

TITLE 14

Subdivision and Platting

Chapter 1	Land Division and Subdivision Code
Chapter 2	Comprehensive Plan
Chapter 3	Development of Public Property

Title 14 ► Chapter 1

Land Division and Subdivision Code

Article A Adoption; Introduction

14-1-1	Introduction and Purpose
14-1-2	Abrogation and Greater Restrictions
14-1-3	Interpretation
14-1-4	Severability
14-1-5	Repeal
14-1-6	Title
14-1-7 through	
14-1-9	Reserved for Future Use

Article B Definitions

14-1-10	Definitions
14-1-11 through	
14-1-19	Reserved for Future Use

Article C General Provisions

14-1-20	General Provisions
14-1-21	Land Suitability
14-1-22	Condominium Developments
14-1-23	Homeowner, Property Owner or Condominium Associations; Common Areas and Facilities
14-1-24 through	
14-1-29	Reserved for Future Use

Article D Plat Review and Approval

14-1-30	Preliminary Consultation
14-1-31	Submission of Preliminary Plat

14-1-32	Preliminary Plat Review and Approval
14-1-33	Final Plat Review and Approval
14-1-34	Administrative Fees
14-1-35	Replat
14-1-36	Site Plan Submittal Requirements
14-1-37 through	
14-1-39	Reserved for Future Use

Article E Technical Requirements for Plats and Certified Surveys

14-1-40	Technical Requirements for Preliminary Plats
14-1-41	Technical Requirements for Final Plats
14-1-42	Technical Requirements for Certified Survey Land Divisions; Review and Approval
14-1-43 through	
14-1-49	Reserved for Future Use

Article F Required Improvements

14-1-50	Improvements Required
14-1-51	Required Agreement Providing for Proper Installation of Improvements
14-1-52	Required Construction Plans; Town Review; Inspections
14-1-53	Street Improvements
14-1-54	Storm Water Drainage Facilities
14-1-55	Other Utilities
14-1-56	Street Signs
14-1-57	Erosion Control
14-1-58	Easements
14-1-59	Maintenance of Shared Community Private Septic Systems
14-1-60 through	
14-1-69	Reserved for Future Use

Article G Design Standards

14-1-70	General Street Design Standards
14-1-71	Specifications for Preparation, Construction and Dedication of Streets and Roads

14-1-72	Block Design Standards
14-1-73	Lot Design Standards
14-1-74	Drainage System
14-1-75	Non-Residential Subdivisions
14-1-76 through	
14-1-79	Reserved for Future Use

Article H Park and Public Land Dedication

14-1-80	General Park and Public Land Dedication Requirements
14-1-81	Land Dedication
14-1-82	Reservation of Additional Land
14-1-83	Development of Park Area
14-1-84	Fees in Lieu of Land
14-1-85 through	
14-1-89	Reserved for Future Use

Article I Fees

14-1-90	Administrative and Other Fees
14-1-91 through	
14-1-99	Reserved for Future Use
	Appendix: Sample Agreement as to Costs with the Town of Star Prairie

Article J Variances; Penalties and Violations

14-1-100	Variances and Exceptions
14-1-101	Enforcement, Penalties and Remedies
14-1-102	Disclaimers on Approvals
14-1-103	Restrictions for Public Benefits

Article A: Adoption; Introduction

Sec. 14-1-1 Introduction and Purpose.

- (a) **Introduction.** In accordance with the authority granted by Sec. 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Town Board of the Town of Star Prairie, St. Croix County, Wisconsin, does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Star Prairie.
 - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) **Purpose.**
- (1) The purpose of this Chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to:
 - a. Lessen congestion in the highways and streets;
 - b. Foster the orderly layout and use of land;
 - c. Secure safety from fire, panic and other dangers;
 - d. Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;
 - e. Discourage overcrowding of the land; to protect the community's agriculture base;
 - f. Facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and
 - g. Facilitate the further division of large tracts of land into smaller parcels.
 - (2) The regulations are made with the reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, protecting farming and open spaces, and providing for the most appropriate use of land in the Town of Star Prairie.

State Law Reference: Chapter 236, Wis. Stats.

Sec. 14-1-2 Abrogation and Greater Restrictions.

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

14-1-3

Sec. 14-1-3 Interpretation.

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

Sec. 14-1-4 Severability.

If any provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.

Sec. 14-1-5 Repeal.

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

Sec. 14-1-6 Title.

This Chapter shall be known as, referred to, or cited as the "Town of Star Prairie Subdivision Ordinance" or "Town of Star Prairie Land Division and Subdivision Ordinance."

Sec. 14-1-7 through Sec. 14-1-9 Reserved for Future Use.

Article B: Definitions

Sec. 14-1-10 Definitions.

(a) The following definitions shall be applicable in this Chapter:

- (1) **Alley.** A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
- (2) **Arterial Street.** A street which provides for the movement of relatively heavy traffic to, from or within the Town. It has a secondary function of providing access to abutting land.
- (3) **Block.** An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
- (4) **Collector Street.** A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
- (5) **Comprehensive Development Plan.** A comprehensive plan prepared by the Town indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Town and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (6) **Cul-de-sac.** A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (7) **Division of Land.** Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey.
- (8) **Easement.** The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (9) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities.
- (10) **Final Plat.** The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.
- (11) **Frontage Street.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (12) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

14-1-10

- (13) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (14) **Lot.** A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (15) **Lot, Area.** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (16) **Lot, Corner.** A lot abutting intersecting streets at their intersection.
- (17) **Lot, Reversed Corner.** A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (18) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (19) **Lot Lines.** The peripheral boundaries of a lot as defined herein.
- (20) **Lot Width.** The width of a parcel of land measured along the front building line.
- (21) **Major Thoroughfare.** A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
- (22) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."
- (23) **Minor Subdivision.** The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels or building sites.
- (24) **Owner.** Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.
- (25) **Pedestrian Pathway.** A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (26) **Plat.** The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Town for approval.
- (27) **Preliminary Plat.** The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Town Board for their consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (28) **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

- (29) **Replat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (30) **Shorelands.** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable Warrens, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (31) **Subdivider.** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
- (32) **Subdivision.** The division of a lot, outlot, parcel, or tract of land by the owner thereof or his/her agent for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of thirty-five (35) acres or less in area, or where the act of division creates five (5) or more parcels or building sites by successive division within a period of five (5) years, whether done by the original owner or a successor owner.
- (33) **Town.** The Town of Star Prairie, St. Croix County, Wisconsin.
- (34) **Wetlands.** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Sec. 23.32(1), Wis. Stats.)
- (35) **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 Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

Sec. 14-1-11 through Sec. 14-1-19 Reserved for Future Use.

Article C: General Provisions

Sec. 14-1-20 General Provisions.

- (a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or a replat as defined herein; no such subdivision, land division 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 Chapter and the following (if applicable and/or when adopted):
- (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
 - (2) The rules of the Division of Health, Wisconsin Department of Safety and Professional Services, contained in Wis. Adm. Code Chapter H85 for subdivisions not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter HY 33 for subdivisions which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for Floodplain Management Program.
 - (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Town Board.
 - (6) All applicable Town and county regulations, including zoning, sanitary, building and official mapping ordinances.
 - (7) The Town of Star Prairie Comprehensive Plan (Smart Growth Plan), or components thereof, and applicable ordinances of any city or village whose extraterritorial jurisdiction extends into the Town.
 - (8) Provisions of the Zoning Code(s) applicable in the Town of Star Prairie.
 - (9) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.
- (b) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Town of Star Prairie. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
- (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
 - (3) 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 applicable zoning laws or ordinances.
- (c) **Certified Survey.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.
- (d) **Building Permits.** The Town of Star Prairie shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land

division, replat or certified survey originally submitted to the Town of Star Prairie on or after the effective date of this Chapter until the applicant has complied with all of the provisions and requirements of this Chapter.

- (e) **Applicability to Condominiums.** This Chapter is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Section 703.27(1), Wis. Stats. For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.

