

CHAPTER 9 SUBDIVISIONS

9.01 SUBDIVISION REGULATIONS

- (A) **AUTHORITY:** These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes. Therefore, the Village Board of the Village of Stoddard do ordain as follows.
- (B) **PURPOSE:** The purpose of this Ordinance is to regulate and control the division of land within the corporate limits and the extraterritorial plat approval jurisdiction of the Village of Stoddard in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the community.
- (C) **INTENT:** It is the general intent of this ordinance to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic, flooding and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to minimize flood damage to public and private property; to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this Ordinance; to provide penalties for its violation and in general to facilitate enforcement of community development standards as set forth in the comprehensive plan, comprehensive plan components, zoning ordinance, building codes and official maps in force in the Village of Stoddard.
- (D) **ABROGATION AND GREATER RESTRICTIONS:** It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- (E) **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 Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (F) **SEVERABILITY:** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (G) **REPEAL:** All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

9.02 GENERAL PROVISIONS

- (1) In accordance with the authority granted by Sec. 236.13 of the Wisconsin Statutes, the Village Board of the Village of Stoddard hereby requires that, as a condition of Final Plat or certified survey map approval, the subdivider agree to make and install all public improvements required by this Chapter or the subdivider shall provide the Village with security to ensure that the subdivider will make the required improvements. As a further condition of approval, the Village Board hereby requires that the subdivider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or certified survey map, fall within the public right-of-way.
- (2) As a condition for the acceptance of dedication of public rights-of-way, the Village requires that the public ways have been previously provided with all necessary facilities constructed to Village specifications, including, but not limited to, sewerage, storm drainage, water mains and services, grading and improvement of the streets and other public ways, sidewalks, street lighting, traffic

control and such other facilities required by the Village Board or that a specific portion of the costs be paid in advance as provided in Sec. 66.54(3), Wis. Stats.:

- a. The required public improvements shall be installed by the subdivider at his cost; or
- b. The subdivider may petition the Village for the installation of the required improvements by Village contract. The petition must be received by the Village prior to October 15 of the year preceding the required installation so that the petition may be considered for inclusion in the Village budget. If the Village Board elects to install the petitioned improvements, it shall establish special assessments for the recovery of the costs. The special assessments due from the subdivider for the portion of the petitioned improvements necessary to serve the proposed land division shall be due to the Village, together with interest, within six (6) months of the date of Village acceptance of the improvements.

- (3) General Standards. The following required improvements in this Chapter shall be installed in accordance with the engineering standards and specifications which have been adopted by the Village Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the Director of Public Works. When new or revised standards and/or specifications have been adopted by the Village, work on public improvements not begun within one (1) year of the date of Final Plat adoption shall be made to the new or revised standards and/or specifications. The Director of Public Works shall review and approve the construction plans, specifications and calculations for the construction of the required public improvements.
- (4) Project Manager. The subdivider shall designate a project manager who shall be readily available on the project site during the construction of the required public improvements. The project manager shall be granted authority on behalf of the subdivider to make decisions related to the construction of the required public improvements as they may arise during the course of the construction. The project manager shall also be responsible for the scheduling and coordination of the required work to construct the required improvements. Correspondence with or verbal orders to the designated project manager shall have the same authority as with the subdivider directly.

A) REQUIRED AGREEMENT PROVIDING FOR PROPER INSTALLATION OF IMPROVEMENTS; SURETY.

- (a) Contract. Prior to installation of any required improvements and prior to approval of the Final Plat, the subdivider shall enter into a written contract with the Village requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction details by the Director of Public Works. The contract form shall be provided by the Village and may provide for a phasing of public improvements construction, providing such phasing is approved by the Village Board. The Village reserves the right to control the phasing through limits, sequence and/or additional surety so as to provide for continuity of streets, sewers, water mains and other necessary public improvements within and between the phases.
- (b) Financial Guarantees.
 - (1) The subdivider shall file with said contract, subject to the approval of the Village Attorney, a bond, a certificate of deposit, irrevocable letter of credit or certified check in an amount equal to one hundred ten percent (110%) of the estimate of the cost prepared by the Director of Public Works as surety to guarantee that such improvements will be completed by the subdivider or his contractors not later than twenty-four (24) months from the date of recording the plat.
 - (2) However, the subdivider may elect, with the approval of the Village, to install the improvements in construction phases provided that:

- a. The phases are specified in the contract for land division improvements;
 - b. The developer submits surety in an amount equal to one hundred ten percent (110%) of the estimate of the Director of Public Works sufficient for the construction of all phases of construction or park improvement in progress;
 - c. The developer records deed restrictions approved by the Village Attorney which specify that the lots which are included in future construction phases of the land division will not be transferred or sold unless the Village's approval is obtained;
 - d. The subdivider minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
 - e. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
- (3) The time limit for completion of a phased improvement program shall take into account the needs and desires of the Village and adjacent property owners for street and other improvements to serve lands adjacent to and within the land division.
 - (4) As work progresses on installation of improvements constructed as part of the contract, the Director of Public Works, upon written request from the subdivider from time to time, is authorized to recommend a reduction in the amount of surety as hereinafter provided. When portions of construction (water, sanitary sewer, street, sidewalk, greenway or other improvements) are completed by the subdivider and determined acceptable by the Director of Public Works, the Village Administrator is authorized, upon submission of lien waivers by the subdivider's contractors, to reduce the amount of surety. The amount of surety remaining shall be equal to one hundred ten percent (110%) of the estimate of the Director of Public Works of costs of work remaining to be completed and accepted and to insure performance of the one (1) year guarantee as specified in Subsection (d) below against defects in workmanship and materials on work accepted. When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the Director of Public Works are valid for noncompletion, the Village Administrator is authorized to accept a reduction in the amount of surety to an amount in the estimate of the Director of Public Works, sufficient to cover the work remaining to be completed, including performance of the one (1) year guarantee period against defects in workmanship and materials. As a further guarantee that all obligations under contract for work on the development are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on the street right-of-way to be dedicated shall be approved for such work by the Director of Public Works prior to commencing construction. The Village Board, at its option, may extend the bond period for additional periods not to exceed two (2) years each.
 - (5) Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this Section.
 - (6) The subdivider shall agree in the development contract to pay all street and sidewalk assessments, including all area charges for sanitary sewer interceptors, force mains, pumping stations and all water main assessments, including where the land division abuts existing streets which are not improved within the Village standard street improvements (including, but not limited to curb and gutter, local storm sewer, sidewalks and a bituminous pavement).
- (c) Waiver of Special Assessment Notice and Hearing. The subdivider shall file with said contract, subject to the approval of the Village Attorney, a waiver of special assessment notices and hearings such that the subdivider, his heirs and assigns (including purchasers of property from the subdivider), waive notice and hearing for and authorize the assessment for any and all of the required public improvements in phases of the land division intended for future development in accordance with Sec. 66.60(18), Wis. Stats.
 - (d) Improvement Guarantee. The subdivider shall include in said contract a written guarantee which provides for maintenance, repair, replacement by the developer of said public improvements

which fail to meet performance or operating standards required by the Village under this Chapter. If, within two (2) years after the date of final acceptance of any public improvement by the Village Board (or such longer period of time as may be prescribed by laws or regulations or by the terms of any special guarantee required by the terms of said contract as may be necessary due to the phasing of the construction of public improvements), any work on any public improvement is found to be defective, the subdivider shall remove it and replace it with non-defective work in accordance with written instructions given by the Director of Public Works. If the subdivider does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk of loss or damage, the Village may cause the removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the developer.

