROUNDWATER ELEVATION: The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.

IMPROVEMENTS, PUBLIC: Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-road parking area, dedicated public access, or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.

IRREVOCABLE LETTER OF CREDIT: An agreement guaranteeing payment for land division improvements, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in this State and which has a financial standing acceptable to the Town, and which is approved, as to form, by the Town Attorney.

LAND DIVISION: A division of a lot, parcel, or tract of land.

LAND DIVISION DESIGN STANDARDS: The basic planning standards established as guides for the development of a land division.

LAND DIVISION, UNLAWFUL: Any land division made in violation of this Ordinance, the County Code, or Wisconsin Statutes.

LIMITED ACCESS EXPRESSWAY OR FREEWAY: A traffic way in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except only at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

LIMITED ACCESS EXPRESSWAY OR FREEWAY: A traffic way in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except only at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

LOCAL UNIT: A local unit in this Ordinance includes the County as well as Towns, villages, and cities.

LOT: A distinct parcel or plot of land.

LOT, CORNER: A lot abutting two (2) or more roads at their intersection provided that a corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

LOT, DOUBLE FRONTAGE: A lot with public road frontage on opposite property boundaries.

MAJOR LAND DIVISION, a division of land resulting in:

- (a) The creation of five (5) or more lots for the purpose of transfer of ownership or building development, any one of which is seventeen (17) acres or less in area, or;
- (b) The creation of five (5) or more lots of land any one of which is seventeen (17) acres or less in area that are created by successive land divisions within a period of five (5) years.
- (c) Major land divisions include all Subdivisions.

MINOR LAND DIVISION. A division of land resulting in the creation of not more than four (4) lots.

NAVIGABLE WATER: Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. The Wisconsin Supreme Court has declared as navigable, those bodies of water with a bed differentiated from adjacent uplands and with levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Ref: Muench v. Public Service Commission, 261 Wis. 2d 492 (1952) and DeGaynor and Co. Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975).]

OFFICIAL MAP: The map of the Town adopted pursuant to the Wisconsin Statutes showing roads, highways, parks and playgrounds and the possible location of potential new roads, highways, parks or playgrounds.

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OFF-WATER AREA: Any lot or parcel of land that does not abut a lake, flowage, pond, navigable river or stream.

ON-WATER AREA: Any lot or parcel of land that abuts a lake, flowage, pond, navigable stream or river.

ORDINARY HIGH WATER MARK. (OHWM): 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.

OUTLOT: A parcel of land, other than a lot or block, so designated on the plat.

PERSON: The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

PLAN COMMISSION: Newbold Town Plan Commission.

PLAT: A map showing the salient features of a land division.

PRELIMINARY PLAT. A map showing the salient features of a proposed land division as submitted to the Town Plan Commission for purposes of preliminary consideration.

PUBLIC UTILITY: Any corporation, company, individual or association that furnishes products or services to the public, and that is regulated under Chapter 195 or 196, Wisconsin Statutes, including railroads, telecommunications or telegraph companies, and any company furnishing or producing heat, light, power, cable television service or water, or a rural electrical cooperative, as described in Wisconsin Statutes.

PUBLIC WAY: Any public road, highway, walkway, drainage way, or part thereof.

REPLAT: The changing of the boundaries of a recorded land division plat or subdivision plat or part thereof.

RIGHT-OF-WAY: Land occupied or intended to be occupied for a special use. Right-of-way intended for roads, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

RIPARIAN: Land abutting or adjacent to navigable waters.

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RIPARIAN FRONTAGE WIDTH: Riparian frontage width shall be measured as the lesser of a straight line connecting points where, the side lot lines intersect the OHWM or as the length of a chord which is perpendicular to a side lot line where it intersects the OHWM and terminates at the opposite side lot line.

ROAD: Includes all access ways in common use such as roads, lanes, highways, and cul-de-sacs and includes all of the land lying between the rights of way lines as delineated on a plat showing such roads whether improved or unimproved, and whether dedicated for public use or held in trust under the terms of a reservation, but shall not include those access ways such as easements and rights of way intended solely for limited utility purposes such as for electric power lines, gas lines, telephone lines, water lines or drainage and sanitary sewers.

ROAD, ARTERIAL: A major, high capacity road designed to carry large volumes of traffic between various areas of the Town.

ROAD, COLLECTOR: A road which carries traffic from minor roads to the system of major roads and highways including the principal entrance roads of a residential development and the principal circulating roads within such a development.

ROAD, HALF: A road bordering one or more property lines of a tract of land in which the subdivider has allocated a part of the ultimate right-of-way width.

ROAD, MINOR OR LOCAL: A road of limited continuity used primarily for access to abutting properties.

SERVICE DRIVE: An approved public road generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating ingress and egress to the right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.

SHORELANDS: Lands within the following distance from the ordinary high water 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.

SUBDIVIDER: A person commencing proceedings under the regulations of this Ordinance to effect a division of land.

SUBDIVISION: A division of a lot, parcel or tract of land for the purpose of transfer of ownership or building development where:

- (a) The creation of five (5) or more lots of land any one of which is seventeen (17) acres or less in area, or;

DEFINITIONS 13.03.