Sec. 14-1-21 Land Suitability.

- (a) **Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Town 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 Town 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 residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he/she so desires. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability.
- (b) **Additional Considerations.**
 - (1) Areas of archaeological and/or historical interest shall be designated by the State Historical Society.
 - (2) Areas of geological interest shall be designated by the State Geological and Natural History Survey.
 - (3) Suitability of land for private sewerage systems shall be determined in accordance with Chapter SPS 383, Wis. Adm. Code.

Sec. 14-1-22 Condominium Developments.

- (a) **Purpose.**
 - (1) The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
 - (2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject

- to property taxation as separate "parcels", with each property entity having different ownership and management. The Town determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.
- (3) Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
- a. Additional population density;
 - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics;
 - c. Additional demands upon Town area parks, recreation areas, utility facilities and schools;
 - d. Additional traffic and street use.
- (b) **Portions of Chapter Applicable to Condominium Developments.** The following sections of this Chapter shall apply to condominium developments:
- (1) Sections 14-1-21, relating to land suitability and construction practices;
 - (2) Sections 14-1-30 through 14-1-32, relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 14-1-40 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
 - (3) Section 14-1-34, relating to fees for review;
 - (4) Article F, relating to required improvements;
 - (5) Article G, relating to design standards for improvements;
 - (6) Article H, relating to dedication requirements.
- (c) This Section shall not apply to the following condominiums:
- (1) Any condominium plat recorded prior to the effective date of this Chapter;
 - (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

Sec. 14-1-23 Homeowner, Property Owner or Condominium Associations; Common Areas and Facilities.

Common areas or facilities within a land division, subdivision or condominium shall be held in common ownership as undivided proportionate interests by the members of a homeowners, property owners or condominium association, subject to the provisions set forth herein and applicable provisions contained in any pertinent development agreement and deed restriction. Included within the definition of, but not limited to, "common areas or facilities" are: common

area open space, conservancy and recreation areas; stormwater detention/retention facilities; and shared community private septic systems. The homeowners, property owners or condominium association shall be governed by the following:

- (a) **Documents To Be Submitted.** The subdivider shall provide the Town of Star Prairie with a description of the homeowners, property owners or condominium association, including its bylaws, and all documents and restrictive covenants governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review as to form by the Town Attorney at the subdivider's expense. The documents required by this Section shall be filed with the Town at the time of preliminary plat submittal. Easements for such properties shall be provided to permit Town-authorized work and inspections.
- (b) **Timetable For Creation.** The association shall be established by the owner or applicant of the land division/condominium, and such association shall be operating prior to the sale of any lots or units in the subdivision, land division or condominium.
- (c) **Mandatory Membership.** Membership in the association shall be mandatory and on-going for all purchasers of lots or units within the subdivision, land division or condominium and their successors and assigns.
- (d) **Maintenance Responsibilities.**
 - (1) The association shall be responsible for maintenance of and insurance for common areas and facilities. Included in such responsibilities is on-going maintenance of any stormwater detention/retention system facilities or shared community private septic system for that subdivision or condominium, pursuant to a maintenance plan approved by the Town and incorporated in the development agreement; such requirement is only inapplicable where the Town has expressly determined to have, in the alternative, the Town maintain such facilities and areas. On-going maintenance includes, but is not limited to, mowing of weeds/grass, monitoring and engineering costs, periodic removal of sediment from ponds, and required pumping of shared community private septic systems. Such associations shall provide the Town with annual written reports regarding such maintenance activities.
 - (2) The members of the association shall share equitably the costs of maintaining, insuring, and operating common areas and facilities. The subdivider shall arrange with the Town a method of assessment of any common areas and facilities which will allocate to each lot, parcel or unit within the land division or condominium a share of the total assessment of costs for such common areas and facilities; the services of the Town Assessor or Town Engineer may be utilized in developing such methodology, at the subdivider's expense.
- (e) **Plan For Natural Areas.** A land stewardship plan for any common open space or prairies to be maintained in a natural state shall be included in the submittal of association documents.
- (f) **Notice Of Transfer Of Common Areas.** The Town shall receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given by the association

to all members of the association and the Town at least thirty (30) days prior to such transfer.

- (g) **Failure To Maintain.** In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections or maintenance required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Chapter, in which case the Town shall have the right to enter the premise and take the needed corrective or maintenance actions. The costs of corrective or maintenance actions by the Town shall be assessed against the properties that have the right of enjoyment of and/or are served by the common areas and facilities.

Cross-Reference: Sections 14-1-74(f) and 14-1-59.

Sec. 14-1-24 through Sec. 14-1-29 Reserved for Future Use.

Article D: Plat Review and Approval

Sec. 14-1-30 Preliminary Consultation.

Before filing a Preliminary Plat or certified survey, the subdivider is encouraged to consult with the Town Board, Plan Commission and/or other professionals assisting the Town for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Town Clerk-Treasurer. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. 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/her development. In so doing, both the subdivider and planning agency 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.

Sec. 14-1-31 Submission of Preliminary Plat.

(a) **Submission.**

- (1) **Preliminary Plat Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit ten (10) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file copies of the Plat and the application as required by this Section with the Town Clerk-Treasurer at least ten (10) days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk-Treasurer shall submit a copy of the Preliminary Plat to the Plan Commission and to the Town's designated engineer (Town's option) for review and written report of his/her recommendations and reactions to the proposed plat. The technical requirements of Section 14-1-40 for preliminary plats shall be met.
- (2) **Certified Survey Maps.** Certified survey maps shall be submitted and approved pursuant to Section 14-1-42.

- (b) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the Preliminary Plat of map, the owner shall file with the Town Clerk-Treasurer ten (10) complete sets of engineering reports, plans and specifications for the construction of any public improvements required by this Chapter, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.

- (c) **Property Owners Association; Restrictive Covenants.** A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Town pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the Town Clerk-Treasurer. (Note: Deed restrictions and restrictive covenants in subdivisions are private contractual agreements and are not enforceable by the Town.)
- (d) **Affidavit.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.
- (e) **Supplementary Data to be Filed with Preliminary Plat.** The following shall also be filed with the Preliminary Plat:
 - (1) **Use Statement.** A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - (2) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - (3) **Area Plan.** Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission and/or Town Board may require that the subdivider submit a Preliminary Plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
 - (4) **Site Plan Compliance Requirements.** The site plan information requirements of Section 14-1-36 shall be complied with.
- (f) **Street Plans and Profiles.** The subdivider shall provide street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- (g) **Soil Testing.**
 - (1) **Testing Purpose.** It is a known fact that certain soils in the county have severe limitations that are difficult to overcome or that preclude their use for residential development either because of the inability of on-site sewerage systems to function properly and/or because of fluctuating or seasonable high water table or other reasons. The purpose of this requirement is to save the developer engineering costs should the subject areas be determined to be unsuitable for residential development. The data obtained is to assist the Town Board and Plan Commission in making determinations of land suitability. The subdivider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a

proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, the Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.

- (2) **Compliance with State/County Requirements.** The applicant shall provide verification that all applicable Wisconsin Department of Administration and County sanitary permit requirements can be satisfied.

(h) **Referral to Other Agencies.**

- (1) The Wisconsin Department of Administration and the Wisconsin Department of Transportation shall be hereinafter referred to as Objecting Agencies. All other agencies mentioned, excepting the utility companies, shall hereafter be referred to as Approving Agencies.
- (2) The subdivider, within two (2) days of filing a preliminary plat with the Town, shall have one (1) copy forwarded to each of the utility companies serving the area. This is to inform the utility companies that there is a pending development in the area. It shall be the responsibility of the subdivider and the utility companies to arrange for the services needed and their location within the plat.
- (3) Within two (2) days of filing a preliminary plat with the Town, the subdivider or the subdivider's agent shall submit the original plat to the Wisconsin Department of Administration which shall forward two (2) copies to each of the agencies authorized to object. The Department shall have the required number of copies made at the subdivider's expense. Within forty-five (45) days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the Town and Wisconsin Department of Administration. After each agency and the Department have certified that they have no objection or that their objections have been satisfied, the Department shall so certify on the face of the plat. If an agency fails to act within forty-five (45) days from the date of the receipt of copies of the plat, it shall be deemed that there are no objections to the plat and, upon demand, it shall be so certified on the face of the plat by the Department.