REQUIRED CONSTRUCTION PLANS; CITY REVIEW; INSPECTIONS.

- (a) Engineering Reports, Construction Plans and Specifications. As required by Section 14-1-31, engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat. At the Final Plat stage, construction plans for the required improvements conforming in all respects with the standards of the Director of Public Works and the ordinances of the Village shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Director of Public Works for his approval and for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Preliminary Plat with the Village Clerk, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements, with a copy sent to the appropriate sanitary district:
- (1) Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (3) Storm Sewer and Open Channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (4) Water Main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - (5) Erosion and Sedimentation Control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the Village's Erosion Control Chapter (Building Code).
 - (6) Planting Plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (7) Additional special plans or information as required by Village officials.
- (b) Action by the Director of Public Works. The Director of Public Works shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Village ordinances and design standards recommended by the Director of Public Works and approved by the Village Board. If the Director of Public Works rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Director of Public Works shall approve the plans and specifications for transmittal to the Utility Committee and Village Board. The Village Board shall approve the plans and specifications before the improvements are installed and construction commenced.

(c) Construction and Inspection.

- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Director of Public Works upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed, unless the developer provides the Village with a bond or irrevocable letter of credit.
- (2) During the course of construction, the Director of Public Works shall make such inspections as he/she deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Village for such inspections. This fee shall be the actual cost to the Village of inspectors, engineers and other parties necessary to insure satisfactory work.
- (3) The Village shall pay for the initial compaction test; if the test results are unsatisfactory, the owner/developer shall pay for any necessary retesting.

(d) Subdivider to Reimburse the Village for Costs Sustained. The subdivider of land divisions within the Village shall reimburse the Village for its actual cost of design, inspection, testing, construction and associated legal and real estate fees for the required public improvements for the land division. The Village's costs shall be determined as follows:

- (1) The cost of Village employees' time engaged in any way with the required public improvements based on the hourly rate paid to the employee multiplied by a factor determined by the Director of Public Works to represent the Village's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
- (2) The cost of Village equipment employed.
- (3) The cost of mileage reimbursed to Village employees which is attributed to the land division.
- (4) The actual costs of Village materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
- (5) All consultant fees associated with the public improvements at the invoiced amount plus administrative costs. Unless the amount totals less than Fifty Dollars (\$50.00), the Village shall bill the subdivider monthly for expenses incurred by the Village. Bills outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the subdivider's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the Village until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.

(e) Record Plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three (3) copies of record plans showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Director of Public Works shall require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion. Two (2) copies shall be retained by the Village and one (1) copy of such record plans shall be forwarded to the appropriate sanitary district.

STREET IMPROVEMENTS.

The subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter:

- (a) General Considerations. The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (b) Construction Standards. Construction of all streets shall conform to the current standards as established by the Village and shall be subject to approval of the Director of Public Works before acceptance.
- (c) Conform to Official Map. The arrangement, width, grade and location of all streets shall conform to the Official Map.
- (d) Survey Monumentation. Before final approval of any plat or certified survey within the corporate limits of the Village, the subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats., or as may be required by the Director of Public Works. All survey monumentation located adjacent to street or public rights-of-way, but not located within street payment, shall be protected with steel fence posts erected near the survey monumentation. The Director of Public Works may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a survey to insure the placing of such monuments within the time required. On behalf of the Village, the Director of Public Works is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the Director of Public Works. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes and established one-half (1/2), one-quarter (1/4), one-quarter one-quarter (1/4-1/4), or such other section monument, the established monument shall be preserved and/or fully restored by the subdivider at his cost.
- (e) Grading.
 - (1) With the submittal of the Preliminary Plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of roads, streets and alleys shown on the plat.
 - (2) Proposed grades will be reviewed by the Director of Public Works for conformance with Village standards and good engineering practice. Street grades require the approval of the Village Board after receipt of the Director of Public Works' recommendations.
 - (3) After the installation of temporary block corner monuments by the subdivider and establishment of street grades according to standards approved by the governing body, the subdivider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots.
 - (4) In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.
 - (5) The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation.
 - (6) The Director of Public Works shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved.
 - (7) Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of the final grade

by the subdivider, prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.

- (f) Street Construction. After the installation of all utility and storm water drainage improvements, the subdivider shall prepare for surfacing all roadways in streets proposed to be dedicated, to the widths prescribed by these regulations, by placing crushed rock on said roadways and, in addition, shall surface said street, in a manner and quality consistent with plans and specifications approved by the Director of Public Works. The subdivider shall surface roadways to the widths prescribed by Village specifications. Construction shall be to Village standard specifications for street improvements.
- (g) Street Cross Sections. When permanent street cross sections have been approved by the Village, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Director of Public Works.
- (h) Completion of Street and Sidewalk Construction.
 - (1) Prior to any occupancy permits being issued on lands adjacent to streets and/or sidewalks, all street and sidewalk construction shall be completed by the subdivider, approved by the Director of Public Works and accepted by the Village Board.
 - (2) The Village Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Village Board.
 - (3) The owner requesting a waiver shall do so in writing, presenting such information and documentation as required by the Village Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

CURB AND GUTTER.

After the installation of all utility storm water drainage improvements, the subdivider shall construct thirty (30) inch wide curbs and gutters in accordance with plans and standard specifications approved by the Director of Public Works. The subdivider shall remove the entire curb stone on street grades greater than eight percent (8%). The Village shall assume the cost of difference of materials only over thirty (30) inches.

SIDEWALKS.

- (a) The subdivider shall construct a sidewalk on one (1) side of all frontage streets and both sides of all arterial and collector streets within the subdivision. The Plan Commission may require the construction of sidewalks on local streets. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Director of Public Works.
- (b) Wider-than-standard sidewalks may be required by the Plan Commission in the vicinity of schools, commercial areas and other places of public assemblage; and the Plan Commission may require the construction of sidewalks in locations other than required under the preceding provisions of this Section if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.
- (c) All sidewalks shall be installed prior to the issuance of an occupancy permit for any lot within a subdivision; but, in no event, not later than one (1) year from acceptance of the Final Plat. If the sidewalk is not installed within one (1) year from the acceptance of the Final Plat, the Village may order the sidewalk installed. If it is impossible to install sidewalks prior to the issuance, due

to weather conditions, then the developer shall place adequate funds in escrow with the Village to assure completion.