(b) The creation of five (5) or more lots of land anyone of which is seventeen (17) acres or less in area that are created by successive land divisions within a period of five (5) years.

(c) A Subdivision is a Major Land Division.

SURVEYOR: A land surveyor duly registered in the State of Wisconsin.

TOWN: Town of Newbold unless a general reference to Towns is inferred.

UTILITY: See "PUBLIC UTILITY".

WATERS: Lakes, navigable streams, rivers and flowages.

WETLAND: An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions as determined by the DNR Wetland Inventory Map.

LAND DIVISION PROCEDURE 13.04.

13.04.01 PREAPPLICATION: Prior to the filing of an application for the approval of a land division, it is recommended that the subdivider consult with the Plan Commission or its designee in order to obtain their advice and assistance.

13.04.02 PRELIMINARY PLAT REVIEW:

- (a) Submission of Plats - The subdivider shall file eight (8) copies of a Preliminary Plat and a letter of application with the Town Clerk. The Preliminary Plat shall be prepared in accordance with this Ordinance and §236.11 and §236.12 Wis. Statutes.
- (b) Review of Plats - The Town Clerk shall transmit sufficient copies of the Preliminary Plat and letter of application to the Town Plan Commission. The preliminary plat shall then be reviewed by the Plan Commission for conformance with this Ordinance and all Ordinances, rules, regulations, general plan and general plan components which affect it.
- (c) The Plan Commission shall submit its recommendations to the Town Board within sixty (60) days of the date of the filing of the plat with the Town Clerk

13.04.03 PRELIMINARY PLAT APPROVAL:

- a) The Town Board, within ninety (90) calendar days of the date of the filing of a Preliminary Plat with the Town Clerk, shall approve, approve conditionally or reject such plat unless an extension of the review period is mutually agreed upon in writing. The Board's decision with the date and action endorsed, shall be stated in a letter of transmittal setting forth the conditions of approval or the reasons for rejection. One copy of the plat accompanying letter and the minutes of the Town Board concerning its actions shall be placed in the Town Clerk's permanent file.
- (b) Failure of the Town Board to act within ninety (90) calendar days shall constitute an approval of the Preliminary Plat as filed unless the review period is extended by mutual agreement.

13.04.04 FINAL PLAT REVIEW

- a) Submission of Final Plats - The subdivider shall file eight (8) copies of a Final Plat with the Town Clerk. The Final Plat shall be prepared in accordance with this Ordinance and §236.11 and §236.12 Wis. Statutes.
- b) Review of Final Plats - The Town Clerk shall transmit copies of the Final Plat to the Plan Commission. The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat, including any required "Agreements"; this Ordinance and all Ordinances, rules, regulations, general plan and general plan components which may affect it.

LAND DIVISION PROCEDURE 13.04.

- c) Plan Commission Recommendation - The Plan Commission shall, within thirty (30) days of the date of filing of the Final Plat with the Town Clerk, recommend approval or rejection of the plat and shall transmit the Final Plat along with its recommendations, to the Town Clerk for scheduling review by the Town Board.

13.04.05 FINAL PLAT APPROVAL:

- (a) Town Board Approval or Rejection - The Town Board shall, within sixty (60) days of the date of filing the original final plat with the Town Clerk, approve or reject the Final Plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a copy of the minutes, together with a letter of transmittal, shall be forwarded to the subdivider.
- (b) Timely Town Board Action Required - Failure of the Town Board to take action on a Final Plat within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (c) Consent and Waiver - Prior to the acceptance of a Final Plat, the subdivider shall furnish, when required by the Town, a Developer's Agreement which incorporates a consent and waiver of the statutory provisions for special assessment for the installation of surface water drainage facilities, road surfacing and all required utilities, which will be in a form approved by the Town Attorney, and shall be recorded in the office of the Register of Deeds in the same manner as a lis pendens. Such Developer's Agreement shall provide that the installation of such services shall be made at the discretion of the Town Board.
- (d) Recording - After the Final Plat has been approved by the Town Board, the subdivider shall be responsible for recording the Final Plat and paying any associated fees.
- (e) Plat Copies. The subdivider shall file a sufficient number of certified copies of the Final Plat with the Town Clerk for distribution to appropriate local agencies and offices.
- (f) Rejection. If the final plat is not submitted within 36 months of the last required approval, the Town Board may reject the final plat

13.04.06 REPLAT: When it is proposed to replat a recorded land division, or part thereof, the person wishing to replat shall vacate or alter the recorded plat as provided in §236.40 through §236.44 Wis. Statutes. The individual desiring to replat shall then proceed as specified in this Section.

13.04.07 (Reserved for future use)

PRELIMINARY PLAT - GENERAL REQUIREMENTS 13.05.

13.05.01 GENERAL REQUIREMENTS: A preliminary plat shall be required for all minor and major land divisions.. Such plat shall be based upon a survey by a registered land surveyor. The plat shall be prepared in accordance with appropriate Wisconsin Statutes.