- (i) **Drafting Standards.** The subdivider shall submit to the Town Clerk-Treasurer and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes copies of a Preliminary Plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improve-

ments will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

Sec. 14-1-32 Preliminary Plat Review and Approval.

(a) **Plan Commission Recommendation.**

- (1) After review of the Preliminary Plat and negotiations with the subdivider on changes and the kind and extent of public improvements which will be required, the Plan Commission shall recommend to the Town Board disapproval, approval or conditional approval of the Preliminary Plat within forty (40) days of the filing date. [Note: Sec. 236.11(1)(a), Wis. Stats., states that extensions of time or a decision to hold a matter in abeyance may only be made by agreement between the subdivider and Town Board, not the Plan Commission.]
- (2) The Town Clerk-Treasurer shall give notice of the Plan Commission's review of the Preliminary Plat or certified survey by listing it as an agenda item in the Commission's meeting notice published in the official Town newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action.
- (3) At its option, the Town Board may also refer proposed certified survey maps to the Plan Commission for an advisory recommendation.

(b) **Town Board Review; Public Hearing.** The Town Clerk-Treasurer shall schedule a public hearing on the Preliminary Plat before the Town Board and/or Plan Commission. The Town Clerk-Treasurer shall give notice of the Town's public hearing on the Preliminary Plat by listing it as an agenda item in the Town Board's and/or Plan Commission's meeting notice published in the official Town newspaper or legally posted. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within two hundred (200) feet of the proposed land division shall receive written notice of the public hearing.

(c) **Town Board Action.** After receipt of the Plan Commission's recommendation, the Town Board shall, within ninety (90) days of the date the plat was filed with the Town Clerk-Treasurer, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Town Board to act within ninety (90) days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The Town Clerk-Treasurer shall communicate to the subdivider the action of the Town Board. If the plat is approved, the Town Clerk-Treasurer shall endorse it for the Town Board.

(d) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within thirty-six (36) months of Preliminary Plat approval and conforms

substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval with respect to such layout. 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 Plan Commission and Town Board at the time of its submission.

- (e) **Preliminary Plat Amendment.** Should the subdivider desire to amend the Preliminary Plat as approved, he/she may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Town Board, of such scope as to constitute a new plat, in which such case it shall be refiled.

Sec. 14-1-33 Final Plat Review and Approval.

(a) **Filing Requirements.**

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file ten (10) copies of the Plat and the application with the Town Clerk-Treasurer at least ten (10) days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk-Treasurer shall give notice of the Plan Commission's meeting in the manner prescribed in Section 14-1-32(a)(2). The owner or subdivider shall file ten (10) copies of the Final Plat not later than thirty-six (36) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Town. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Town Attorney may require showing title or control in the applicant.
- (2) Following filing of a Final Plat with the Town Clerk-Treasurer, the subdivider shall within two (2) days forward copies of the plat to the Approving and Objecting authorities. The required number of copies shall be made at the subdivider's expense. Within twenty (20) days of the date of receiving the copies of the plat, any objecting agency shall notify the subdivider and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover. If there are no objections, it shall so certify on the face of a copy and return that copy to the Wisconsin Department of Administration. After each agency and the Department of Wisconsin Administration have certified that they have no objection or that their objections have been satisfied, the Wisconsin Department of Administration shall so certify on the face of the plat. If an agency fails to act within twenty (20) days from the date of receipt of copies of the plat, and the Department of Administration fails to act within forty-five (45) days of receipt of the original plat, it shall be deemed that there are no objections to

the plat and, upon demand, it shall be certified on the face of the plat by the Wisconsin Department of Administration.

- (3) The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Sec. 236.12(2).
 - (4) Simultaneously with the filing of the Final Plat or map, the owner shall file with the Town Clerk-Treasurer six (6) copies of the final plans and specifications of public improvements required by this Chapter.
 - (5) The Town Clerk-Treasurer shall refer two (2) copies of the Final Plat to the Plan Commission, one (1) copy to the Town Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report may be referred to the Town Attorney for his/her examination and report. The Town Clerk-Treasurer shall also refer the final plans and specifications of public improvements to the Town Engineer for review. The recommendations of the Plan Commission and Town Engineer shall be made within thirty (30) days of the filing of the Final Plat. The Town Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he/she finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Town Engineer shall return them to the owner and so advise the Plan Commission.
 - (6) The Final Plat shall be examined by the Town Engineer, Town Planner, Town Attorney or other qualified staff to determine whether the Final Plat conforms substantially to the Preliminary Plat. Any such conclusions shall be made a part of the record of any meeting at which the Final Plat is considered, pursuant to Section 236.11(1)(e), Wis. Stats.
- (b) **Plan Commission Review.**
- (1) The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable 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 Town Board.
 - (2) If the Final Plat is not submitted within thirty-six (36) months of the last-required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat.
 - (3) The Plan Commission shall, within thirty (30) days of the date of filing of the Final Plat with the Town Clerk-Treasurer, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Town Board. Provided the time limits in Subsection (c) below are complied with, the Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.

(c) **Board Review and Approval.**

- (1) a. The Town Board shall, within sixty (60) days of the date of filing the original Final Plat with the Town Clerk-Treasurer.
 1. Approve the Final Plat.
 2. Approve the Final Plat with conditions.
 3. Reject the Final Plat with reasons.
 4. Obtain a written agreement from the developer extending the time in which the Town Board must act on the Final Plat (this method is recommended in those cases in which objections are made to the layout, design or similar aspects of said Final Plat and there is insufficient time for said corrections to be made and resubmitted to by the developer to the Town Board for action.
 - b. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider.
 - c. The Town Board may not inscribe its approval on the Final Plat unless the Town Clerk-Treasurer certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met.
 - (2) The Town Board shall, when it determines to approve a Final Plat, give at least ten (10) days' prior written notice of its intention to the Municipal Clerk of any municipality within one thousand (1,000) feet of the Final Plat.
 - (3) Failure of the Town Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
 - (4) After the Final Plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk-Treasurer 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 twelve (12) months from the date of last approval of the Final Plat or thirty-six (36) months from the last required approval of the Preliminary Plat.
 - (5) The subdivider shall file eight (8) copies of the Final Plat with the Town Clerk-Treasurer for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.
- (d) **Partial Platting.** The Final Plat may, if permitted by the Town Board, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time.

Sec. 14-1-34 Administrative Fees.

- (a) **General.** The subdivider shall pay the Town of Star Prairie all fees as hereinafter required per Section 14-1-90 and at the times specified before being entitled to recording of a plat or certified survey map.

14-1-34

- (b) **Engineering Fee.** Per Section 14-1-90, the subdivider shall pay a fee equal to the actual cost to the Town of Star Prairie for all engineering work incurred by the Town in connection with the plat or certified survey map, including inspections required by the Town. The subdivider shall pay a fee equal to the actual cost to the Town for such inspection(s) 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.
- (c) **Administrative Fee.** Per Section 14-1-90, subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map. Included as such administrative fees shall be the cost of publication.

Sec. 14-1-35 Replat.

- (a) Except as provided in Section 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44, Wis. Stats. The subdivider or person wishing to replat shall then proceed, using the procedures for Preliminary and Final Plats.
- (b) The Town Clerk-Treasurer shall schedule a public hearing before the Town Board when a Preliminary Plat of a replat of lands within the Town 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.
- (c) Where lots are more than double the minimum size required for the applicable zoning district, the Town Board may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of the Chapter.

Sec. 14-1-36 Site Plan Submittal Requirements.