SANITARY SEWAGE SYSTEM.

- (a) Central Sanitary Sewerage and Private Sewage Disposal Systems.
- (1) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. The Village Plan Commission may require the installation of sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five (5) years from the submission of the Preliminary Plat, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this Section and shall cap all laterals as may be specified by the Director of Public Works. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Director of Public Works. All sanitary sewer facilities shall be flood proofed.
 - (2) The subdivider shall assume the cost of installing all sanitary sewers eight (8) inches in diameter or less in size. If greater than eight (8) inch diameter sewers are required to handle the contemplated sewage flows, the cost of the materials only of such larger sewers shall be reimbursed by the Village to the subdivider. The subdivider shall pay all costs associated with installation of sewer.
 - (3) Install sanitary sewers of the diameter(s) set forth in Appendix A, on file with the Director of Public Works, ranging from eight (8) inch diameter sewers to eighteen (18) inch diameter sewers; and
 - (4) Pay to the Village, prior to final ratification of the Plat, the sum of Two Hundred thirty Five Dollars (\$235.00) multiplied by the number of acres or portion thereof contained in said plat. Said installation charges shall be adjusted annually with the first adjustment being made as of January 1, 2002. The adjustment will be calculated by multiplying the installation charge by the percentage change in the Consumer Price Index for Vernon County from January 1, 2001 to the date of installation or payment of the installation charge whichever is later. Said resulting amount shall be added to the installation charge to arrive at a total installation charge, and
 - (5) Assume the cost of installing all such sanitary sewers ten (10) inches in diameter in size. If greater than ten (10) inch diameter sewers are required to handle the contemplated sewerage flows as set forth in Appendix A, on file with the Director of Public Works, the Village shall reimburse the developer for the cost difference between ten (10) inch pipe material and the larger pipe materials required. No sums will be reimbursed by the Village for installation.

WATER SUPPLY FACILITIES.

- (a) The subdivider shall construct water mains in such a manner as to make municipal water service available to each lot within the subdivision. The Plan Commission may require the installation of water laterals to the street lot line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Director of Public Works.
- (b) The subdivider shall assume the cost of installing all water mains ten (10) inches in diameter or less in size. If greater than ten (10) inch water mains are required, the City shall reimburse the developer for the difference in cost of materials only between the ten (10) inch water main and the larger size water main. The subdivider shall pay all costs associated with the installation of mains no matter what size. All water systems shall be flood proofed.
- (c) If oversized materials and equipment are required to obtain adequate flows when developing at higher elevations such as the bluffs, the subdivider/developer shall be required to pay for all oversized materials and equipment, including but not limited to booster stations and oversized water mains.

STORM WATER DRAINAGE FACILITIES.

Pursuant to this Chapter, the subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. 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 Director of Public Works.

Storm drainage facilities shall be so designed as to present no hazard to life or property, minimize shoreland erosion and siltation of surface waters, shall prevent excess run-off on adjacent property and shall provide positive drainage away from on-site sewage disposal facilities. The size, type and installation of all storm water drain and sewers proposed to be constructed shall be in accordance with this Chapter and plans and standard specifications approved by the Director of Public Works. Storm drainage facilities shall be so designed as to minimize hazards 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 specifications approved by the Director of Public Works. The subdivider shall pay a storm sewer fee as required by Sec. 14-1-90(1).

OTHER UTILITIES.

- (a) The subdivider shall cause gas, electric power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution television cables and telephone lines from which lots are individually served shall be underground unless the Plan Commission specifically allows overhead poles for the following reasons:
 - (1) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
 - (2) The lots to be served by said facilities can be served directly from existing overhead facilities.
- (b) Plans indicating the proposed location of all gas, electrical power, cable television and telephone distribution and transmission lines required to service the plat shall be approved by the Director of Public Works.

STREET LAMPS.

- (a) The subdivider shall install street lamps along all streets per Village specifications. In the event the Village determines that it is in the best interests of the health, safety and welfare of the residents of the Village to install street lamps on undeveloped lands prior to their development, the Village shall do so and shall charge the costs of the same to the developer upon development.
 - (1) Upon annexation of lands to the Village of Stoddard, street lamps shall be installed per Village specifications. Each owner of lands within the annexed area shall be assessed for the costs of the street lamps. The amount of the assessment shall be determined on a front footage basis. The cost per front foot shall be calculated by dividing the total cost for the street lamps and the installation thereof by the amount of front footage served by said lamps. The assessment per owner shall then be determined by multiplying the cost per front foot times the amount of front footage owned.
 - (2) In determining such assessment, lands on both sides of any street shall be included.
 - (3) Provided, however, that in the event lands on only one (1) side of any street shall be annexed, the assessment for lands within the Village shall be fifty percent (50%) of the assessment as calculated above. Upon subsequent annexation to the Village of any lands for which no street lamp assessment has previously been paid, the owners of said land shall be assessed for the cost of street lamps in accordance with this Section.

IMPROVEMENTS ON BOUNDARIES OF SUBDIVISIONS; IMPROVMENTS ON UNDEVELOPED LAND.

Any public improvements occurring on the boundaries of a subdivision shall be paid for by using the normal assessing methods for establishing payments. Similarly, undeveloped land shall have the same assessing policies as this Chapter provides. The intention is that the owners of said land shall pay for all improvements using the same procedures as in this Chapter.

EROSION CONTROL.

Pursuant to the Village's Construction Site Erosion Control Chapter (Building Code), the subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

PARTITION FENCE.

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or certified survey map.

EASEMENTS.

- (a) Utility Easements. The Village Board, on the recommendation of appropriate departments and agencies serving the Village, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) Drainage Easements. Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
 - (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
 - (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
 - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the Director of Public Works, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.
- (c) Easement Locations. Such easements shall be at least ten (10) feet wide, or wider where recommended by the Director of Public Works, and may run across lots or alongside of front lot lines. Such easements

should preferably be located along front lot lines. Evidence shall be furnished the Plan Commission and Village Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

EXTRA-SIZED AND OFF-SIZED FACILITIES.

When any public improvements of adequate capacity are not available at the boundary of a proposed land division, the Village, or its duly authorized representative, shall require, as a prerequisite to approval of a Final Plat or certified survey map, assurances that such improvement extensions shall be provided as follows in accordance with the following standards:

- (a) Design Capacity. All improvements within or entering or leaving the proposed development shall be installed to satisfy the service requirements for the entire service or drainage area in which the development is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service area involved.
- (b) Extra-sized and Off-size Improvements. Where improvements of adequate size needed to serve the development are not available at the boundary of the development, the subdivider shall proceed under one (1) of the alternatives as identified in Section 14-1-50(a).
- (c) Lift Stations. Where sanitary or storm sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles, specifications and estimated operation and maintenance costs prepared for the installation of such facilities to the Director of Public Works requirements. Equipment similar to existing Village equipment shall be utilized whenever possible. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon by the Village Board. Gravity sanitary sewer service shall be employed whenever determined by the Director of Public Works to be feasibly accessible.

ACCEPTANCE OF IMPROVEMENTS AND DEDICATIONS.

- (a) Acceptance of Improvements. The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the Village or the public shall not be considered accepted by the Village for public ownership until such time as the required public improvements within the intended dedication or necessary because of the intended dedication have been completed and accepted by the Village Board. The subdivider shall be responsible for and liable for the maintenance, safety and operation of all required public improvements until such time as the improvements are accepted by the Village Board by resolution. In the event the Village must take measures to maintain, operate or make safe a public improvement existing or required as a result of the land division but which has not yet been accepted by the Village, the costs of such measures shall hereby be determined to be Village-incurred costs to be reimbursed to the Village by the subdivider in accordance with the provisions of this Chapter.
- (b) (1) Inspection and Certification of Improvements. After any of the following increments of the required improvements have been installed and completed, the subdivider shall notify the Director of Public Works, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements. Acceptance of the improvements may be requested in the following increments:
 - a. Sewer mains and services (either storm or sanitary).
 - b. Water mains and services.
 - c. Streets comprised of all grading, gravel, curb and gutter, culvert and paving.
 - d. Other miscellaneous appurtenances to the above increments such as sidewalks, bikeways, street lighting, street signing, etc.

- (2) The appropriate department heads shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance and shall prepare a final billing for engineer, inspection and legal fees and submit it to the subdivider for payment. The Director of Public Works shall conduct any necessary final inspections of the improvements and forward a report to the Administrator recommending either approval or disapproval. When the engineering, inspection, taxes, special assessments and legal fees have been paid, the report of the Director of Public Works shall forward a recommendation to the Village Board for approval and acceptance of the improvements and dedications.

(A) JURISDICTION: Jurisdiction of these regulations shall include all lands within the Village of Stoddard as well as the unincorporated area within the extra territorial plat approval jurisdiction of the city. The provisions of this Ordinance as it applies to divisions of tracts of land into less than three parcels shall not apply to:

- (1) Transfer of interests in land by will or pursuant to court order. Leases for a term not to exceed ten (10) years, mortgages or easements.
- (2) 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 zoning ordinance, or other applicable laws or ordinances.

(B) COMPLIANCE: No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision or a replat as defined herein; no such subdivision or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and:

- (1) Provision of Chapter 236, Wisconsin Statutes.
- (2) Rules of the Division of Health, Department of Health and Social Service regulating lot size and lot elevation if the land to be subdivided is not served by a central sewer and provisions for such service have not been made.
- (3) Rules of the Division of Highways, Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.
- (4) Duly approved comprehensive plan, or comprehensive plan component including the Zoning Ordinance and official map of the Village of Stoddard.
- (5) Applicable Local and County Ordinances. In case of conflict between any of the above, the more stringent requirements shall be controlling.

(C) DEDICATION AND RESERVATION OF LANDS:

- (1) Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway or other public way which has been designated in the comprehensive plan, comprehensive plan component, or on the official map, said public way shall be made a part of the plat and dedicated or reserved by the subdivided in the locations and dimensions indicated on said plan or map and as set forth in Section 9.07 of this Ordinance.
- (2) Whenever a proposed playground, park, school site or other public land, other than streets or drainageways, designated in the comprehensive plan, comprehensive plan component, or on the official map, is embraced, all or in part, in a tract of land to be subdivide, these proposed public lands shall be made a part of the plat and shall be either: dedicated to the public by the subdivider at the rate of one (1) acre for each twenty-five (25) proposed dwelling units, but said dedication shall not be less than two (2) acres.
- (3) If no playground, park, school site, or other public land has been proposed as of the date of the application of a subdivider, but the Village determines that a public facility should be provided in

the area of the proposed plat to carry out the spirit and intent of this Ordinance, the Village may require dedication as set forth above.

- (4) In lieu of the above paragraph, the Village may, at its options, if land within the tract is not designated for a proposed playground, park, school site or other public land, other than streets or drainageways in the comprehensive plan or comprehensive plan component, levy a public site fee against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in Section 9.11 of this Ordinance.

(D) IMPROVEMENTS

- (1) Before final approval of a plat, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall before the recording of the plat enter into a contract with the community agreeing to install the required improvements and shall file with said contract a bond meeting the approval of legal counsel or a certified check in the equal to the estimated cost of improvements, said estimate to be made by the Village Engineer, as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. Developers who are submitting subdivision proposals shall also include an up-to-date financial statement.
- (2) Contractors and subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street rights-of-way shall be subject to the approval of the Village Engineer.
- (3) Governmental units to which these bond and contract provisions apply my file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
- (4) Survey monument. Before final approval of any plat, the subdivider shall install survey monuments in accordance with Section 9.08 of this ordinance.

- (E) PLATS OUTSIDE THE CORPORATE LIMITS: Before final approval by the Village of any plat located outside the corporate limits of the Village, but within the plat approval jurisdiction of the Village, the subdivider shall give evidence that he has complied with all street and utility improvement requirements of the town in which the land being platted is located as well as those required by the Village.

(F) WAIVER OF REQUIREMENTS:

- (1) Where, in the judgment of the Village Board it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Village Board may waive or modify any requirement to the extent deemed just and proper.
- (2) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance because exceptional or undue hardship would result, the Village Board may waive or modify any requirement to the extent deemed just and proper.
- (3) The governing body may waive the placing of monuments, required under Section 236.15 (1) (b) (c) and (d) of the Wisconsin Statutes for a reasonable time on condition that the subdivider executes a surety bond to insure the placing of such monuments within the time required.

- (G) LAND SUITABILITY: No land shall be subdivided which is held unsuitable for the proposed use by the Village Board for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. The Village Board, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider and opportunity to present evidence regarding such

unsuitability if he so desires. Thereafter, the Village Board may affirm, modify or withdraw its determination of unsuitability.

- (H) VIOLATIONS: It shall be unlawful to subdivide, as defined by this Ordinance, in violation of any of the provisions of this Ordinance. In addition to the forfeiture provisions contained herein, in case of any violation, the Village Board may institute an appropriate action or proceeding to enjoin a violation of this ordinance.

9.03 PROCEDURE

- (A) PRE-APPLICATION: It is recommended that, prior to the filing of an application for the approval of a preliminary plat, the subdivider consult with the Village Board and/or staff in order to obtain their advice and assistance. This consultation is neither nether formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, and duly adopted plan implementation devices and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and Village Board may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

(B) PRELIMINARY PLAT REVIEW

- (1) Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with this Ordinance, and the subdivider shall comply with the procedures of Chapter 236 of the Wisconsin Statutes and shall file at least ten (10) copies of the Plat and the application with the Village Clerk at least thirty (30) days prior to the Village Board meeting at which actions is desired.
- (2) The Village Board hereby designated as approving authority for all preliminary plats, shall transmit a copy of the Preliminary Plat to all affected Village Boards, commissions or department, and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Village Board within fifteen (15) days from the date the Plat is filed. The Preliminary Plat shall then be reviewed by the Village Board for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it.

(C) PRELIMINARY PLAT APPROVAL

- (1) The Village Board within the time specified in Chapter 236 of the Wisconsin Statutes of the date of filing of Preliminary Plat with the Village Clerk, shall approve, approve conditionally, or reject such Plat. One copy of the Plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One copy each of approval or the reasons for rejection shall accompany the Plat. One copy each of the Plat and letter shall be placed in the Village Board permanent file.
- (2) Failure of the Village Board to act within this time limitation shall constitute an approval.
- (3) Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the final Plat, except as indicated in Chapter 236 of the Wisconsin Statutes. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Village Board at the time of its submission.

(D) FINAL PLAT REVIEW

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Ordinance, shall comply with the procedures for approval of plats of Chapter 236 of Wisconsin Statutes, and shall file an adequate number of copies of the Plat and the application with the Village Clerk at least thirty (30) days prior to the meeting of the Village Board at which action is desired.
- (2) The Village Clerk shall transmit fifteen (15) copies to the Village Board.
- (3) The Village Board shall examine the Final Plat as to its conformance with the approved Preliminary Plat: any conditions of approval of the Preliminary Plat; this Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the governing body.
- (4) Partial Platting. The Final Plat may, if permitted by the Village Board, constitute only that portion of the approved Preliminary Plat which the subdivider proposed to record at that time.

(E) FINAL PLAT APPROVAL

- (1) Submission. If the Final Plat is not submitted within the time specified in Chapter 236 of the Wisconsin Statutes, the Village Board may refuse to approve the Final Plat.
- (2) The Village Board shall approve or reject such Plat. If the Plat is rejected, the reasons shall be stated in the Minutes of the meeting and written statement of the reasons supplied to the subdivider. The Village Board may not inscribe its approval on the Final plat unless the Village Clerk certifies on the face of the Plat in compliance with Chapter 236 of the Wisconsin Statutes.
- (3) Failure of the governing body to approve or reject such Plat within the time specified in Chapter 236 of the Wisconsin Statutes, the time having not been extended and no unsatisfied objections having been filed, the Plat shall be deemed approved.
- (4) Recordation. After the Final Plat has been approved by the governing body and required improvements either installed or a contract and sureties insuring their installation is filed, the Village Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds cannot record the Plat unless it is offered within the time specified in Chapter 236 of the Wisconsin Statutes.
- (5) Copies. The subdivider shall file five (5) copies of the Final Plat as recorded, and furnish one reproducible print of said plat, with the Village Clerk for distribution to appropriate local agencies and offices.

(F) PLATS WITHIN THE EXTRATERRITORIAL PLAT APPROVAL JURISDICTION: Said plats are hereby subject to this ordinance pursuant to Wisconsin Statute 236.45 (3).

(G) REPLAT

- (1) When it is proposed to replat a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Chapter 236 of the Wisconsin Statutes. The subdivider or person wishing to replat shall then proceed as specified in Section 9.03 (A) through (F) of this Ordinance.
- (2) The Village Clerk shall schedule within the time period specified in Section 9.03(C) of this Ordinance for the Village Board to take action upon the Plat, a public hearing before the Village Board when a Preliminary Plat of a replat of lands within the community is filed, and shall cause notices of the proposed Replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the Owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed Replat.

9.04 PRELIMINARY PLAT

(A) GENERAL: A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information.

- (1) Title under which the proposed subdivision is to be recorded which shall not be a duplicate name or descriptively similar name of any Plat previously recorded in the Village of Stoddard.
- (2) Location of proposed subdivision by: government lot, private claims, quarter section, quarter-quarter section, township, range, county and state noted immediately under the title.
- (3) Date, scale and north point.
- (4) Names and addresses of the owner, subdivider and land surveyor or engineer preparing the plat.
- (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Village Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.

(B) PLAT DATA: All preliminary plats shall show the following;

- (1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- (2) Ground elevations and contours:
 - (a) For lands that slope less than approximately two percent (2%) show spot elevations at all breaks in grade, along all drainage channels of swales, and at selected points not more than one hundred (100) feet apart in all directions.
 - (b) For lands that slope more than approximately two percent (2%) show contours with an interval of not more than five (5) feet where ground slopes is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two (2) feet where necessary because of irregular land or need for more detailed data.
- (3) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. (1929 Adjustment) datum, and approximate boundaries of areas subject to flood or storm water overflow.
- (4) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility right-of-way and all section and quarter section lines within the exterior boundaries of the plat or within 200 feet thereof.
- (5) Location and names of any adjacent subdivisions, assessor's plats, recorded certified survey maps, parks and cemeteries, and owners of record of abutting unplatted lands.
- (6) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally (established centerline elevations or curb elevations), all to U.S.G.S. (1929 Adjustment) datum.
- (7) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent the tract, such sewers or water mains which might be extended and which are located within one (1) mile of the plat shall be indicated by their direction and distance from the tract, size and invert elevations.
- (8) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marches, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

- (9) Locations, width and names of all proposed streets and public right-of-way such as alleys and easements.
- (10) Approximate dimensions of all lots together with proposed lot and block numbers.
- (11) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- (12) Approximate radii of all curves.
- (13) Existing zoning on and adjacent to the proposed subdivision.
- (14) Municipal boundary lines within or adjacent to the proposed subdivision.
- (15) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (16) Any proposed lake and stream improvement or relocation.

(C) STREET PLANS AND PROFILES: The Village Engineer may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon U.S.G.S. (1929 Adjustment) datum, and plans and profiles shall meet the approval of the Village Engineer.

Road and street requirements in both platted and unplatted developments shall be:

- (1) Developer shall dedicate 60 foot right-of-way to the Public by Highway Deed or similar instrument.
- (2) Developer shall place right-of-way on proper finished grade, including culverts and headers for culverts where needed, and shall further provide on and after 1972, a system of storm sewers where necessary in the judgment of the Village Board.
- (3) Developer shall add adequate sand lift or acceptable equivalent whenever necessary in the judgment of the Village Board.
- (4) Developer shall place crushed rock on traveled portion compacted to six inches.
- (5) Cost of permanent bituminous surfacing shall be paid for by developer *(adopted 10/3/06)*

(D) TESTING: The Village Engineer may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depths to bedrock and depth to groundwater table. Where the subdivision will not be served by central sanitary sewer service, the provisions of Chapter H65 of the Wisconsin Administrative Code shall be complies with: and thee appropriate date submitted with preliminary plat.

(E) PLATTING IN A FLOOD-PRONE AREA

- (1) When receiving a preliminary plat, all or part of which lies in any flood-prone area, the Village Board may, prior to rendering a decision thereon.
- (2) Require the applicant to submit two copies of an aerial photograph, or a plan certified by a competent technician, which accurately locates the flood plain proposal with respect to the flood plain district developments, together with all pertinent information such as the nature of the proposal; fill limits and elevations: building flood elevations: and flood proofing measures.
- (3) Transmit one copy of the information which may be required herein to the Division of Environmental Protection with a request, where deemed necessary to have that agency provide expert technical assistance in evaluating the effects of the proposed project upon flood heights, velocities, and flood plain storage area and the determination of flood protection levels.

- (4) Require the applicant to furnish such of the following additional information as is deemed necessary by the Village Board for the evaluation of the effects of the proposal upon flood flows and flood plain storage and to render a decision on the proposed flood plain use.
- (5) A typical valley cross-section showing the channel of the stream, the flood plain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.
- (6) Plan (surface view) showing elevations or contours of the ground: pertinent structure, fill or storage elevations: size, location and spatial arrangements of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, and soil types and other pertinent information.
- (7) Profile showing the slope of the bottom of the channel or flow line of the stream.
- (8) Specifications for building construction and materials, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- (9) Affirm, modify or withdraw its determination of unsuitability basing its decision on the standards set forth in Section 9.07 (J) of this ordinance.

(F) COVENANTS: The subdivider shall submit to the Village Board a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

(G) AFFIDAVIT: The register land 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.

(H) STATEMENT: A supplementary written statement shall be submitted by the subdivider along the preliminary plat briefly describing improvements, such as grading, paving, tree planting, installation of utilities, improvements to park and recreation areas, etc., which the subdivider proposes to make and when he intends to make them.

9.05 FINAL PLAT

(A) GENERAL: A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Chapter 236 of the Wisconsin Statutes.

(B) ADDITIONAL INFORMATION: The Plat shall show correctly on its face, in addition to the information required by Chapter 236 of the Wisconsin Statutes, the following:

- (1) Exact length and bearing of the centerline of all streets. Curves should be shown by chord length and bearing radius.
- (2) Exact street width along the line of any obliquely intersecting street.
- (3) Railroad rights-of-way within and abutting the plat.
- (4) Setbacks of building lines as required.
- (5) All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat.
- (6) Special restrictions required by the Village Board relating to access control along public ways or to the provision of planting strips.

(C) DEED RESTRICTIONS: Deed restrictions shall be filed with the Final Plat.

(D) SURVEY ACCURACY

- (1) The Village Engineer may examine all Final Plats and make field checks for the accuracy and closure of survey, and proper kind and location of monuments.

- (2) The Governing Body shall receive the results of the Village Engineer's examination prior to approving the Final Plat.

(E) SURVEYING AND MONUMENTING: All final plats shall meet all the surveying and monumenting requirements of Chapter 236 of the Wisconsin Statutes.

(F) STATE PLANE COORDINATE SYSTEM: Where the Plat is located within a quarter sections, the corners of which have been relocated, monumented and coordinated by a governmental unit having jurisdiction, the Plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated.

(G) CERTIFICATES: All final plats shall provide all the certificates required by Chapter 236 of the Wisconsin Statutes: and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.

9.06 UNUSED

9.07 DESIGN STANDARDS

(A) STREET ARRANGEMENT

- (1) In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the official map or comprehensive plan of the Village. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.
- (2) Arterial streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, shopping areas, recreation areas, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- (3) Collector streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic from residential areas to the major street 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 streets into which they feed.
- (4) Local streets, as hereinafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (5) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by the topography or other physical conditions or unless, in the opinion of the Village 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.
- (6) Stream or lakeshores shall have sixty (60) feet of public access platted to the water's edge at intervals of not more than one-half mile as required by Chapter 236 of the Wisconsin Statutes.
- (7) Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the governing body under conditions recommended by the Village Board and approved by the governing body.

- (8) Alleys shall be provided in commercial and industrial districts for off-street loading and service access unless otherwise required by the Village Board but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect to a major thoroughfare.
- (9) Street Names. All streets shall be named in conformity with the street-naming plan of the Village or with adjoining streets. In the case of diverging streets, the name shall be repeated. New street names shall not duplicate the names of existing streets, provided, however, that streets that are obviously in alignment with others already existing and names shall bear the names of the existing streets. Long or continuous thoroughfares running North and South shall be name Avenues; those running East and West shall be named Streets; diagonal thoroughfares shall be named Road; and curving thoroughfares shall be named Drives. Short or discontinuous thoroughfares running North and South shall be named Courts; those running East and West shall be named Places; diagonal thoroughfares shall be named Ways; and curving thoroughfares shall be named Lanes.

(B) LIMITED ACCESS HIGHWAYS AND RAILROAD RIGHT-OF-WAY TREATMENT: Whenever the proposed subdivision contains or is adjacent a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- (1) When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent the highway or railroad 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 reserved for the planting of trees and shrubs, the building of structures hereon prohibited." The reservation of such strip also shall be indicated on protective covenants or building restrictions. However, the Village Board may control the planting of trees or shrubs near street intersections so as to provide safe sight distances, etc.
- (2) Commercial and industrial districts shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet unless frontage streets are approved by the Village Board.
- (3) Streets parallel to a limited access highway or railroad right-of-way, when intersecting major streets and highways or collector streets which cross said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. 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. The location of frontage streets shall be as approved by the Village Board.
- (4) Local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of local streets immediately adjacent arterial streets and highways and railroad rights-of-way shall be avoided in residential areas unless frontage streets are approved by the Village Board.

(C) STREET DESIGN STANDARDS

- (1) The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, or official map, or if no width is specified therein, the minimum widths shall be as specified in Table I.
- (2) Cul-de-sac streets designed to have on end permanently closed shall not exceed five hundred (500) feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of fifty (50) feet and a minimum outside curb radius of forty (40) feet. The minimum distance between the outside curb and right-of-way shall be ten (10) feet.

TABLE I			
URBAN CROSS SECTION			
Type of Street	R.O.W. Width to be Reserved	R.O.W. Width to be Dedicated	Pavement Width (Face of Curb) (to face of Curb)
Expressway, Primary or Standard Arterial (Limited Access)			
Primary Arterial	State Standard	80 Feet	State Standard
Standard Arterial	State Standard	80 Feet	State Standard
High Collector	60 Feet	60 Feet	State Standard
Low Collector	60 Feet	60 Feet	State Standard
Local	60 Feet	60 Feet	36 Feet
Cul-de-sac and Frontage Streets	60 Feet	60 Feet	30 Feet
Alleys	25 Feet	25 Feet	25 Feet
Pedestrian Ways	10 Feet	10 Feet	5 Feet
Rural Cross Section			
Expressway, Primary Arterial (Limited Access)			
Primary Arterial or Standard Arterial	State Standard	80 Feet	State Standard
High Collector	80 Feet	80 Feet	State Standard
Low Collector or Local	60 Feet	60 Feet	State Standard

- (3) Street Grades. Unless necessitated by exceptional topography subject to the approval of the Village Board, the maximum centerline grade of any street or public way shall not exceed the following.
- (4) Arterial streets: Six (6) percent.
- (5) Collector streets: Eight (8) percent.
- (6) Local streets, alleys and frontage streets: Twelve (12) percent.
- (7) Pedestrian ways: Eight (8) percent, unless steps of acceptable design are provided.
- (8) The grade of any street shall in no case exceed twelve (12) percent or be less than three-tenths of one (0.3) percent. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of topography. All changes in street grades shall be connected by vertical curves.
- (9) Half-streets. Where, on the date of enactment of this Ordinance, an existing dedicated or platted half-street is adjacent the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets is not permitted.

(D) STREET INTERSECTIONS

- (1) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- (2) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two. Cross-type intersections on local streets shall be avoided whenever possible in favor of T-type intersections. Intersections of local streets shall be at least one hundred twenty-five (125) feet from each other.
- (3) Number of intersections along arterial streets shall be held to a minimum. Wherever practicable the distance between such intersections shall be not less than twelve hundred (1200) feet.
- (4) Local streets shall not necessarily continue across arterial or collector streets; but if centerlines of such local streets approach the major streets from opposite sides within three hundred (300) feet of each other, measured along the centerline of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous.

(E) BLOCKS

- (1) The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenience access, control and safety of street traffic; and the limitations and opportunities of topography.
- (2) Length. Block in residential areas shall not as a general rule be less than five hundred (500) feet nor more than twelve hundred (1200) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
- (3) Pedestrian ways of not less than ten (10) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Village Board to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.
- (4) Width. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the zoning restrictions for such use.

(F) LOTS

- (1) The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
- (2) Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- (3) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (4) Access. Every lot shall front or abut for a distance of at least thirty (30) feet on a public street and shall be not less than sixty (60) feet in width at the building setback line.
- (5) Depth. Lots shall have a minimum average depth of one hundred (100) feet. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning regulations for such use.
- (6) Width of lots shall conform to the requirements of this ordinance and appropriate zoning regulations.
- (7) Corner lots, except those not served by public sanitary sewer facilities and regulated herein, shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.
- (8) Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications any plat abutting a lake or stream. This section applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which he holds

any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

(G) BUILDING SETBACK LINES: As controlled by zoning regulations.

(H) EASEMENTS

- (1) The Village Board may acquire utility easements of widths deemed adequate, if no alleys are provided, for the intended purpose of each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits, storm and sanitary sewers, and gas, water and other utility lines.
- (2) Drainage Easements. Where a subdivision is traversed by a watercourse, drainage way channel or stream, an adequate drainage way or easement shall be provided as may be required by the Village Board. The location, width, alignment and improvement of such drainage way or easement shall be subject to the approval of the Village Engineer and parallel streets or parkways may be required in connection therewith. Where necessary storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Village Engineer.

(I) PUBLIC SITES AND OPEN SPACES: In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainage ways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, or official map, such areas shall be made a part of the plat as stipulated in Section 9.02 (C) of these regulations. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

(J) STANDARDS TO BE APPLIED WHERE ALL OR PART OF THE PROPOSED PLAT LIES IN A FLOOD PRONE AREA:

- (1) In all cases the decisions of the Village Board shall be consistent with the flood plain management standards of the Division of Environmental Protection.
- (2) Building sites must be filled to a height and area sufficient to provide protection from the regional flood as defined by and according to the standards of the Division of Environmental Protection.
- (3) Development of sites, either individually or in aggregate, shall not have an adverse effect on flood flows. Adverse effects shall be determined according to the standards of the Division of Environmental Protection.
- (4) Development of sites shall not have an adverse effect on the storage capacity of the flood plain. Adverse effects shall be determined according to the standards of the Division of Environmental Protection.

9.08 REQUIRED IMPROVEMENTS

(A) SURVEY MONUMENTS: The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and as may be required by the Village Engineer.

(B) GRADING: After the installation of temporary block corner monuments by the subdivider and establishment of street grades according to standards approved by the governing body, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to sub grade.

(C) SURFACING: After the installation of all utility and storm water drainage improvements, the subdivider shall prepare for surfacing all roadways in streets proposed to be dedicated to the widths prescribed by these regulations by placing crushed rock on said roadways in a manner and quality consistent with plans and

specifications, approved by the Village Engineer, and/or in a manner and quality consistent with any Village ordinance or resolution

(D) CURB AND GUTTER: After the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Village Engineer. This requirement may be waived where a permanent rural section has been approved by the Village. Provision shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the community.

(E) STREET CROSS SECTIONS: When permanent street cross sections have been approved by the community the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch invests to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Village Engineer.

(F) SIDEWALKS

- (1) The subdivider may be required to construct a sidewalk on one side of all frontage streets and both sides of all arterial and collector streets within the subdivision. The Village Board may require the construction of sidewalks on local streets. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Village Engineer.
- (2) Wider than standard sidewalks may be required by the Village Board in the vicinity of schools, commercial areas and other places of public assemblage; and the Village Board may require the construction of sidewalks in locations other than required under the preceding provisions of this Ordinance if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

(G) CENTRAL SANITARY SEWERAGE AND PRIVATE SEWAGE DISPOSAL SYSTEMS

- (1) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. If central sewer facilities are not available, the subdivider shall make provision for adequate private sewage disposal systems as specified by the community Boards of Health and the Division of Health, Department of Health and Social Services; the size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer. All sanitary sewer facilities shall be flood proofed.
- (2) Subdivider shall assume the cost of installing all sanitary sewers eight (8) inches in diameter or less in size. If greater than eight (8) inch diameter sewers are required to handle the contemplated sewage flows, the cost of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such large sewer and the excess cost borne by the Community.

(H) STORM WATER DRAINAGE FACILITIES: The subdivider shall construct at its expense storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. 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 Village Engineer. Storm drainage facilities shall be so designed as to present no hazard to life or property; minimize shore land erosion and siltation of surface waters; shall prevent excess run-off on adjacent property; and shall provide positive drainage away from on-site sewage disposal facilities. The size, type and installation of all storm water drain and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Engineer. This provision may be waived in whole or in part depending upon soil and topography conditions.

(I) CENTRAL WATER SUPPLY FACILITIES

- (1) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified by the community

Boards of Health and the Division of Environmental Protection; the size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer.

- (2) The subdivider shall assume all cost of installing water mains eight (8) inches in diameter or less in size. If greater than eight (8) inch diameter water mains are required, the excess cost of such mains over and above the cost of an eight (8) inch main shall be borne by the community. All water systems shall be flood proofed.

(J) OTHER UTILITIES

- (1) The subdivider shall cause gas, electrical power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical, cable television or telephone service shall be located on overhead poles unless otherwise allowed by the Village Board due to exceptional topography or other physical barrier. Electrical power, cable television and telephone transmission lines may be located on overhead poles.
- (2) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plan shall be approved by the Village Engineer.

(K) STREET LAMPS: The subdivider and/or developer shall install and pay for street lamps as needed. Said need shall be determined by the Village. *(adopted 10/3/06)*

(L) STREET SIGNS: The subdivider is not responsible for signs.

(M) STREET TREES: The subdivider is not responsible for any predetermined arrangement of trees.

(N) IMPROVEMENTS ON BOUNDARIES OF SUBDIVISIONS: Any public improvements occurring on the boundaries of the subdivision shall use normal assessing values for establishing payments.

(O) EROSION AND SEDIMENT CONTROL: The Village Board shall review each plat on the basis of size, topography, erosion hazards and other factors relating to sedimentation to determine the need for erosion and sediment control measures. If it is determined that such measures are needed, the Village Engineer should direct the subdivider to undertake such erosion and sediment control, as the Village Engineer deems necessary.

9.09 CONSTRUCTION

(A) COMMENCEMENT: No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat has been approved and the Village Engineer has given written authorization.

(B) BUILDING PERMITS: No building permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance have been met.

(C) PLANS: The following plans and accompanying construction specifications may be required by the Village Engineer before authorization of improvements.

- (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
- (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

- (3) Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
- (4) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- (5) Grading plans for the entire subdivision if it appears that erosion and sediment control will be a problem.
- (6) Additional special plans or information as required.

(D) INSPECTION: The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Village Engineer to provide for adequate inspection. The Village Engineer shall inspect and approve all completed work prior to approval of the Final Plat or release of the sureties.

9.10 UNUSED

9.11 FEES

(A) GENERAL: The subdivider shall pay the Village all fees as hereinafter required and at the times specified.

(B) PRELIMINARY PLAT REVIEW FEE

- (1) The subdivider shall pay a fee amounting to Fifty Dollars (\$50.00) at the time of first application for approval of any Preliminary Plats to assist in defraying the cost of review.
- (2) Reapplication fee amounting to Twenty-Five Dollars (\$25.00) shall be paid to the Village Clerk at the time of reapplication for approval of any Preliminary Plat, which has previously been reviewed.

(C) IMPROVEMENT REVIEW FEE: There is no fee for this review.

(D) INSPECTION FEE: The subdivider shall pay a fee equal to the actual cost to the Village for such inspection, not to exceed on (1) percent of the cost of the required public improvements as estimated by the Village Engineer, as the Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority.

(E) FINAL PLAT REVIEW FEE

- (1) The subdivider shall pay a fee amounting to Twenty-Five Dollars (\$25.00) to the Village Clerk at the time of first application for approval of said plat to assist in defraying the cost of review.
- (2) Reapplication fee amounting to Ten Dollars (\$10.00) shall be paid to the Village Clerk at the time of a reapplication for approval of any Final Plat, which has previously been reviewed.

(F) PUBLIC SITE FEE

- (1) If the Village has elected not to have public lands dedicated within his plat as provided in Section 9.02 (C), a fee for the acquisition or capital improvement of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the Village Clerk at the time of first application for approval of the Final Plat of said subdivision in the amount of One Hundred Dollars (\$100.00) for each lot.
- (2) Public site fees to be paid in lieu of dedication shall be paid to the Village Clerk and shall be placed in a separate Service District Fund to be used only for the acquisition or capital improvement of park, school or other public facility sites.

(H) ENGINEERING FEE

- (1) The subdivider shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat.
- (2) Engineering work shall include the preparation of construction plans and standard specifications. The Village Engineer may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.
- (3) Inspection, checking and reviewing work has fees provided for in Section 9.11 (C) and (D).

(I) ADMINISTRATIVE FEE

- (1) The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat.
- (2) Legal work shall include the drafting of contracts between the Village and the subdivider.

9.12 DEFINITIONS

(A) ALLEY: As defined in Chapter 236 of the Wisconsin Statutes.

(B) ARTERIAL STREET: A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways as well as principal, primary, standard and minor arterial streets.

(C) BUILDING LINE: A line parallel to a lot line and at a distance from the lot line to comply with the Zoning Ordinance's yard requirements.

(D) COLLECTOR STREET: A street used, or intended to be used, to carry traffic from minor streets to the major system or arterial streets including the principal entrance streets to residential developments. Collector streets shall include high and low collector streets.

(E) COUNTY PLANNING AGENCY: As defined in Chapter 236 of the Wisconsin Statutes.

(F) CUL-DE-SAC STREET: Minor street closed at one end with a turn-around provided for vehicles.

(G) DOUBLE FRONTAGE LOTS: Lots having frontage on opposite property boundaries with public streets.

(H) EXTRATERRITORIAL PLAT APPROVAL JURISDICTION: As defined in Chapter 236 and Section 66.32 of the Wisconsin Statutes.

(I) FLOOD PLAIN: The areas adjoining a watercourse or other body of water which has been or may be hereafter covered by flood water, including but not limited to the regional flood.

(J) FLOODWAY: The areas adjoining a watercourse or other body of water which has been or may be hereafter covered by flood water, including but not limited to the regional flood.

(K) FRONTAGE STREET: A local street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

(L) HALF-STREET: A street located on the boundary of a Plat whose centerline meets the boundary at an angle of less than 30 degrees or whose required right-of-way width is reduced by that boundary.

(M) LOCAL STREET: A street used, or intended to be used primarily for access to abutting properties.

(N) DIVISION OF LAND LESS THAN A SUBDIVISION: The division of land by the owner or subdivider resulting in the creation of two (2) parcels or building sites, any one of which is five (5) acres in size or less.

(O) PUBLIC WAY: Any public road, street, highway, walkway, drainage way or part thereof.

(P) REGIONAL FLOOD: A flood determined by the Division of Environmental Protection which is representative of large floods known to have occurred generally in Wisconsin and is reasonably characteristic of what can be expected to occur on a particular stream. The regional Flood generally has an average frequency in the order of the one hundred (100) year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general regions.

(Q) REVERSE FRONTAGE LOTS: Corner lots with no provision for extra width to permit side yard to be the same as front yards on that side.

(R) SUBDIVIDER: Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

(S) SUBDIVISION: The division of a lot, parcel or tract of land by the subdivider thereof for the purpose of sale or of building development where the act of division creates three (3) or more parcels or building sites of five (5) acres or less in area, or three (3) or more parcels or building sites of five (5) acres each or less in area are created successive division within a period of five (5) years.

9.13 PENALTIES

Any person violating any provision of this Chapter, except as otherwise provided in this Chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated herein by reference, shall upon conviction thereof forfeit not less than \$50.00 not more than \$500.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days for violation, provided, however, that in no case shall the forfeiture imposed for a violation of any provisions of this Section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.