13.05.02 GRADING PLANS AND PROFILES: The Town Board may require that the Subdivider provide road plans and profiles showing existing ground surface, proposed and established road grades, including extensions for a reasonable distance beyond the limits of the proposed land division or subdivision when requested. All elevations shall be based upon NAVD 29 or 88 datum, or an assumed and referenced datum. Plans and profiles shall be of sufficient detail to determine that roads will conform to the grade of existing roads or their extension or to the established grades of future roads and shall be subject to the approval of the Town Board.

13.05.03 TESTING: The Town Board may require that borings and soundings be made in specified areas of proposed Town Roads to ascertain subsurface soil, rock and water conditions.

13.05.04 COVENANTS: The Town Board may require submission of a list of existing covenants and a list of covenants with which the subdivider intends to regulate land use in the proposed land division or subdivision and otherwise protect the proposed development.

13.05.05 AFFIDAVIT: The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.

13.05.06 (Reserved for future use)

FINAL PLAT - GENERAL REQUIREMENTS 13.06.

13.06.01 GENERAL REQUIREMENTS: A final plat prepared by a registered land surveyor shall be required for all major land divisions. It shall comply in all respects with the requirements of Wisconsin Statutes, with this Ordinance and with Wisconsin Administrative Code.

13.06.02 ADDITIONAL INFORMATION: The plat shall show correctly on its face, in addition to the information required by §236.15 and §236.20, Wis. Statutes, the following:

- (a) Exact length, width and bearing of all roads within and abutting the plat.
- (b) Location and width of the-right-of-way of any obliquely intersecting road.
- (c) Railroad rights-of-way within and abutting the plat.
- (d) Utility and/or drainage easements.
- (e) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- (f) Special restrictions required by the Town relating to access control along public ways, delineation of floodplain limits, or the provision of planting strips.

13.06.03 DEED RESTRICTIONS: The Town Board may require that deed restrictions imposed by the subdivider be filed with the final plat.

13.06.04 PLAT RESTRICTIONS: The Town Board may require that plat restrictions intended to reflect Town plans and Ordinances be placed on the face of the plat.

13.06.05 SURVEY ACCURACY: The Plan Commission or its designee shall examine all final plats within the Town and may make, or cause to be made by a registered land surveyor, field checks for the accuracy and closure of survey, the proper kind and location of monuments, and the legibility and completeness of the drawing. In addition: The survey accuracy shall be in accordance with Wis. Administrative Code AE- 7 or Wis. Statutes as applicable.

13.06.06 ONEIDA COUNTY PLANE COORDINATE SYSTEM: All plats shall be tied directly to a section or quarter corner monumented according to data available in the Oneida County Coordinate System. The exact grid bearing and ground distance of such tie shall be determined by field measurements, and the material and Oneida County State plane coordinates of the monument marking the section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and ground distance of the tie shall be determined by a closed survey meeting the error of closure specified in §6.01 above for the survey of the exterior boundaries of the land division or subdivision. All distances and bearings shall be referenced to the Oneida County Coordinate System.

FINAL PLAT - GENERAL REQUIREMENTS 13.06.

13.06.07 CERTIFICATES: All final plats shall provide all the certificates required by §236.21, Wis. Statutes, and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance. The subdivider's certificate shall be fully executed prior to Town Board approval.

13.06.08 RECORDING: The developer shall record the final plat after all required signatures and certificates are obtained.

13.06.09 DUPLICATE PLAT TO BE FILED: An identical copy of the plat along with the recording data, shall be placed on file with the Town Clerk.

13.06.10 (Reserved for future use)

MINOR LAND DIVISION 13.07.

13.07.01 MINOR LAND DIVISION: Minor Land Divisions shall be made on a Certified Survey Map prepared in accordance with §236.34 Wis. Statutes. All minor land divisions must comply with the provisions of this Ordinance including §13.13.02 and §13.14.01 of this Ordinance.

13.07.02 Any Minor Land Division resulting in creation of only two (2) new lots, both of which are eight (8) acres or more in size, may be made by an acceptable legal description without preparation of a Certified Survey Map. The Town Board shall determine what an acceptable legal description consists of following review and recommendation of the Plan Commission.

13.07.03 (Reserved for future use)

MINOR LAND DIVISION WITH TWO HABITABLE DWELLING STRUCTURES-13.08.

13.08.01 A MINOR LAND DIVISION WITH TWO HABITABLE DWELLING STRUCTURES: A Minor Land Division of an improved lot with two (2) existing habitable dwelling structures constructed thereon, creating two (2) new lots, neither one of which meets the requirements of this Ordinance, may be approved if the following provisions are met:

- (a) An on-water or off-water lot of record containing two existing habitable dwelling structures as of May 30, 2002, but having insufficient total water front footage or total area dimensions so as to permit division into two new lots meeting the requirements of this Ordinance, may be split into two new lots provided each of the new lots meet the requirements of the Oneida County Subdivision Ordinance and the Oneida Code.
- (b) A Certified Survey Map of the land division shall be provided to the Plan Commission for review and recommendation to the Town Board for action.

13.08.02 (Reserved for future use)

CERTIFIED SURVEY MAP 13.09.