- (a) **Site Plan Submittal Requirements.** Any individual or entity seeking to create a land division, commence new construction, or change the footprints of an existing structure within the Town of Star Praire shall submit seven (7) copies of a site plan to the Town Clerk-Treasurer at least ten (10) days prior to the Town Plan Commission meeting at which such plan is to be first reviewed.
- (b) **Information Required to Be Submitted.** Such site plan shall contain the following information:
 - (1) Owner's name and address and telephone number.
 - (2) Proposed use of the property to be divided.

- (3) Concept plan (including proposed uses for the property) for land to be divided, including any property owned by the subdivider immediately adjacent to subject property.
- (4) Location and dimensions of any structures currently located or to be constructed on the property.
- (5) Setbacks (front, side and back yards) from any existing or future structures on the property.
- (6) Easements (utilities, rights of way, access easements, drainage easements, etc.) — existing or future.
- (7) Any non-buildable outlots on the property.
- (8) Constructed waterways.
- (9) Retention or detention ponds (slopes, specifications, and engineering as built).
- (10) Grading plan, including elevations.
- (11) Lighting plan.
- (12) Parking, fencing, berms or plantings.
- (13) Location of any septic systems and wells including an alternate site for septic system.
- (14) Location and size of driveway access, shared driveways.
- (15) Twenty percent (20%) or greater slopes (upland conservancy).
- (16) Lowland wetland areas (lowland conservancy).
- (17) Net building area — total buildable amount (in square footage or acreage) on property.
- (18) Two hundred (200) foot overview of surrounding plats or properties within two hundred (200) feet of proposed subdivision, including names and addresses of owners of those properties, driveway locations, wells, drainage areas, and septic systems.

Sec. 14-1-37 through Sec. 14-1-39 Reserved for Future Use.

Article E: Technical Requirements for Plats

Sec. 14-1-40 Technical Requirements for Preliminary Plats.

- (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 mylar 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.
 - (2) **Location** of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) **Date, Scale and North Point.**
 - (4) **Names and Addresses** of the owner, subdivider and land surveyor 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 Town Board recommendation, may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter 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) **Locations of all Existing Property Boundary Lines**, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
 - (3) **Location, Right-of-Way Width and Names** of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - (4) **Location and Names of any Adjacent Subdivisions**, parks and cemeteries and owners of record of abutting unplatted lands.
 - (5) **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.
 - (6) **Location, Size and Invert Elevation** of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground 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 to the tract, the nearest such sewers or water mains which might

be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.

- (7) **Corporate Limit Lines** within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) **Existing Zoning** on and adjacent to the proposed subdivision.
- (9) **Contours** within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Town Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) **High-Water Elevation** of all ponds, streams, Warrens, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (11) **Water Elevation** of all ponds, streams, Warrens, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
- (12) **Floodland and Shoreland Boundaries** and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
- (13) **Soil Types** and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (14) **Location and Results of Soil Boring Tests** within the exterior boundaries of the plat conducted in accordance with Sec. H 85.06 of the Wisconsin Administrative Code and delineation of areas with three (3) foot and six (6) foot groundwater and bedrock levels where the subdivision will not be served by public sanitary sewer service.
- (15) **Location and Results of Percolation Tests** within the exterior boundaries of the plat conducted in accordance with Sec. H 85.06 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
- (16) **Location, Width and Names** of all proposed streets and public rights-of-way such as alleys and easements.
- (17) **Approximate Dimensions of All Lots** together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
- (18) **Location and Approximate Dimensions** of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.

- (19) **Approximate Radii of all Curves.**
 - (20) **Any Proposed Warren and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
 - (21) **Any Proposed Warren and Stream** improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Wisconsin Department of Natural Resources, when applicable.
 - (22) **Where the Town Board or Town Engineer** finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the subdivider.
- (c) **Additional Information.** The Town Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

Sec. 14-1-41 Technical Requirements for Final Plats.

- (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 Section 236.20, Wis. Stats., and this Chapter.
- (b) **Additional Information.** The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wis. Stats., the following:
 - (1) **Exact Length and Bearing** of the center line of all streets.
 - (2) **Exact Street Width** along the line of any obliquely intersecting street.
 - (3) **Exact Location and Description** of street lighting and lighting utility easements.
 - (4) **Railroad Rights-of-Way** within and abutting the plat.
 - (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 Town Board relating to access control along public ways or to the provision of planting strips.
- (c) **Deed Restrictions.** Restrictive covenants and deed registrations for the proposed subdivision shall be filed with the Final Plat.
- (d) **Property Owners Association.** The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.
- (e) **Survey Accuracy.**
 - (1) **Examination.** The Town Board shall examine all Final Plats within the Town of Star Prairie and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
 - (2) **Maximum Error of Closure.** Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal

distance or position, the ratio of one part in ten thousand (1:10,000), nor in azimuth, four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

- (3) **Street, Block and Lot Dimensions.** All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of one part in five thousand (1:5,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.
- (4) **Plat Location.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the tie required by Section 236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- (f) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.
- (g) **State Plane Coordinate System.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the plat 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 coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Town's control survey.
- (h) **Certificates.** All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he/she has fully complied with all the provisions of this Chapter.

Sec. 14-1-42 Technical Requirements for Certified Survey Land Divisions; Review and Approval.

- (a) **Certified Survey Requirements.** For any land division creating up to four (4) parcels of five (5) acres or less in size, such map shall not contain more than four (4) parcels which are thirty-five (35) acres each or less, or building sites within a recorded subdivision plat

without changing the exterior boundaries of the block, lot or outlot, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with Section 236.34, Wis. Stats., and this Chapter.

- (b) **Submission and Review.** The subdivider shall file three (3) copies of said survey map with the Town Clerk-Treasurer. The applicant shall also provide the site plan information required by Section 14-1-36. The Town Board shall review, and within forty (40) days approve, approve conditionally or reject the map. At its option, the Town Board may refer proposed certified survey maps to the Plan Commission for an advisory recommendation per Section 14-1-32(a)(3). The subdivider shall be notified in writing of any conditions of approval of the reasons for rejection.
- (c) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:
 - (1) **All Existing Buildings,** watercourses, drainage ditches and other features pertinent to proper division.
 - (2) **Setbacks or Building Lines** required by the Town ordinances and specifically the pertinent Zoning Code.
 - (3) **All Lands Reserved** for future acquisition.
 - (4) **Date of the Map.**
 - (5) **Graphic Scale.**
 - (6) **Name and Address** of the owner, subdivider and surveyor.
 - (7) **Square Footage** of each parcel.
 - (8) **Present Zoning** for the parcels.
- (d) **State Plane Coordinate System.** Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the 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 map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Town's control survey.
- (e) **Certificates.** The surveyor shall certify on the face of the certified survey map that he/she has fully complied with all the provisions of this Chapter. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- (f) **Street Dedication.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a), Wis. Stats.
- (g) **Recordation.**
 - (1) The subdivider shall record the map with the St. Croix County Register of Deeds within thirty (30) days of its approval by the Town Board and any other approving

14-1-42

agencies. Failure to do so shall necessitate a new review and reapproval of the map by the Town Board.

- (2) Three (3) additional copies of the final approved map shall be forwarded to the Town of Star Prairie. The volume and page number of the recording file shall be noted on the final approved map copies.
- (h) **Requirements.** To the extent reasonably practicable, the certified survey shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet in width.

Sec. 14-1-43 through Sec. 14-1-49 Reserved for Future Use.

Article F: Required Improvements

Sec. 14-1-50 Improvements Required.

- (a) **Payment for Improvements.** The improvements prescribed in this Chapter are required as a condition of approval of a land division. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the subdivider. However, in the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the Town Board, be financed through special assessments.
- (b) **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 Town 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 Town Engineer or Town Board.

Sec. 14-1-51 Developer's Required Agreement Providing for Proper Installation of Improvements; Survey Monumentation.

- (a) **Developer's Agreement Required; Financial Security for Improvements.**
 - (1) **Condition of Approval.** Prior to the final approval and recording of any Certified Survey Map, Subdivision Final Plat, or Condominium requiring improvements located within the jurisdictional limits of this Chapter, and prior to the installation of any required improvements, and as a condition of said approval, the Subdivision, Condominium or Certified Survey Map Developer (as applicable), shall enter into a contract ("Developer's Agreement") with the Town of Star Prairie agreeing to furnish, construct, and install the required improvements at the sole cost of the Subdivision, Condominium or Certified Survey Map Developer (as applicable) and shall file with said contract a performance bond, irrevocable letter of credit, or certified check in the amount equal to, or not exceeding, one hundred twenty percent (120%) of the Town Engineer's estimate. Such security amount determination shall be made by the Town Board after review and recommendation of the Town Engineer's estimated total cost to complete the required public improvements. It shall be the Developer's option whether to execute a performance bond or whether to provide a letter of credit or certified check to satisfy the Town's requirement that the Developer provide security to ensure that the required public improvements are made within a reasonable time per the Subdivider's Agreement. Security phasing, pursuant to Subsection (b) below,

shall be utilized if the project is to be completed pursuant to an approved phasing plan.

- (2) **Purpose of Guarantee.** The purpose of the guarantee and surety is to ensure that such required improvements will be completed by the Subdivision, Certified Survey Map or Condominium Developer (as applicable), or the Developer's subcontractor or agent, and serves as a further guarantee that all obligations to subcontractors for work on the development are satisfied. Such improvements shall be completed by the Developer of the Subdivision, Certified Survey Map or Condominium project, or by his/her subcontractor, as set forth in the Subdivider's Agreement.
- (3) **Form of Agreement.** The contract form shall be approved by the Town Attorney and provided by the Town and may provide for a phasing of public improvements construction, providing such phasing is approved by the Town Board. The Town reserves the right to control the phasing through limits and sequence so as to provide for continuity of streets, sewers, water mains, and other necessary public improvements within and between the phases. The amount of security that can be required by the Town is limited to the phase of the project that is currently being constructed.
- (4) **Authorized Reductions of Security Amounts.** The Town may allow for the reduction of the performance bond, irrevocable letter of credit, or certified check as work is completed on the project or phases of the project.
- (5) **Disputes Over the Amount of Financial Sureties.** In a dispute over the amount of a surety, the estimate prepared by the Town Engineer shall be given the greater weight.
- (6) **Partial Completion of Improvements; Escrow Account/Security Reductions.** On request of the Subdivision, Certified Survey Map or Condominium Developer (as applicable), the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the escrow deposit and/or required security may be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. The amount of any reduction in an escrow account (see Section 14-1-100 regarding escrow account) or required security shall be at the sole discretion of the Town Board, upon the recommendation from the Town Engineer and Town Attorney. Any balance remaining after such improvements have been made shall be returned to the Subdivision, Certified Survey Map or Condominium Developer (as applicable). The Town Board, at its option, may extend the escrow deposit period for an additional period not to exceed two (2) years for non-secured warranty purposes.
- (7) **Town Authority to Draw on Escrow Accounts.** The Town Board shall have the authority to draw upon the required security or escrow account if at any time:
 - a. The developer is in default under this Chapter in any aspect of the Developer's Agreement with the Town of Star Prairie; or
 - b. The developer does not complete the installation of improvements within the time established in the Developer's Agreement, unless otherwise extended by agreement or action of the Town Board; or

- c. The security on file with the Town is dated to expire in the next sixty (60) days and has not been extended, renewed or replaced, or the escrow deposit is seventy-five (75%) exhausted; or
 - d. The Subdivision, Certified Survey Map or Condominium Developer (as applicable) otherwise fails to maintain the required security in the amount approved by the Town Engineer and agreed to in the Developer's Agreement.
- (8) **Improvements Completion Schedule.** The time for completion of the infrastructure work and the several parts thereof required by this Chapter shall be determined by the Town Board, upon recommendation of the Town Engineer, after consultation with the Subdivision, Certified Survey Map or Condominium Developer (as applicable). The completion date shall be a component of the contract.
- (9) **Review and Inspection Costs.** The Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall pay the Town for all costs incurred by the Town for review and inspection of the development. [See Section 14-1-100]. This would include review, and preparation at the Town Board's discretion, of plans and specifications by the Town Engineer, Town Planner, and Town Attorney, as well as other costs of a similar nature. The Town may draw on the escrow account for this purpose.
- (10) **Legal Signatories to Contract.** If the Subdivision, Certified Survey Map or Condominium Developer (as applicable) and the individual or entity holding title to the property on which the development is to occur are different entities or individuals, then both shall sign the Developer's Agreement. If either or both the Subdivision, Certified Survey Map or Condominium Developer (as applicable) or titleholder to the development property are a corporate or legal entity, then all of the owners of that entity (or entities if both the subdivider and the title holder are legal entities) shall sign the Developer's Agreement on behalf of the corporate or legal entity and in their individual capacities. Developer's Agreements shall also be acknowledged and executed by all project mortgagees.
- (11) **Miscellaneous Provisions.** In addition, the following requirements shall apply:
 - a. Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work, shall be subject to the inspection of construction by the Town or its agent, and approval of the Town of Star Prairie. Unless otherwise authorized by the Town Engineer, said specifications shall follow those specified in this Chapter or as directed by the Town Engineer.
 - b. The amount of the required security or certified check shall be determined by the Town Board following the Town Engineer's estimate.
 - c. Governmental units to which these security and contract provisions apply may file, in lieu of said contract and bond/security, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section, subject to the approval of the Town Attorney.

(b) **Phasing.**

- (1) **Infrastructure Phasing Option.** Pursuant to Sec. 236.13(2)(a), Wis. Stats., if the project is approved to be constructed in phases, which approval shall not be unreasonably withheld, the security required to be deposited shall be limited to the phase of the project currently being constructed. The agreement shall provide a reasonable time not exceeding fourteen (14) months by which such security shall be provided, which shall be no sooner than is reasonably necessary before the commencement of the installation of the improvements. In addition, the Town may require by agreement that the Developer provide non-secured improvements warranties and the Town may withhold the issuance of building permits pending proper installation of required improvements. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) may elect, with the approval of the Town, to install the improvements in construction phases provided that:
 - a. The phases are specified in the contract for land division improvements;
 - b. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) submits security in an amount equal to one hundred twenty percent (120%) of the estimated costs of improvements required for the installation and construction schedules for that phase. Improvements constructed during that phase shall not be accepted nor shall any building permit be issued for construction within the completed area of that phase of the land division unless required infrastructure for that phase has been properly installed pursuant to this Chapter;
 - c. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) is responsible for recording deed restrictions, approved by the Town 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 Town's approval is obtained;
 - d. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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.
- (2) **Phasing Timeline Considerations.** The time period for completion of a phased improvement program shall take into account the needs of the Town and adjacent property owners for street and other improvements to serve lands adjacent to and/or within the land division.
- (3) **Reduction of Security Upon Phase Completion.** As work progresses on installation of improvements constructed as part of the contract, the Town Engineer, upon written request from the Subdivision, Condominium or Certified Survey Map Developer (as applicable) from time to time, is authorized to recommend a reduction in the amount of surety as hereinafter provided. When portions of construction (any required

utilities infrastructure, street, sidewalk, greenway, stormwater management or other improvements) are completed by the Subdivision, Condominium or Certified Survey Map Developer (as applicable) and determined acceptable by the Town Engineer, the Town Clerk-Treasurer is authorized, upon submission of lien waivers by the Subdivision, Condominium or Certified Survey Map Developer (as applicable)'s contractors, to reduce the amount of surety. The amount of surety may be reduced at the time any required underground utilities are installed and tested. The amount of surety remaining shall be equal to one hundred twenty percent (120%) of the estimate of the Town Engineer of costs of work remaining to be completed and accepted and to ensure performance of the fourteen (14) month guarantee as specified in Subsection (d) below against defects in workmanship and materials on work accepted.

- (4) **Town Acceptance of Surety Reduction.** 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 Town Engineer are valid for noncompletion, the Town Board is authorized to accept a reduction in the amount of surety to an amount in the estimate of the Town Engineer, sufficient to cover the work remaining to be completed, including performance of the fourteen (14) month 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 Town Engineer prior to commencing construction.
- (c) **Issues To Be Addressed by Developer's Agreement.** The Developer's Agreement should, but is not limited to, address the following development issues:

 - (1) The Developer's Agreement shall identify all individuals or business entities holding an ownership interest in the subject property or holding an interest under an executed purchase agreement at the time the Developer's Agreement is executed. The Developer's Agreement shall also be executed and acknowledged by current and known future mortgagees and shall be binding on the successors and assigns of the named developers, owners and mortgagees.
 - (2) The Developer's Agreement shall contain a full and accurate description of the area being subdivided.
 - (3) The Developer's Agreement shall address all exceptions to design standards being sought or being granted by the Town and affecting the area being subdivided.
 - (4) The Developer's Agreement shall require that acceptable security be posted with and in favor of the Town if all public improvements called for under this Chapter for the Subdivision, Certified Survey Map, or Condominium development are not fully installed and accepted by the Town by the time a plat receives Preliminary Plat

- approval or when a Certified Survey Map is finally approved. The Developer's Agreement shall address whether and when said security can be released and shall further require the developer to take all steps necessary to maintain the required security in the Town's possession and not to allow it to expire.
- (5) The Developer's Agreement shall disclose and confirm relevant details regarding the developer's insurance, warranties, continuing maintenance requirements and responsibilities, and other contracts and agreements affecting the subject property.
 - (6) Where any platted area in a Subdivision or Certified Survey Map will serve as open or buffer space and be jointly maintained and controlled by the owners of the platted lots or where erosion control or stormwater management devices will be installed in the area being subdivided that will require ongoing maintenance, the Developer's Agreement shall require that a homeowners' association be created with membership on an equal basis of all platted lots not commonly owned and on an equal basis, that association bylaws be developed and that a restrictive covenant or other perpetual, binding legal device be employed that will create, administer and enforce the collective responsibilities of the individual members of said homeowners' association concerning commonly held areas and/or erosion control or stormwater management devices.
 - (7) A Developer's Agreement shall contain measures to protect the investments and expectations of existing and future lot owners against unilateral changes in the organizational or governing documents of a homeowners' association by a developer so long as the subject area is under the developer's control by requiring advance Town approval of material changes to the homeowners' association bylaws or restrictive covenants from the time the Developer's Agreement is executed until a majority of the lots are conveyed to individual homeowners.
 - (8) The Developer's Agreement shall contain the developer's representation concerning intended subdivision design standards and home price ranges and its agreement to maintain such standards through build out of the Subdivision, Certified Survey Map or Condominium development (as applicable).
 - (9) The Developer's Agreement shall address the timing of joint driveway paving, shall require shared maintenance agreements concerning shared driveways and shall address the control and removal of debris and rubbish during initial construction on lots being created.
 - (10) The Developer's Agreement shall refer to or include as exhibits the following information:
 - a. Preliminary Plat (or Certified Survey Map);
 - b. Final Plat, to be added once approved and recorded;
 - c. Road design and construction plans;
 - d. Stormwater calculations and plans;
 - e. Town permits for any incoming transfer of development rights that will operate to create greater dwelling unit densities in the development than would be allowed under this Chapter without a transfer of development rights; and

- f. Other project-related information as required by the Town.
- (11) The Developer's Agreement shall require the developer to pay all of the Town's professional fees and expenses related to the Developer's Agreement.
- (12) The Developer's Agreement may also address areas not included in this Chapter or otherwise expressly required by law but that are nonetheless mutually agreeable to the developer and the Town and which promote the public health, safety and welfare of the residents and taxpayers of the Town of Star Prairie.
- (d) **Approval of Subdivider's Agreement.** The Subdivider's Agreement shall be drafted or approved as to form and content by the Town Attorney, and shall be approved by the Town Board prior to the final approval of the Certified Survey Map, Subdivision Final Plat, or Condominium Plat.
- (e) **Improvement Guarantee.**
 - (1) **Types of Required Security.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall include in said contract an instrument of public improvement guarantee by irrevocable letter of credit, certified check, or performance bond whereby a bonding company [with assets exceeding Ten Million Dollars (\$10,000,000.00) and authorized to do business in the State of Wisconsin] guarantees maintenance, repair, replacement by the Subdivision, Condominium or Certified Survey Map Developer (as applicable) of said required public improvements which deteriorate or fail to meet performance or operating standards during the bond/security term, or any penalties which may be incurred as a result thereof, equal to one hundred twenty percent (120%) of the Town Engineer's estimate of the cost of the public improvements. Pursuant to Sec. 236.13(2)(a)1, Wis. Stats., it is the Developer's choice as to whether to provide as required security a performance bond, irrevocable letter of credit, or a certified check.
 - (2) **Town Authority to Correct Deficient Improvements.** If within fourteen (14) months after the date the public improvements for which the security is provided are substantially completed are found by the Town to be deficient or substandard, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall remove it and replace it with nondefective work in accordance with written instructions given by the Town Engineer. If the Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 Town 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 performance bond or improvement guarantee instrument.
 - (3) The agreement may require a non-secured warranty period longer than the fourteen (14) month secured guarantee period.
 - (4) For purposes of this Section pursuant to Section 236.13(2)(a)2, Wis. Stats., public improvements reasonably necessary for a project or phase of a project are considered

14-1-51

to be "substantially completed" at the time the binder course is installed on streets or roads to be dedicated or, if the required public improvements do not include a street or road to be dedicated, at the time that ninety percent (90%) of the public improvements by cost are completed. The Town Board may allow for the reduction of the security as work is completed on the project.

(f) **Survey Monuments.**

- (1) Before final approval of any plat within the corporate limits of the Town, the Subdivider or Condominium Developer (as applicable) shall cause survey monuments to be installed as required by and placed in accordance with the requirements of Section 236.15, Wis. Stats., and as may be required by the Town Engineer.
- (2) The Town Engineer may waive the placing of monuments, as provided in Section 236.15(1)(6), Wis. Stats., for a reasonable time, not to exceed one (1) year, on condition that the Subdivider or Condominium Developer (as applicable) provide a letter of credit, certified check, or surety bond to ensure the placing of such monuments within the time required by Wisconsin Statute under and in compliance with the provisions of Subsection (a) above. Additional time may be granted by the Town Engineer upon show of cause.
- (3) 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 an established one-half (1/2), one quarter (1/4), one quarter-one quarter (1/4-1/4), or other such section monument, the established monument shall be preserved and/or fully restored by the Subdivision, Condominium or Certified Survey Map Developer (as applicable).

Sec. 14-1-52 Required Construction Plans; Town Review; Inspections.

- (a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-31, general engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat. At the Final Plat stage, detailed construction plans for the required improvements conforming in all respects with the standards of the Town Engineer and the ordinances of the Town 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/her seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Board or Town Engineer for their approval and for their 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 Final Plat with the Town Clerk-Treasurer, or as soon thereafter as practicable, copies

of the construction plans and specifications, where applicable, shall be furnished for the following public improvements, with a copy sent to the appropriate sanitary district, if involved:

- (1) **Street Plans and Profiles** showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) **Storm Water and Open Channel** plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (3) **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 County's or Town's Erosion Control Ordinance.
 - (4) **Planting Plans** showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (5) **Additional** special plans or information as required by Town officials.
- (b) **Action by the Town Engineer.** The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Town ordinances and design standards recommended by the Town Engineer and approved by the Town Board. If the Town Engineer rejects the plans and specifications, he/she shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed and construction commenced.
- (Note: Town Engineer review is optional at the discretion of the Town Board.)
- (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 Town Board 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.
 - (2) Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the Preliminary Plat by the Town Board, unless good cause can be shown for the Town Board to grant an extension.
 - (3) During the course of construction, the Town Engineer shall make such inspections as the Town Board deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Town for such inspections. This fee shall be the actual cost to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.
- (d) **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 improvements and such other facilities as the Town Engineer 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 Town and one (1) copy of such record plans shall be forwarded to the appropriate sanitary district.

Sec. 14-1-53 Street Improvements.

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

- (a) **Street Construction Standards.** The design and construction of all roads, streets and alleys in the Town shall fully comply with the requirements and specifications of Sections 14-1-70 and 14-1-71.
- (b) **Grading.**
 - (1) With the submittal of the Final 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 Town Engineer for conformance with Town standards and good engineering practice. Street grades require the approval of the Town Board after receipt of the Town Engineer's recommendations.
 - (3) After approval of the street grades, 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 Town Engineer 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.
- (c) **Street Construction.** After necessary utilities have been installed, where required by the Town, the subdivider shall construct and dedicate, as part of the subdivision, streets. Construction shall be to Town standard specifications for street improvements.

(d) **Completion of Street Construction.**

- (1) Prior to any building permits being issued on lands adjacent to streets, all street construction shall be completed by the subdivider, approved by the Town Engineer and accepted by the Town Board.
- (2) The Town 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 Town Board.
- (3) The subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Town Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

Sec. 14-1-54 Storm Water Drainage Facilities.

- (a) Pursuant to Section 14-1-74, 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. Storm sewers are to be of adequate size and grade to hydraulically accommodate the ten (10) year storm; culverts shall be designed to accommodate the ten (10) year storm and shall be sized so that the twenty-five (25) year frequency storms do not cause flooding of the adjacent roadway. Upon the approval of the Town Engineer, storm water swales and ditches may be sized for from twenty-five (25) to one hundred (100) year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. 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 Town Board, upon the recommendation of the Town Engineer. Storm sewers oversized to handle runoff from offsite properties will be installed by the subdivider; however, the cost of oversizing above a twenty-four (24) inch diameter storm sewer shall be paid by other users connecting to the system.

Sec. 14-1-55 Other Utilities.

- (a) **Provision of Utilities.** The subdivider shall cause gas (if available), electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision.
- (b) **Installation of Utilities.** The subdivider shall cause gas, electric power and telephone facilities to be installed in such a manner as to make adequate service available to each lot

14-1-55

in the subdivision, certified survey or land division. All new television cables and telephone lines from which lots are individually served shall be underground unless the Town Board 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.
- (c) **Plans.** Plans indicating the proposed location of all gas (if available), electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Town Board and such map shall be filed with the Town Clerk-Treasurer.

Sec. 14-1-56 Street Signs.

The subdivider shall install at the intersections of all streets proposed to be dedicated a street name sign of a design and installation specified by the Town Engineer.

Sec. 14-1-57 Erosion Control.

Pursuant to the County's or Town's Construction Site Erosion Control Ordinance, whichever is more restrictive, 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. All applicable state, county and Town requirements regarding stormwater management shall be complied with and paid for by the subdivider.

Sec. 14-1-58 Easements.

- (a) **Utility Easements.** The Town Board, on the recommendation of appropriate agencies serving the Town, shall require utility easements for poles, wire, conduits, storm 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 Town Engineer, 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 twelve (12) feet wide, or wider where recommended by the Town Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Town 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.

Sec. 14-1-59 Maintenance of Shared Community Private Septic Systems.

- (a) A maintenance agreement shall be required between the Town and the subdivider when a shared community private septic system, as permitted by the Wisconsin Administrative Code, is to be utilized. The agreement shall be recorded as a property deed restriction by the subdivider with the County Register of Deeds in a form which shall be binding upon all subsequent owners of land covered by the agreement. Such agreement shall assign ongoing responsibility for maintenance and repair of the shared community private septic system to a homeowners, property owners or condominium association per Section 14-1-23. Prior to Final Plat approval, the subdivider shall submit to the Town for its approval an ongoing maintenance plan for such facilities, which shall be incorporated by reference into all approvals and development agreements. In the alternative, if unique circumstances or a special benefit to the public can be demonstrated, such ownership and maintenance responsibility may be assumed by the Town.
- (b) If the Town at any time finds that the facility management and maintenance measures constructed in accordance with the system plan are not being properly followed or

14-1-59

maintained, or if altered in any way from the location, configuration and capacity of the measures specified in the approved plan, the Town shall have the right to undertake the needed maintenance or repair. This right shall include the right to enter onto private property as necessary to carry out the needed maintenance or repair. The cost of such maintenance or repair shall be levied as a special assessment or special charge against the properties concerned. The special charge or assessment shall be collectible in the same manner as all other special assessments/charges levied by the Town.

Sec. 14-1-60 through Sec. 14-1-69 Reserved for Future Use.

Article G: Design Standards

Sec. 14-1-70 General Street Design Standards.

- (a) **Compliance with Statutes.** In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable Town of Star Prairie regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, Wis. Stats., the more restrictive provision shall apply.
- (b) **Dedication.** The subdivider shall dedicate land and improve streets as provided in this Chapter and Section 14-1-53. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Town Board. The subdivision, certified survey map parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.
- (c) **Compliance with Comprehensive Plan.** The arrangement, character, extent, width, grade and location of all streets shall conform to any Town Comprehensive Plan or Official Map and to this Chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.
- (d) **Areas Not Covered by Plan.** In areas not addressed by the Town Comprehensive Plan, or Official Map, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
- (e) **Street Classifications.** Streets/roads shall be classified as indicated below.
 - (1) **Arterial Streets.** Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.
 - (2) **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from commercial and residential areas and conveyance of this traffic to the major street and highway system and shall be properly related 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.
 - (3) **Minor Streets.** Minor streets 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.

- (4) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
- (f) **Reserve Strips.** 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 Town under conditions approved by the Town Board.
- (g) **Alleys.** Alleys may be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in residential districts. Dead-end alleys shall not be approved and alleys shall not connect to a major thoroughfare or federal, state or county trunk highway.
- (h) **Continuation.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town Board, upon the recommendation of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over five hundred (500) feet in length will be approved when necessitated by the topography.
- (i) **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (j) **Number of Intersections.** The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements, preferably not more than two (2). Wherever practicable the distance between such intersections should not be less than six hundred (600) feet.
- (k) **Frontage Roads.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Town Board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (l) **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.
- (m) **Visibility.** Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the Town Engineer, sufficient vision clearance triangles shall be provided at intersections.
- (n) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets. Whenever there is a deflection angle of more than ten degrees (10°) in the alignment of a street, a curve shall be introduced with the required radius.

(o) **Street Grades.**

- (1) Unless necessitated by exceptional topography subject to the approval of the Town Board, the maximum centerline grade of any street or public way shall not exceed the following:

Arterial streets: six percent (6%).

Collector streets: eight percent (8%).

Minor streets, alleys and frontage streets: ten percent (10%).

Pedestrian ways: twelve percent (12%) unless steps of acceptable design are provided.

The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half (1/2) of one percent (1%).

- (2) 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 the topography.

(p) **Radii of Curvature.** When a continuous street centerline deflects at any one (1) 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 the following:

Arterial streets and highways: three hundred fifty (350) feet.

Collector streets: two hundred (200) feet.

Minor streets: one hundred fifty (150) feet.

(q) **Half Streets.** Where an existing dedicated or platted half-street is adjacent to the subdivision, the other half-street shall be dedicated by the subdivider. The platting of half-streets should be avoided where possible.

(r) **Intersections.**

- (1) Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen (15) feet or of a greater radius where the Town Engineer considers it necessary.
- (2) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- (3) Number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).

(s) **Street Names.** New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Town Board.

(t) **Cul-de-sacs.**

- (1) **Cul-de-sacs.** Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed one thousand (1,000) feet in length. All cul-de-sac streets designed to have one (1) end permanently closed shall terminate in a circular turnaround having

14-1-70

- a minimum right-of-way radius of sixty-six (66) feet and a minimum inside curb radius of forty (40) feet. The use of cul-de-sacs should be avoided where possible.
- (2) **Temporary Dead-ends or Cul-de-sacs.** All temporary dead-ends shall have a maximum length of eight hundred (800) feet and a temporary cul-de-sac shall have a minimum right-of-way radius of sixty-six (66) feet and a minimum inside curb radius of forty (40) feet.
- (u) **Limited Access Highway and Railroad Right-of-way Treatment.** Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:
- (1) **Subdivision Lots.** 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 to the highway or railroad in addition to the normal lot depth. This strip shall be 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."
- (2) **Commercial and Industrial Districts.** Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street 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.
- (3) **Streets Parallel to a Limited Access Highway.** Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses 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.
- (4) **Minor Streets.** Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

Sec. 14-1-71 Specifications for Preparation, Construction and Dedication of Streets and Roads.

- (a) **General Requirements.**
- (1) **Construction Standards.** All roadway and street construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard

Specifications for Road and Bridge Construction" and its supplements, and this Chapter, whichever is more restrictive. The design requirements of this Section and Section 14-1-70 shall be applicable to all streets and roads that are to be dedicated to the Town of Star Prairie, regardless of whether such streets or roads are part of a new subdivision or land division.

- (2) **Project Costs.** All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants, unless otherwise specified. This includes any expense incurred by the Town in the preparation of plans and review and inspection of plans and construction.
 - (3) **Preliminary Consultation.** Prior to the design, preparation and construction of any roadway to be dedicated to the Town of Star Prairie, the applicant shall notify the Town Clerk-Treasurer. An on-site meeting will then be arranged to be attended by the Town Engineer or Town Board and the applicant. Plans must be provided in order for the Town Engineer or Town Board to check the design and the drainage.
 - (4) **Material Slips.** Copies of material slips for all materials furnished for the road construction projects shall be delivered to the Town before the Town approves the final construction.
 - (5) **Required Inspections.** Although the Town Engineer or Town Board may conduct inspections as necessary at any state of construction, the Town Engineer or Town Board shall be contacted for required inspections after the following phases of construction:
 - a. Subbase grading;
 - b. Crushed aggregate base courses;
 - c. Bituminous surface course; and
 - d. Shouldering.
 - e. Placement of erosion control measures (soil stabilization and stormwater retention/detention measures).Any deficiencies found by the Town Engineer or Town Board shall be corrected before proceeding to the next phase of construction.
 - (6) **Tests of Materials.** The Town reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.
 - (7) **Pavement Samples.** Samples of bituminous concrete may be required to be taken by the Town at the developer's expense during pavement construction operations for purposes of determining that the material meets specifications.
 - (8) **Town Board Approval.** The finished roadway shall meet with the approval of the Town Board since the Town will include this road work in their annual request for highway aid.
- (b) **Construction Standards.** The minimum construction specifications prescribed by this Section shall pertain to all new roads and streets, including roads set out in plats and

private driveways for public use, and these standards shall be met before such roads will be accepted by the Town of Star Prairie as public roads. After completion of the underground utilities and approval thereof, the streets shall be constructed. Unless phasing of construction of improvements is approved by the Town Board or its designee, building permits shall not be issued prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the Town Board or Town Engineer, or designee. All streets and highways constructed in the Town or to be dedicated to the Town shall fully comply with the following minimum construction standards; the Town Board reserves the right to modify these standards as needed:

URBAN CROSS SECTION (Where Curb & Gutter is Required by Town)

Type of Street	Right-of-Way Width to Be Dedicated
Statewide Principal Primary or Standard Arterial Streets	180 feet
Statewide Minor Arterial or Areawide High or Low Collectors	80 feet
Local Streets	66 feet
Pedestrian Ways	12 feet
Type of Street	Pavement Width (Face of Curb to Face of Curb)
Statewide Principal Primary or Standard Arterial Streets	*
Statewide Minor Arterial or Areawide High or Low Collectors	*
Local Streets	32 feet
Pedestrian Ways	6 feet

RURAL CROSS SECTION (No Curb & Gutter)

Type of Street	Right-of-Way Width to Be Reserved or Dedicated
Statewide Principal, Primary, Standard, Arterial	*
Local Street	66 feet
Areawide High and Low Collectors	80 feet
Type of Street	Pavement Width (Edge to Edge)
Statewide Principal, Primary, Standard, Arterial	*
Areawide High and Low Collectors	*
Local Streets and Town Roads	20 feet

*To be determined by the Town Board with advice from the County Highway Commissioner.

- (1) **Roadway Alignment Details.** As specified in the St Croix County Code of Ordinances.
- (2) **Roadway Grading; Ditches.** Roads shall be graded to their full width in accordance with approved plans, plus an additional distance necessary to establish a four to one (4:1) backslope. The roadway shall be compacted and graded to subgrade using, where necessary, approved fill material which is in accordance with Wisconsin Department of Transportation standards. Roadside ditches shall be a minimum of twenty-six (26) inches below the finished roadway centerline elevation, or as approved by the Town Board, upon the recommendation of the Town Engineer (if applicable). Debris may not be buried in the designated road right-of-way. Roadway ditches shall have a normal slope ratio of three to one (3:1) ditch from the edge of the shoulder to the bottom of the ditch slope of one percent (1%) and 2 to 1 (2:1) on the back slope.
- (3) **Road Right-of-Way.** The standard Town road shall have a right-of-way width of sixty-six (66) feet.
- (4) **Preparation of Road Base.** The road right-of-way shall be graded and drained to include sufficient ditches and culvert pipes for adequate drainage of the area considering the highway and adjacent land development, including proposed

development. The road shall be graded with a thirty (30) foot top and the back slope of ditches shall end not less than two (2) feet from the right-of-way line. That part of the road right-of-way not occupied by the road shall be graded with gradual sloping ditches having a minimum depth of eighteen (18) inches from the grade level of abutting property. Materials excavated from the construction of ditches shall be used as necessary for raising and leveling the road bed.

(5) **Culverts.**

- a. Private entrance culvert pipes shall be placed in ditches so as to provide adequate drainage of standing and running water. Private entrance culvert pipes shall be a minimum of eighteen inches in diameter and twenty-four (24) feet in length and shall be of sufficient size to carry the surface water drainage of the area considering the highway and adjacent land development, including proposed development.
- b. Public culverts, including culverts at the entrance to any connecting public road, shall be a minimum of eighteen (18) inches in diameter and forty (40) feet in length.
- c. Any road which at a terminus does not connect with a public road shall be constructed with a cul-de-sac having a minimum diameter of one hundred (100) feet, exclusive of ditches.

(6) **Minimum Base Dimensions.** All roads shall have a base constructed of crushed stone which shall be in order to provide a base course of one hundred eleven (111) tons per one hundred (100) running feet and a surface course of eighty-one (81) tons per one hundred (100) running feet with a road surface width of twenty-eight (28) feet, allowing for four (4) foot gravel shoulders on the sides of the future paved surface. To allow for proper base settling, no final surface layer construction will be conducted for at least one (1) year from completion date of the proposed road base construction.

(7) **Minimum Base Course Specifications.** The base course shall consist of seven (7) inches of one and one-half (1-1/2) crusher run or larger stone. The top course shall consist of five (5) inches of three-fourths (3/4) inch crusher run stone. The applicant shall furnish a written certificate of the supplier of stone, certifying the road proposed for acceptance by the Town of Star Prairie, upon request by the Town Board.

(8) **Additional Base Material.** If, in the opinion of the Town Board, soil forming the foundation for a road proposed to be accepted by the Town of Star Prairie, is unstable as a result of water saturation or unstable composition of soils, or is otherwise so unstable as to preclude the construction of a sound and durable public road in accordance with the minimum specifications otherwise established by this Chapter, the Town Board of the Town of Star Prairie may require construction of additional base materials before such road shall be accepted as a public road.

(9) **Surface Course Standards.** