

TOWN OF HARTFORD

ORDINANCE REGULATING MINOR LAND DIVISIONS

SECTION 1.00 INTRODUCTION

1.01 AUTHORITY. These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes.

1.02 PURPOSE. The purpose of this ordinance is to regulate and control minor divisions of land within the Town in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Town.

1.03 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

1.04 INTREPRETATION. In the interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

SECTION 2.00 GENERAL PROVISIONS

2.01 JURISDICTION. Jurisdiction of these regulations shall include all lands within the limits of the Town. The provisions of this ordinance, as it applies to divisions of tracts of land into four (4) or less parcels, shall not apply to:

(a) Transfers of Interest in land by will or pursuant to court order.

(b) Leases for a term not to exceed ten years, mortgages or easements.

(c) Sales or Exchanges 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 ordinances or other applicable laws, codes or ordinances.

(d) Cemetery Plats made under Wisconsin Statutes sec. 157.07.

(e) Assessors' Plats made under Wisconsin Statutes sec. 70.27 but such assessors' plats shall comply with Wisconsin Statutes secs. 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e).

2.02 COMPLIANCE. No person, firm or corporation shall divide any land located within the limits of the Town which results in a minor land division as defined herein; no such minor land division shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this ordinance and the following documents:

- (a) Chapter 236, Wisconsin Statutes.
- (b) Rules of the Wisconsin Department of Industry, Labor and Human Relations regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
- (c) Rules of the Wisconsin 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.
- (d) Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodland, wetland, and shoreland area.
- (e) Duly Approved Comprehensive Plan or comprehensive plan component of the Town.
- (f) The Washington County Shoreland/Floodplain Zoning Ordinance, the Town Zoning Ordinance and all other applicable local and county ordinances.
- (g) Rules of the Washington County Highway Department relating to safety of access if the land owned or controlled by the subdivider abuts on a county trunk highway.

In addition, no person, firm or corporation shall create a subdivision as defined herein without complying with Chapter 24 of the Washington County Code.

2.03 DEDICATION AND RESERVATION OF LANDS. Whenever a tract of land to be divided within the jurisdiction of this ordinance encompasses all or any part of (i) an existing public street, (ii) a public street, drainageway or other public way which has been so designated on a duly adopted Town, County or regional comprehensive plan or comprehensive plan component, or (iii) a public way otherwise identified by the Town, then said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in Section 5.00 of this ordinance.

2.04 PROVISION FOR INSTALLATION OF IMPROVEMENTS. Before final approval of any certified survey map located within the limits of the Town, the subdivider shall, where required, install street and utility improvements as hereinafter provided. If such improvements are not installed at the time that the certified survey map is submitted for approval, the subdivider shall, before the recording of the certified survey map, enter into a

contract or development agreement with the Town agreeing to install the required improvements and shall file with said contract a certified check or irrevocable letter of credit in an amount equal to the estimated cost of the improvements plus 10 percent, said estimate to be made by the Town Board, 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 certified survey map and as a further guarantee that all obligations to subcontractors for work on the development will be satisfied. The Town shall pay any interest accumulated on the certified check to the subdivider upon satisfactory completion of the improvements. In addition:

(a) Contractors and Subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street rights-of-way as well as the contracts and contract specifications for such construction shall be subject to the approval of the Town Board.

(b) Survey Monuments. Before final approval of any certified survey map within the Town, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer or County Surveyor.

2.05 VARIANCES. Where, in the judgment of the Town Board it would be inappropriate to apply literally the provisions of Sections 5.00 and 6.00 of this ordinance because exceptional circumstances exist or because undue hardship would result, the Town Board may, upon recommendation of the Town Plan Commission, waive or modify any requirement to the extent deemed just and proper.

The Town Board may waive the placing of monuments, required under Section 236.15(b), (c) and (d) of the Wisconsin Statutes, for a reasonable time on condition that the subdivider execute a cash bond to insure the placing of such monuments within the required time limits established by the Town Board.

2.06 VIOLATIONS. It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this ordinance or the Wisconsin Statutes; and no person, firm or corporation shall be issued a building permit by the Town authorizing the building on, or improvement of, any minor land division within the jurisdiction of this ordinance not of record as of the effective date of this ordinance until the provisions and requirements of this ordinance have been fully met. The Town Board may institute appropriate action or proceeding to enjoin violations of this ordinance or the applicable Wisconsin Statutes.

2.07 PENALTIES. Any person, firm or corporation who violates or fails to comply with the provision of this ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 plus the costs of prosecution for each offense, plus any

legal fees incurred by the Town, including the drafting of contracts and other documents, for any actions or proceedings required to enforce the ordinance. The penalty for default of payment of such forfeiture and costs shall be imprisonment in the County jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include:

- (a) Recordation improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
- (b) Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.
- (c) Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.

2.08 APPEALS. Any person aggrieved by an objection to a certified survey map or a failure to approve a certified survey map may appeal such objection or failure to approve as provided in Section 236.13(5) of the Wisconsin Statutes, within 30 days of notification of the rejection of the plat.

### SECTION 3.00 LAND DIVISION PROCEDURE

3.01 PRE-APPLICATION. It is recommended that prior to the filing of an application for the approval of a certified survey map, the subdivider consult with the Town Plan Commission in order to obtain its advice and assistance. This consultation is neither 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 of the Town and to otherwise assist the subdivider in planning his land division. In so doing, both the subdivider and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed land division and its possible effects on the Town. The subdivider will also gain a better understanding of the subsequent required procedures.

3.02 MINOR LAND DIVISION (CERTIFIED SURVEY MAP). When it is proposed to divide land within the Town into not more than four (4) parcels or building sites, any one of which is ten (10) acres or less in area, or when it is proposed to divide a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the boundaries of said block, lot or outlot, the subdivider shall subdivide by use of a certified survey map. The certified survey map shall include all parcels of land ten (10) acres or less in area and may, at the owners discretion, include any other parcels containing more than ten (10) acres. The subdivider shall prepare the certified survey map in accordance with this ordinance

and shall file an adequate number of copies of the map and the letter of application with the Town Zoning Administrator at least seven (7) days prior to the meeting of the Town Plan Commission at which first consideration is desired.

(a) A Pre-Application Conference as suggested in Section 3.01 of this ordinance is recommended.

(b) The Town Zoning Administrator shall receive the formal filing of a certified survey map, including review and recording fees, and transmit copies of the map to the Town Plan Commission.

(c) The Town Plan Commission shall review the map for conformance with this ordinance and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components, neighborhood plans and other planning tools.

(d) The Town Plan Commission shall, within 45 days from the date of filing of the certified survey map, recommend approval, conditional approval or rejection of the certified survey map, and shall transmit the certified survey map along with its recommendations to the Town Board.

(e) The Town Board shall approve, conditionally approve (and thereby require resubmission of a corrected map) or reject such certified survey map within 60 days from the date of filing of the certified survey map unless the time is extended by mutual written agreement with the subdivider. If the certified survey map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the certified survey map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original certified survey map.

(f) Recordation. The Town Clerk shall record the approved certified survey map with the County Register of Deeds within 30 days of its approval by the Town Board. The subdivider shall be responsible for the recording fee.

3.03 MINOR LAND DIVISIONS NOT REQUIRING A CERTIFIED SURVEY MAP. Divisions of land creating lots or parcels greater than ten (10) acres in size shall not be required to submit a plat of survey or certified survey map, but shall be required to present the proposed land division to the Town Plan Commission for review. The purpose of the review is to give the Town Plan Commission the opportunity to advise the parties in interest of Town plans and ordinances. This section does not apply to sales or exchanges of parcels of land between owners of adjoining property which do not create additional lots or result in the reduction of any lot below the minimum size required by these regulations, the zoning ordinance or other applicable laws, codes or ordinances.

#### SECTION 4.00 CERTIFIED SURVEY MAP

4.01 GENERAL. A certified survey map prepared by a registered land surveyor shall be required for all minor land

divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor land division shall comply with the design standards and improvement requirements set forth in Sections 5.00 and 6.00 of this ordinance.

4.02 ADDITIONAL INFORMATION. The certified survey map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- (a) All Existing Buildings, watercourses, drainage ditches and other features pertinent to proper land division;
- (b) Setbacks or Building Lines in accordance with the guidelines set forth in Section 5.05 of this Ordinance;
- (c) Utility and drainage easements;
- (d) All Lands Dedicated for Public Use or reserved for future acquisition;
- (e) Date of the Certified Survey Map;
- (f) Graphic Scale and North Point;
- (g) Name and Address of the owner, subdivider and surveyor;
- (h) Existing and Proposed Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than four (4) feet where the slope of the ground surface is ten (10) percent or more. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean sea level). This requirement may be waived if the parcel or parcels created are fully developed.
- (i) All Proposed Streets, roads or highways within or adjacent to the boundaries of the parcels created by the minor land division and the location of access to such streets, roads or highways as approved by the state, county or town.
- (j) Floodplain Limits of the 100 year recurrence interval flood, or where such data is not available, a line lying a vertical distance of five (5) feet above the elevation of the maximum flood of record;
- (k) Wetlands as delineated on the official Washington County wetlands mapping.
- (l) Location of Soil Boring Tests as required by the Wisconsin Administrative Code. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per three (3) acres shall be made initially. Two (2) copies of all test results shall accompany the certified survey map;
- (m) Location of Soil Percolation Tests where required by the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are

to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.

4.03 STATE PLANE COORDINATE SYSTEM. Where the certified survey map is located within a U.S. Public Land Survey one-quarter section, the corners of which have been relocated, monumented and coordinated by Washington County, the Town or the Southeastern Wisconsin Regional Planning Commission, the certified survey map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the certified survey map is tied shall be indicated on the certified survey map. All distances and bearings shall be referenced to the Wisconsin Coordinate system, South Zone, and adjusted to the County's control survey.

4.04 CERTIFICATES. The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this ordinance. The Town Plan Commission and Town Board shall each certify its approval on the face of the certified survey map. When the certified survey map involves the dedication of a townline or boundary road, only the town officials of the town in which the land is located shall be required to certify their approval of the map.

4.05 STREET DEDICATIONS. Dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes. Dedication of a street does not constitute acceptance of a street by the Town for maintenance purposes as provided for in sec. 7.07 of this ordinance.

4.06 RECORDATION. The certified survey map shall be recorded with the County Register of Deeds by the Town Clerk only after the certificates of the Town Plan Commission and Town Board and the surveyor are placed on the face of the certified survey map and after all applicable fees have been paid in accordance with Section 8.00 of this ordinance.

## SECTION 5.00 DESIGN STANDARDS

5.01 STREET ARRANGEMENT. In any new land division the street layout shall conform to the arrangement, width and location indicated on the official map, County jurisdictional highway system plan, comprehensive plan or plan component of the Town or Washington County. 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, to existing or planned utilities, and to the most advantageous development of adjoining areas. The certified survey map shall be designed so as to provide each lot with satisfactory access to a public street.

5.02 STREET AND OTHER PUBLIC WAY DESIGN STANDARDS. The minimum right-of-way and roadway width of all proposed streets shall be as specified by the comprehensive plan, comprehensive plan component, official map, neighborhood development plan or jurisdictional highway system plan; or if no width is specified therein, the minimum widths shall be as follows:

MINIMUM LOCAL STREET CROSS SECTIONS

Type of Street of Public Way	Minimum Rural Right of Way To Be Dedicated	Minimum Rural Street Section Dimensions
Minor Land Division Access Street	66 feet	22-foot pavement 6-foot shoulders 16-foot roadside ditches
Cul-de-Sac (turn-around with center island)	60 foot radius	24-foot radius median 15-foot circumferential pavement 5-foot shoulders 16-foot roadside ditches
Cul-de-Sac Barrel (street portion)	66 feet	22-foot pavement 6-foot shoulders 16-foot roadside ditches

In addition:

- (a) Cul-de-Sac Streets designed to have one end permanently closed shall not exceed 750 feet in length. All



cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a center island and a minimum right-of-way radius of 60 feet. The center island shall have a minimum radius of 24 feet. Rural sections shall have a minimum outside pavement radius of 39 feet.

(b) Temporary Termination of streets at the boundary of a certified survey map intended to be extended at a later date shall be accomplished with a temporary cul-de-sac which shall be designed and constructed as directed by the Town Board.

(c) Elevations of Roadways passing through floodplain areas shall be designed so they will not be overtopped by the 10 year recurrence interval flood.

(d) New and Replacement Bridges and Culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100 year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.1 foot above the peak stage for the 100 year recurrence interval flood as established in the adopted federal flood insurance study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure provided that flooding easements have been acquired from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

All new and replacement bridges shall be constructed in accordance with all applicable state statutes and codes and shall be submitted to the Department of Natural Resources to assure compliance therewith.

(e) Street Grades. Unless necessitated by exceptional topography as determined by the Town Plan Commission, the maximum centerline grade of any street or public way shall not exceed twelve (12) percent.

Street grades shall be established whenever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.

(f) Radii of Curvature. When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than 100 feet.

(g) Half-Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.

5.03 STREET INTERSECTIONS. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

(a) The Number of Intersections along arterial streets and highways shall be held to a minimum. Whenever practicable the distance between such intersections shall not be less than 1200 feet.

(b) Property Lines at Street Intersections shall be founded with a minimum radius of 15 feet or of a greater radius when required by the Town Plan Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet.

(c) Minor and Collector Streets shall not necessarily continue across arterial streets. If the distance between the centerline intersections of any street with any other intersecting street is less than 250 feet, measured along the centerline of the intersecting street, then the location shall be so adjusted that the distance is increased or the adjoiment across the intersecting street is continuous and a jog is avoided.

5.04 LOTS. The size, shape and orientation of lots shall be appropriate for the location of the certified survey map 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 building contemplated. In addition:

(a) 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.

(b) Double Frontage or "Through" Lots shall be prohibited except where necessary to provide separation of residential development from arterial traffic or to overcome specific disadvantages of topography and orientation.

(c) Access. Every lot shall front or abut for a distance of at least 66 feet on a public street.

(d) Area and Dimensions of all lots shall conform to the requirements of the Town Zoning Ordinance for all land divisions within the Town. Those building sites not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of an onsite soil absorption sewage disposal system designed in accordance with the Wisconsin Administrative Code.

(e) Excessive Depth of Lots in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable depth-to-width ratio under normal conditions. Depth of lots or parcels designated for commercial or industrial use shall be adequate to provide for off-street

service and parking required by the use contemplated.

(f) Corner Lots shall have an additional width of fifteen (15) feet to permit adequate building setbacks from side streets.

(g) Shape of Lots shall generally be rectangular. Lots platted on cul-de-sacs will generally be narrower at the street than at the rear lot line, however, the creation of "flag" or "pan-handle" lots shall be avoided.

(h) 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 dedicated to the public in any plat abutting a lake or stream.

5.05 BUILDING AND SETBACK LINES. Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Town Plan Commission and shall be shown on the certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements.

5.06 EASEMENTS. The Town Plan Commission may require utility easements of widths deemed adequate for the intended purpose but not less than ten (10) feet on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication wires and conduits, storm and sanitary sewers, and gas, water and other utility lines. Where a land division is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided as may be required by the Town Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Town Board; 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 Town Board.

## SECTION 6.00 REQUIRED IMPROVEMENTS

6.01 SURVEY MONUMENTS. The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town Board.

6.02 GRADING. After the installation of temporary monuments by the subdivider and establishment of street grades by the Town

Board, 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 Town Board. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.

Cut and filled lands outside of street right-of-way shall be graded to a maximum slope of one on four or the soils angle of repose, whichever is the lesser. All graded lands with the exception of the roadbeds of streets should be treated for sediment and erosion control purposes as set forth in Section 7.04 of this ordinance.

**6.03 SURFACING.** After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the comprehensive plan or comprehensive plan components of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town Board.

**6.04 RURAL STREET SECTIONS.** When permanent rural street sections have been approved by the Town Board, the subdivider shall finish grading 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 Town Board and as set forth in Section 7.04 of this ordinance.

**6.05 STORM WATER DRAINAGE FACILITIES.** The subdivider shall construct storm water drainage facilities adequate to serve the land division which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, culverts, open channels, water retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow through and from within the land division and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property.

**6.06 OTHER FACILITIES.** The subdivider shall cause electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the land division. No electrical or telephone service shall be located on overhead poles unless otherwise allowed by the Plan Commission due to exceptional topography or other physical barrier. Plans indicating the proposed location of all electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Town Plan Commission.

**6.07 STREET SIGNS.** At the direction of the Town Board, the subdivider shall install at the intersection of all streets pro-

posed to be dedicated a street sign of a design as approved by the Town Board.

6.08 SEDIMENT CONTROL. The subdivider shall plant those grasses, trees and vines, of a species and size specified by the Town Board, necessary to prevent soil erosion and sedimentation. The Town Plan Commission may require the subdivider to provide or install certain protection and rehabilitation measures such as fencing, slopes, seeding, trees, shrubs, riprap, wells, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures.

#### SECTION 7.00 CONSTRUCTION

7.01 COMMENCEMENT. No construction or installation of improvements shall commence within the boundaries of a proposed certified survey map until the certified survey map has been approved and the Town Board has given written authorization for such commencement and all fees required by Section 8.00 of this ordinance have been paid.

7.02 BUILDING PERMITS. No building, zoning or sanitary 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.

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

(a) Street Plans and Profiles showing existing and proposed grades, elevations and cross-sections of required improvements.

(b) Storm Water plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.

(c) Erosion and Sedimentation Control Plans showing those structures required to retard the rate of runoff water, those grading and excavating practices that will prevent erosion and sedimentation, the time span that soil will be exposed, and plans to protect existing vegetation (fences, tree wells, etc.) shall be prepared, and such plans shall follow the guidelines and standards set forth in the publication, U. S. Soil Conservation Service Technical Guide adopted by the Washington County Land Conservation Committee, as amended.

(d) Planting Plans showing the locations, age, caliper, and species of any required grasses, vines, shrubs and trees.

(e) Additional special plans or information as required.

7.04 EROSION CONTROL. The subdivider shall cause all grading, excavations, open cuts, side slopes and other land disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are minimized in accordance with the plans and specifications and at such times as approved by the Town Board. Such erosion control may include but is not limited to the following measures:

(a) Sod Laid in Strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.

(b) Temporary Vegetation and mulching provided to protect critical areas, with permanent vegetation installed as soon as practical.

(c) Construction at any given time being confined to the smallest practical area and for the shortest practical period of time.

(d) Sediment Basins installed and maintained at all drainageways to trap, remove and prevent sediment and debris from being washed outside the area being developed.

7.06 EXISTING FLORA. The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails. Trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by use of wells or islands or retaining walls whenever abutting grades are altered.

7.07 INSPECTION AND ACCEPTANCE. The subdivider, prior to commencing any work within the land division, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board shall inspect, approve and accept all completed work prior to the release of funds provided pursuant to sec. 2.04 of this ordinance. Thereafter the Town shall be responsible for the maintenance of the public improvements.

## SECTION 8.00 FEES

8.01 GENERAL. The subdivider shall pay to the Town all fees as hereinafter required and at the times herein specified before being entitled to recording of a certified survey map. The Town Board, by separate ordinance, shall from time to time set the amount of the fees required by subsections 8.02, 8.03 and 8.07.

8.02 CERTIFIED SURVEY MAP REVIEW FEE. The subdivider shall pay a certified survey map review fee for each lot or parcel within the certified survey map to the Town Treasurer at the time of first application for approval of any certified survey map to assist in defraying the cost of review. A reapplication fee

shall be paid to the Town Treasurer at the time of reapplication for approval of any certified survey map which has previously been reviewed.

8.03 IMPROVEMENT REVIEW FEE. The subdivider shall pay a fee to partially cover the cost to the Town of checking and reviewing improvement plans and specifications.

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

8.05 ENGINEERING FEE. The subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the certified survey map. Engineering work shall include the preparation of construction plans and standard specifications. The Town 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.

8.06 LEGAL FEE. The subdivider shall pay a fee equal to the cost of any legal work which may be undertaken by the Town in connection with the certified survey map. Legal work shall include the drafting of contracts between the Town and the subdivider, and any actions or proceedings to enforce this ordinance, together with expenses and disbursements.

8.07 FEE IN LIEU OF LAND DEDICATION. The subdivider shall pay whatever fee, if any, may be required by separate Town ordinance to be paid as a fee in lieu of land dedication in connection with the approval of subdivision plats in accordance with Chapter 24 of the Washington County Code.

## SECTION 9.00 DEFINITIONS

9.01 GENERAL DEFINITIONS. For purposes of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular includes the plural; and the plural includes the singular. The word "shall" is mandatory and not directory, and the word "may" is permissive.

### 9.02 SPECIFIC WORDS AND PHRASES.

(a) Arterial Street. A street used, or intended to be used, primarily for fast or heavy, inter-neighborhood or inter-community through traffic. Arterial street shall include freeways and expressways, as well as standard arterial streets, highways and parkways.

(b) Building Line. Lines generally parallel to a lot

line and at a distance from the lot line, as specified in the Town or County Zoning Ordinance and which delineates the buildable area of the lot or parcel.

(c) Collector Street. An urban street used, or intended to be used, to carry traffic from minor streets to arterial street systems including the principal entrance streets to urban residential subdivisions.

(d) Comprehensive Plan. An extensively developed plan, also called a master plan, adopted by the Town Plan Commission and certified to the Town Board pursuant to Section 62.23 of the Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment, utilities and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs may also be considered a part of the comprehensive plan.

(e) Cul-de-Sac Street. A minor street closed at one end with a turn-around provided for vehicles.

(f) Floodlands. Those lands, including the floodplains, floodways, and channels subject to inundation by the 100 year recurrence interval flood or, where such data is not available, the maximum flood of record.

(g) Letter of Credit. An irrevocable letter of credit constituting an engagement by a commercial bank made at the request of the subdivider whereby the issuers will honor drafts or other demands for payment upon compliance with the conditions specified in the credit.

(h) Lot. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, width, and area as set forth in the Town Zoning Ordinance.

(i) Lot, Corner. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

(j) Lot, Double Frontage. A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard.

(k) Minor Street. A street used, or intended to be used, primarily for access to abutting properties.

(l) Minor Land Division. Any division of land not defined as a "subdivision". Minor land divisions include the division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels of building sites, any one of which is ten (10) acres or less; or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot. Such minor land divisions shall be made by a certified survey map.

(m) Outlot. A parcel of land, other than a lot or



block, so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined with one (1) or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.

(n) Owner. The title owner of real estate, including predecessors and successors in title, and the agents of any of them.

(o) Subdivider. Any person, firm, or corporation or any agent thereof, dividing or proposing to divide land resulting in a minor land division.

(p) Subdivision. The division of a lot, parcel or tract of land by the owners thereof (as herein defined) where:

1. the act of division creates 5 or more parcels or building sites 5 acres each or less in area; or

2. five or more parcels or building sites of 5 acres or less in area are created by successive divisions within 5 years.

(q) Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.



ORDINANCE NO. 96-4

AN ORDINANCE REQUIRING A FEE IN LIEU  
OF LAND DEDICATIONS  
IN THE TOWN OF HARTFORD,  
WASHINGTON COUNTY, WISCONSIN

The Town Board of the Town of Hartford, Washington County, Wisconsin, does hereby ordain as follows:

That Section 8.07 of the Town of Hartford Ordinance regulating Minor Land Divisions is amended to read as follows:

SECTION 1. ORDINANCE AMENDED.

8.07 FEE IN LIEU OF LAND DEDICATION.

1. Applicability. This Section shall apply to all land divisions which result in the creation of building lots or parcels whether by plat, minor land division, planned unit development, or any other device or method which results in the creation of said building lots or parcels. The provisions of this Section shall be in addition to and notwithstanding any other provision in the Town Code of Ordinances. This Section shall not, however, apply to the following:

a) Transfer of interest in land by will or pursuant to court order.

b) Leases for a term not to exceed ten (10) years, mortgages or easements.

c) The 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 other applicable laws or ordinances.

2. Purpose. The purpose of this Section is to promote the public health, safety, and general welfare of the community and is enacted pursuant to and in conformance with the provisions of Wisconsin Statutes, Section 236.45(1) and (2), in order that adequate open space and sites for public uses may be properly located and preserved as the Town develops; to lessen congestion in the streets and highways; to further the orderly layout and 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; and, to



facilitate the further resubdivision of larger tracts into smaller parcels of land. The provisions of this chapter are made with reasonable consideration, among other things, of the character of the Town, with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation, and encouraging the most appropriate use of land throughout the Town.

3. Requirements. Except as otherwise provided herein, when a subdivision plat, a minor land division, a certified survey map, a planned unit development, or any other device or instrument results in the creation of new or separate building lot or parcel in the Town of Hartford which transaction is subject to Town approval, the following requirements shall be met:

a) The subdivider or person creating said parcel or lot shall dedicate an amount of land equal to one (1) acre for every fifteen (15) dwelling units being proposed. This land being dedicated and its location shall be subject to approval by the Town and, where applicable, the County and shall be in a suitable location to fulfill the needs of the community. Lands unsuitable for residential development may be dedicated to fulfill the above obligation only upon approval by the Town and other governmental entities having jurisdiction over such matters.

b) Where a subdivision contains land indicated in whole or in part as a site for a public park, school, recreation area or other public use on an Official Plan of the Town, said land shall be dedicated to the Town in an amount equal to one (1) acre of land for every fifteen (15) dwelling units.

4. Fee Required.

If required or permitted by the Town Board, a fee in lieu of the dedication of land as required above shall be paid to the Town. The fee required shall be \$300 per lot or parcel created. This fee may be increased from time to time by an ordinance of the Town Board.

5. Authority.

The fee referenced in this Ordinance shall never be construed as an impact fee within the meaning of Wisconsin Statutes, Section 66.55. Said fee is imposed and collected as a condition of the Town's approval of the land division and as an exercise of the broad police powers conferred on the Town by Wisconsin Statutes, Section 236.45(1) and (2).



SECTION 2. SEVERABILITY.

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the Ordinance which shall remain in full force and effect. Any other ordinances the terms of which are in conflict with the provisions of this Ordinance are hereby repealed as to those terms which conflict.

SECTION 3. EFFECTIVE DATE.

This Ordinance shall be in full force and effect after its date of passage and posting and/or publication according to law.

Passed and adopted by the Town Board of the Town of Hartford, this 13 day of ~~March~~, 1996.  
May

Paul H. Bautzmann  
Paul H. Bautzmann, Chairperson

Ervin Beine  
Ervin Beine, Supervisor

Eugene Hoerth  
Eugene Hoerth, Supervisor

Attest:

Caroline D. Strupp  
Caroline D. Strupp, Town Clerk

Published or posted this 13 day of ~~March~~, 1996.  
May





ORDINANCE NO. 87-7

AN ORDINANCE ESTABLISHING REVIEW AND APPROVAL PROCEDURES AND CRITERIA FOR SUBDIVISION PLATS

The Town Board of the Town of Hartford, Washington County, Wisconsin, acting upon the authority granted by sec. 236.45, Stats., and after public hearing held on April 1, 1987, does ordain as follows:

Section 1. Purpose. This ordinance is adopted to supplement the provisions of Ch. 24 of the Washington County Code with regard to the review and approval of proposed subdivision plats within the Town.

Section 2. Definition. The definitions included in Section 9.00 of the Town Ordinance Regulating Minor Land Divisions as adopted on March 24, 1986 are adopted by reference.

Section 3. Review and Approval Criteria. The following sections of the Town Ordinance regulating Minor Land Divisions are adopted by reference to establish procedures and criteria for the review and approval of proposed subdivision plats:

- (a) Section 2.03 Dedication and Reservation of Lands
- (b) Section 2.04 Provision for Installation of Improvements
- (c) Section 2.05 Variances
- (d) Section 5.00 Design Standards
- (e) Section 6.00 Required Improvements
- (f) Section 7.00 Construction

Section 4. Fees. The subdivider shall pay the following fees to the Town at the time specified for subdivision plat review and approval:

- (a) Preliminary Plat review fee in the amount of \$75.00 at the time the preliminary plat is submitted for review.
- (b) Final plat review fee in the amount of \$25.00 at the time the final plat is submitted for approval.
- (c) Reapplication fee in the amount of \$25.00 at the time of reapplication for the review or approval of a preliminary or final plat which has been previously reviewed.
- (d) Improvement review fee equal to the actual cost incurred by the Town for checking and reviewing all improvement plans and specifications, to be paid as a condition of the Town Clerk's certification of the final plat.



- (e) Inspection fee equal to the actual cost incurred by the Town for such inspections as the Town Board determines necessary to assure that the construction of the required improvements is in compliance with the plans, specification and ordinances of the Town, to be paid as a condition of the Town Clerk's certification of the final plat.
- (f) Engineering fee equal to the actual cost incurred by the Town for professional engineering services in connection with review and approval of the subdivision plat, to be paid as a condition of the Town Clerk's certification of the final plat.
- (g) Fees for legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat. Legal work shall include the drafting of contracts between the Town and the subdivider. These fees may also include the costs of obtaining professional opinion, including, but not limited to attorneys, engineers, landscape architects, and land planners, requested by the Town Board or Plan Commission in connection with the land division being considered, to be paid as a condition of the Town Clerk's certification of final plat.

Section 5. Repeal. This ordinance shall take effect the day after proof of posting the same in accordance with sec. 60.80(1), Stats., has been filed with the Town Clerk.

Dated this 13th day of April, 1987.

Maurice P. Strupp  
Maurice P. Strupp, Chairman

Dennis Gehring  
Dennis Gehring, Supervisor No. 1

Eugene Hoerth  
Eugene Hoerth, Supervisor No. 2

ATTEST:

Colleen P. Fehring  
Colleen P. Fehring, Clerk

Adopted April 13 1987  
Posted April 14 1987

Proof of Posting Filed and Recorded April 14 1987



ORDINANCE NO. 87-12

AN ORDINANCE TO AMEND ORDINANCE NO. 87-7 AN  
ORDINANCE ESTABLISHING REVIEW AND APPROVAL PROCEDURES  
AND CRITERIA FOR SUBDIVISION PLATS

WHEREAS, The Town Board did on April 13, 1987, adopt Ordinance No. 87-7 setting forth review and approval procedures and criteria for subdivision plats; and

WHEREAS, It has been found that there was a typographical error in Section 5 of the Ordinance.

NOW, THEREFORE, The Town Board Is Hereby amending the ordinance so that the ordinance states what was originally intended.

THE TOWN BOARD OF THE TOWN OF HARTFORD, WASHINGTON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. Section 5 of Ordinance No. 87-7 is repealed and recreated to read:

Section 5. Repeal. This ordinance repeals prior ordinances of the Town dealing with the same subject matter including ordinances Numbers 75-1 and 75-2.

Section 2. Section 6 of Ordinance No. 87-7 is created to read:

Section 6. Effective Date. This ordinance shall take effect the day after proof of posting the same in accordance with sec. 60.80(1), Stats., has been filed with the Town Clerk.

Section 3. Effective Date. This ordinance shall take effect the day after proof of posting the same in accordance with sec. 60.80(1), Stats., has been filed with the Town Clerk.

Dated this 9<sup>th</sup> day of June, 1987.

Maurice Strupp  
Maurice Strupp, Chairman

Dennis Gehring  
Dennis Gehring, Supervisor No. 1

Eugene Hoerth  
Eugene Hoerth, Supervisor No. 2

ATTEST:

Colleen P. Fehring  
Colleen P. Fehring, Clerk

Posted June 9 1987

Proof of Posting June 9 1987