13.09.01 GENERAL REQUIREMENTS: A Certified Survey Map (CSM) submitted to the Plan Commission for review and approval by the Town Board shall show correctly on its face the information required by §236.34, Wis. Statutes. In addition, all Certified Survey Maps submitted for review and approval shall show the following:

- (a) All existing buildings, watercourses, drainage ditches and other features pertinent to the proposed land division.
- (b) Utility and/or drainage easements.
- (c) All lands reserved for future acquisition.
- (d) Date of the map.
- (e) The 100 year floodplain limits or, where such data is not available, a contour line two (2) feet above the OHWM shall be shown.
- (f) Graphic scale and north arrow.
- (g) Name and address of the owner, subdivider, surveyor, and adjacent Parcel Identification Numbers.

13.09.02 ONEIDA COUNTY PLANE COORDINATE SYSTEM: All Certified Survey Maps shall be tied directly to a section or quarter corner monumented according to data available in the Oneida County Coordinate System. The exact grid bearing ~ and distance of such tie shall be determined by field measurements, and the material and Oneida County plane coordinates of the monument marking the section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure specified in Wisconsin Administrative Code AE-7 or Wisconsin Statutes as applicable for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be referenced to data available in the Oneida County Coordinate System.

13.09.03 CERTIFIED SURVEY MAP CERTIFICATES: A Certified Survey Map (CSM) shall be submitted to the Plan Commission for review and approval by the Town Board shall show correctly on its face the information required by §236.34, Wis. Statutes. In addition, the surveyor shall certify on the face of the Certified Survey Map that he has fully complied with all the provisions of this Ordinance. After reviewing the map, the Town Board, upon the recommendation of the Plan Commission, shall certify its approval on the face of the map. After receiving approval by the Town Board, such maps shall be certified by the Town Chairperson and the Town Clerk. In addition, dedication of roads and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by §236:21(2) (a), Wis. Statutes.

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CERTIFIED SURVEY MAP 13.09.

13.09.04 APPROVAL: No Certified Survey Map shall be approved by the Town Board for recording until all required improvements have been installed and until all required fees have been paid unless provision for the installation of improvements and payment of fees has been made in an approved subdivider's agreement.

13.09.05 RECORDING: A Certified Survey Map shall only be recorded after the recommendation of the Plan Commission and the approval of the Town Board.

13.09.06 DUPLICATE CERTIFIED SURVEY MAP TO BE FILED: An identical copy of the Certified Survey Map with the recording data shall be placed on file with the Town Clerk within 30 days after recording.

13.09.07 (Reserved for future use)

LAND DIVISION DESIGN STANDARDS 13.10.

13.10.01 ROAD ARRANGEMENT: On any new Subdivision Plat or Certified Survey Map, all roads shall conform to all specifications in the Town Road Ordinance. The land division or subdivision shall be designed so as to provide each lot with direct vehicular access to a public or private road. In addition, whenever a new parcel or condominium unit is created which does not have direct vehicular access to an existing Town road or County or State highway, said parcel shall be provided access over a road which meets all of the specifications for Town roads as specified in the Town Road Ordinance, whether such new road is intended to be a public or private road.

- (a) Arterial Roads. Arterial roads shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of arterial roads and highways and shall be, in so far as practicable, continuous and in alignment with existing or planned roads with which they are to connect.
- (b) Collector Roads. Collector roads shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major road and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major roads to which they connect.
- (c) Local Town Roads and Private Roads. Local Town roads and private roads shall be arranged to conform to the topography, to permit the design of efficient storm water management and to meet the minimum road area necessary to provide safe and convenient access to abutting property.
- (d) Proposed Roads. Proposed roads shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.
- (e) Arterial Road and Highway Protection. Whenever the proposed land division or subdivision contains or is adjacent to an arterial road or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reserved frontage with screen planting or an earth berm contained in a non-access reservation along the rear or side property line, or by the use of frontage roads.

LAND DIVISION DESIGN STANDARDS 13.10.

- (f) Reserve Strips. Reserve strips shall not be provided on any plat to control access to roads or alleys, except where control of such strips is placed with the Town Board under conditions recommended by the Plan Commission.
- (g) Road Names. Road names shall not duplicate or be similar to road names existing elsewhere in the Town or elsewhere in Oneida County. Existing road names shall be projected wherever possible.

13.10.02 LIMITED ACCESS HIGHWAY: Whenever the proposed land division contains or is adjacent to a limited access highway, the design shall provide the following treatment:

- (a) When lots within the proposed land division back upon the right-of-way of an existing or proposed limited access highway, a planting strip at least 30 feet in depth and/or an earth berm shall be provided adjacent to the highway in addition to the normal lot depth. This strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip is reserved for the planting of trees and shrubs; the building of structures and placement of longitudinal easements for utilities hereon is prohibited."
- (b) Commercial and industrial properties shall have provided, on each side of the limited access highway, roads approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such roads and highway, but not less than 150 feet.
- (c) Roads parallel to a limited access highway, when intersecting a major collector road and highway or collector road which crosses said highway, shall be located at a minimum distance of 250 feet from said highway. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (d) Location of local roads immediately adjacent to high collector roads and highways shall be avoided in residential areas.

13.10.03 ROAD DESIGN STANDARDS:

- (a) The minimum right-of-way width is sixty-six (66) feet and the minimum driving surface width is twenty (20) feet for all proposed roads whether public or private.
- (b) Any proposed roads in the proposed land division shall comply with all provisions of the Town Road Ordinance and be subjected to Town inspection.

LAND DIVISION DESIGN STANDARDS 13.10.

13.10.04 LOTS: The size, shape and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

- (a) Side lot lines shall be at approximately right angles to straight road lines or radial to curved road lines on which the lots face. Wherever practical, lot lines shall follow municipal boundary lines rather than cross them.
- (b) Every lot shall front or abut for a distance of at least 66-feet on a public road or private road built to Town private road standards in the Town Road Ordinance, but under extenuating circumstances, may be reduced if the lot is 50 feet wide at the front setback. Every lot abutting on a private road shall have access to a Town road or state highway over a private road that meets Town private road standards and specifications.
- (c) Area and dimensions of lots shall conform to the requirements of the County Code and this Ordinance (see specifically §13. and §14) and, in areas not served by public sewers, shall, in addition, conform to the requirements of the appropriate Wis. Administrative Code or applicable Statutes. Whenever a tract is divided into large parcels, such parcels shall be arranged and dimensioned as to allow re-division of any such parcels into normal lots in accordance with the provisions of this Ordinance.
- (d) Excessive depth in relation to width shall be avoided and a proportion of 3: 1 (depth to width) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-road service and parking required by the use contemplated.
- (e) Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed land division and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake, navigable stream, river or flowage.

13.10.05 ELECTRIC AND COMMUNICATION FACILITIES EASEMENTS: Adequate easement shall be provided and dedicated on each side of all rear lot lines, and on side lot lines, across lots or along front lot lines where necessary, for the installation of electric and communications facilities. Such easement shall be noted as "Utility Easements" on the final plat or certified survey map.

13.10.06 (Reserved for future use)

REQUIRED IMPROVEMENTS 13.11

13.11.01 SURVEY MONUMENTS: The subdivider shall install survey monuments placed in accordance with the requirements of §236.15, Wis. Statutes. Said Monuments must be installed prior to recording any plat or must be addressed in an Agreement with the Town.

13.11.02 STORM WATER DRAINAGE FACILITIES: Where deemed appropriate by the Plan Commission the subdivider shall construct storm water drainage facilities which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, water retention structures and settling basins. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; the type of facility required, the design criteria and the sizes and grades to be determined by the Town Board or its designee. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Town Board or its designee. If the Town Board determines it is necessary to construct storm sewer facilities outside the boundaries of the land division or development and the land division or development is benefited thereby, the Town shall construct such facilities and the subdivider or developer shall share the cost thereof in the same ratio that the benefiting area of the land division or development bears to the total area served by said outside construction.

13.11.03 OTHER UTILITIES: The subdivider shall have arranged with the affected utility companies for gas, electric, telephone or CATV facilities to be installed in such a manner as to make adequate service available to each lot in the land division when needed. Where underground utility cables are to be installed in a new residential land division or a subdivision, the utility may install conduit for road crossings before the road is surfaced to facilitate later installation of the necessary cable to serve such land or subdivision or portions thereof. The installation of conduit shall be in lieu of direct installation of the underground cable. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Plan Commission.

13.11.04 (Reserved for future use)

CONSTRUCTION 13.12

13.12.01 COMMENCEMENT: No construction or installation of improvements shall commence in a proposed land division until the Preliminary Plat or Certified Survey Map has been approved by both the Plan Commission and the Town Board.

13.12.02 PLANS: The following plans and accompanying construction specifications may be required by the Plan Commission before authorization by the Town Board of construction or installation of improvements:

- (a) Road plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.
- (b) Storm water drainage facility plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
- (c) Planting plans showing the locations, age and species of any required trees.
- (d) Additional special plans or information as required; where required by State agencies, such plans shall be approved by such agencies prior to the commencement of construction.

13.12.03 INSPECTION: The subdivider, prior to commencing any work within the land division or subdivision, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board or its designee shall inspect all work, in progress or completed, prior to Town Board approval of the final plat or release of the sureties. The Town Board shall be reimbursed by the subdivider for all costs incurred to inspect the improvements.

13.12.04 (Reserved for future use)

ON-WATER LAND DIVISION STANDARDS 13.13

13.13.01 PURPOSE AND INTENT: The Town Board has determined that in order to enhance the quality of the division or subdivision of land within areas of the Town affecting properties having frontage on any of the lakes, flowages, ponds, navigable rivers and/or streams located within the Town, that standards more stringent than current County development standards be established as provided in §13.13.02 and the Table following:

13.13.02 CLASSIFICATION OF WATERS OF THE TOWN: The waters of the Town are hereby designated into three (3) management classifications; Class "A"- most protection, Class "B" - intermediate protection, and Class "C"-least protection. The classification designation for all lakes, flowages, ponds and navigable rivers or streams located within the Town is included as Exhibit 1 (the Waterbody Classification Manual), which is a part of this Ordinance.

- a) Each lot shall have the minimum lot area as listed in the following table. .The minimum lot area shall be measured from the OHWM landward. The following standards apply to all on-water lots created in the Town after this Ordinance is adopted:
- b) Each lot shall have the minimum Riparian Frontage Width (RFW) as listed in the following table. The minimum riparian frontage width shall be measured as the lesser of a straight line connecting points where the side lot lines intersect the OHWM or as the length of a chord which is perpendicular to a side lot where it intersects the OHWM and terminates at the opposite side lot line.
- c) Each lot shall have a minimum Average Lot Width (ALW) as listed in following table.. The minimum average lot width shall apply to the area covered by the minimum lot area and shall be calculated using the protocol described in this Ordinance.-

ON-WATER LAND DIVISION STANDARDS 13.13

AMENDED WATERBODY CLASSIFICATION MANUAL

TOWN OF NEWBOLD - LAKE CLASIFICATION
 ANALYSIS NAMED LAKES AND UNNAMED LAKES
 GREATER THAN 50 ACRES IN AREA

SORT BY LAKE NAME
 (Revised 5/1/2011)

LAKE NAME	TN	SEC	AREA (ACRES)	SENSITMTY CRITERIA	DEVELOPMEN CRITERIA	SHORELAND PROTECTION CLASS	LOT FRONTAGE FEET
BASS	39	31	74	MEDIUM	LOW	B	225
BROWN	38	16	98	MEDIUM	MEDIUM	B	225
CLFAR	38	2	62	LOW	LOW	B	225
FLANNERY	37	33	112	mGH	mGH	B	225
FREDRICH FLOWAGE	37	4	80	mGH	LOW	A	300
JENNY BARNES	38	24	89	LOW	LOW	B	225
LONG	38	16	115	mGH	MEDIUM	B	225
MILDRED	37	20	191	mGH	mGH	B	225
MUSKELLUNGE	38	3	283	LOW	MEDIUM	C	150
NORTH NOKOMIS	39	26	468	MEDIUM	LOW	B	225
PARADISE (CLEAR)	39	13	89	MEDIUM	mGH	C	150
PICKEREL	39	18	736	LOW	MEDIUM	C	150
PICKEREL(1/3 S. C.)	38	13	59	LOW	LOW	B	225
PIER	39	31	84	MEDIUM	MEDIUM	B	225
RAINBOW FLOWAGE	39	30	2035	LOW	LOW	B	225
RIIINELANDER FLOW	37	24	1326	SEE NOTES	SEE NOTES	SEE NOTES	SEE NOTES
SOO	37	31	135	MEDIUM	LOW	B	225
SPIDER	38	23	125	LOW	LOW	B	225
TIM LYNN LK (1/2 S.)	38	24	84	LOW	LOW	B	225
TOM DOYLE	38	28	108	MEDIUM	mGH	C	150
TOWNLINE (1/3 CRE)	37	35	62	mGH	MEDIUM	B	225
TURTLE	38	23	53	LOW	LOW	B	225
TWO SISTERS	38	18	719	MEDIUM	mGH	C	150
WOODCOCK	39	33	66	MEDIUM	mGH	C	150

SUMMARY OF WATERBODY CLASSIFICATION FACTORS

The following table summarizes the method used by Newbold to combine the waterbody sensitivity to degradation rating and the existing development level rating into a matrix format to determine the protective management strategy for regulating land division and development.

For example, if a waterbody has a rating of **Medium** sensitivity to degradation and a rating of **High** existing development, the waterbody would be included in the **Least Protective** management strategy as shown on the chart following:

Sensitivity to Degradation	Existing Development Level		
	Low	Medium	High
<u>High</u> Sensitivity	(High/Low) Most Protective Strategy	(High/Medium) Intermediate Protective Strategy	(High/High) Intermediate Protective Strategy
Medium Sensitivity	(Medium/Low) Intermediate Protective Strategy	(Medium/Medium) Intermediate Protective Strategy	(Medium/High) Least Protective Strategy
<u>Low</u> Sensitivity	(Low/Low) Intermediate Protective Strategy	(Low/Medium) Least Protective Strategy	(Low/High) Least Protective Strategy

TOWN OF NEWBOLD ON-WATER FRONT DEVELOPMENT STANDARDS

DEVELOPMENT STANDARD	MOST PROTECTIVE CLASS "A" WATERBODY	INTERMEDIATE PROTECTIVE CLASS "B" WATERBODY	LEAST PROTECTIVE CLASS "C" WATERBODY
WATERFRONT LOT (Min. area)	135,000 sq. feet	90,000	45,000
LOT WIDTH AT ORDINARY HIGH WATERMARK	300 feet	225 feet	150 feet
MINIMUM LOT WIDTH AT SETBACKFM OHWM	270 feet	205 feet	135 feet
AVERAGE MINIMUM LOT WIDTH	270 feet	205 feet	135 feet
SIDE YARD SETBACKS	Refer to Oneida Co. Standards	Refer to Oneida Co. Standards	Refer to Oneida Co. Standards
SHORELAND SETBACK	Refer to Oneida Co. Standards	Refer to Oneida Co. Standards	Refer to Oneida Co. Standards
VEGETATION PROTECTION AREA	Refer to Oneida Co. Standards	Refer to Oneida Co. Standards	Refer to Oneida Co. Standards

- All lakes less than 50 Acres in size are grouped in the most protective management class (Class A).
- Lakes 50 or more acres in size are individually classified as to their sensitivity to degradation and existing development level, as referenced in the Waterbody Classification Manual.
- The Rhinelander Flowage from the south town boundary north to the west boundary of Section 15 T3 7N - R8E is assigned the intermediate protective management class (Class B).
- The Rhinelander Flowage from the west boundary of Section 15 T37N -R8E (including the area commonly known as the "Munninghoff Marsh") north to the McNaughton Bridge, the northern boundary ofT37N-R8E, is assigned the most protective management class (Class A).
- The Wisconsin River from the McNaughton Bridge, the northern boundary ofT37N-R8E, to the Rainbow Flowage, and in Sections 10, 11, 12 ofT39N-R8E is assigned the most protective management class (Class A).
- All navigable streams within the Town are grouped into the intermediate protective management class (Class B).

**Final Draft Document for Discussion Purposes
January, 17, 2012**

On Water Development Standard for Multiple Dwelling Units

Development Standard	Most Protective Class "A"	Intermediate Class "B"	Least Protective Class "C"
Minimum Size	2 dwelling units 168,750 sq. ft.	2 dwelling units 112,500 sq. ft.	2 dwelling units 56,250 sq. ft.
Riparian Front Width	for each additional unit add 42,188 sq ft. 2 dwelling units 375'	for each additional unit add 28,125 sq ft. 2 dwelling units 285'	for each additional unit add 14,063 sq ft. 2 dwelling units 185'
Minimum lot width At OHWM setback	for each additional unit add 93.75 ft. 2 dwelling units 335'	for each additional unit add 71.25 ft. 2 dwelling units 255'	for each additional unit add 46.25 ft. 2 dwelling units 155'
Average lot width	for each additional unit add 83.75 ft. 2 dwelling units 335'	for each additional unit add 63.75 ft. 2 dwelling units 255'	for each additional unit add 38.75 ft. 2 dwelling units 155'
Side Yard setback	for each additional unit add 83.75 ft. 2 dwelling units 335'	for each additional unit add 63.75 ft. 2 dwelling units 255'	for each additional unit add 38.75 ft. 2 dwelling units 155'
Shoreland setback	Refer to Oneida County Standards	Refer to Oneida County Standards	Refer to Oneida County Standards
Vegetation Protection Area	Refer to Oneida County Standards	Refer to Oneida County Standards	Refer to Oneida County Standards

13.13.03 (Reserved for future use)

OFF -WATER LAND DIVISION STANDARDS 13.14

13.14.01 PURPOSE AND INTENT: The Town Board has determined that in order to enhance the quality of the subdivision of land affecting off-water properties located within the Town, that standards more stringent than current County development standards be established. Therefore, the following standards apply to all off-water lots created in the Town after this Ordinance is adopted:

OFF-WATER DEVELOPMENT STANDARDS

Oneida County Zoning District	Minimum Lot Area	Minimum Average Lot Width (ALW)
District # 1 A & B Forestry District	17 acres	500 ft.
District #2 Single-Family Residential District	90,000 sq. ft.	225 ft
District #3 Multiple-Family Residential District	90,000 sq. ft.; add 4,000 sq. ft. per multi-family unit over 4	225 ft.
District #4 Residential and Farming	8 acres	250 ft.
District #5 Recreational District	90,000 sq. ft.	225 ft.
District #6 Business District B-1	50,000 sq. ft.; add 4,000 sq. ft. per multi-family unit over 4	175 ft.
District #15 Rural Residential District	5 acres	250 ft.

13.14.02 MINIMUM AVERAGE LOT WIDTH: The minimum Average Lot Width (ALW) referred to in the above table shall apply to the area covered by the minimum lot area and shall be calculated using the protocol described in this Ordinance.-

13.14.03 (Reserved for future use)

13.15.01 PAYMENT RESPONSIBILITY. The individual creating a land division shall pay to the Town all fees as hereinafter required at the time specified.

13.15.02 CERTIFIED SURVEY MAP REVIEW FEE: The owner of record or the subdivider of a Minor Land Division shall pay a fee as established by the Town fee schedule to the Town at the time of application for approval of such land division to assist in defraying the cost of review.

13.15.03 PRELIMINARY PLAT REVIEW FEES: The subdivider shall pay a fee as established by the Town fee schedule for each lot or parcel over 10 in number within the preliminary plat to the Town at the time of first application for approval of any preliminary plat to assist in defraying the cost of review.

13.15.04 PRELIMINARY PLAT REAPPLICATION FEES: A fee as established by the Town fee schedule shall be paid to the Town at the time of reapplication for approval of any preliminary plat that has been previously reviewed.

13.15.05 FINAL PLAT REVIEW FEES: The subdivider shall pay a fee as established by the Town fee schedule for each lot. or parcel over ten (10), if the per lot portion of the fee has not been previously paid at the time of submission of a preliminary plat for review, to the Town at the time of first application for approval of the final plat to assist in defraying the cost of review.

13.15.06 FINAL PLAT REAPPLICATION FEES: A fee as established by The Town fee schedule shall be paid to the Town at the time of reapplication for approval of any final plat that has been previously reviewed.

13.15.07 INSPECTION FEES: The subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and Ordinances of the Town or any other governmental authority.

13.15.08 ENGINEERING FEES: The subdivider or developer shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the Major or Minor Land Division. Engineering work shall include the review and approval of construction plans. The Town Board or its designee may permit the subdivider to furnish all, some, or part of the required construction plans. The fee for engineering work shall be billed periodically and shall be payable within ten (10) days.

13.15.09 LEGAL FEES: The subdivider or developer shall pay a fee equal to the cost of any legal work that may be undertaken by the Town in connection with the Major or Minor Land Division or planned development. Legal work shall include all conferences regarding the land division or development and the drafting of contracts and agreements between the Town and the subdivider. Legal fees shall be billed periodically and shall be payable within thirty (30) days of the date of invoice.

13.15.10 SPECIAL MEETINGS OF THE PLAN COMMISSION: Should the subdivider desire a special (non-scheduled) meeting of the Plan Commission for review of a Preliminary Plat, a Certified Survey, or Final Plat such special meetings may be called by the Chairperson of the Plan Commission. The subdivider shall reimburse the Town for the cost of such special meetings of the Plan Commission.

13.15.11 (Reserved for future use)

VIOLATIONS 13.16

13.16.01 VIOLATIONS: It shall be a violation of this Ordinance to build upon, divide, convey, record or place monuments on any lot created in violation of this Ordinance or the Wisconsin Statutes. No person shall be issued a permit by the Town authorizing the improvement of any lot within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

13.16.02 ENFORCEMENT AND PENALTIES: The provisions of this Ordinance shall be administered and enforced by and under the direction of the Town Board.

13.16.03 INVESTIGATION, COMPLIANCE AND NOTICE OF VIOLATION: The Town Board or its designee is responsible for conducting any necessary inspection and investigation to insure compliance with this Ordinance and through field notes, photographs and other means, documenting the presence of violations.

- a) If, upon investigation, the Town Board becomes aware of a violation of this Ordinance, it shall immediately notify responsible parties and those potentially liable. Such notice shall include a demand that the condition that is alleged to constitute a violation be halted or remedied, and a statement that a complaint about the condition will be transmitted to the Town Attorney for prosecution if remedial action has not occurred within ten (10) days. Responsible parties and those potentially liable shall include but not be limited to the landowner, tenants, and contractors.
- b) If the same or a similar violation recurs within a two-year period, whether or not it involves the same property or the same or similar conduct by the owner, agent or contractor, notification of violation may be waived by the Town Board and immediate legal action can be commenced to prosecute the violation.

13.16.04 PROSECUTION, INJUNCTIONS, FINES AND FORFEITURES, IMPRISONMENT:

- a) It shall be the duty of the Town Board to expeditiously review all alleged violations of this Ordinance and take action as appropriate.
- b) A forfeiture of not less than \$100.00, nor more than \$500.00, plus costs of prosecution for each offense, shall be imposed for each violation of this Ordinance.
- c) Each day a violation exists or continues shall be considered a separate and distinct offense.

VIOLATIONS

13.16

- d) As a substitute for or in addition to forfeiture actions, the Town Attorney may, on behalf of the Town, seek enforcement of any and all parts of this Ordinance by court actions seeking injunctive or restraining orders and/or by pursuing nuisance actions against the violator.
- e) An assessor's plat made under §70.27 Wis. Statutes, may be ordered as a remedy by the Town, at the expense of the subdivider, when successive land divisions create a subdivision, as defined herein.
- f) Any deed or other conveyance of parcel of land recorded contrary to the requirements of this chapter shall be void.

13.16.05 VIOLATIONS OF PERMITS OR CONDITIONS UNDER THIS ORDINANCE: Violation of a condition under this Ordinance shall be deemed a violation of this Ordinance and shall constitute grounds for revocation of the approval as well as fines and forfeitures and any other available remedies.

13.16.06 REVOCATION OF APPROVAL: The Town Board shall retain continuing jurisdiction over all activities authorized by the land division approval for the purpose of assuring compliance with this Ordinance and other Ordinances and the terms of the approval. If the Town Board finds that the subdivider is not in compliance with the terms of the approval, it may amend, suspend or revoke the approval. The decision of the Town Board shall be furnished to the subdivider in writing, stating the reasons therefore.

13.16.07 APPROVAL ISSUED IN VIOLATION OF THIS ORDINANCE: An approval issued in violation of this Ordinance, the Wisconsin Administrative Code or the Wisconsin Statutes, gives the permit holder no vested right to continue the land division authorized by the approval and the plat is considered voidable.

13.16.08 (Reserved for future use)

EFFECTIVE DATE 13.17

13.17.01 EFFECTIVE DATE: This Ordinance shall take effect and be in force from and after passage by the Newbold Town Board and posting as provided by the law and publication in pamphlet form as a Code pursuant to §66.01 03 Wis. Statutes.

13.17.02 (Reserved for future use)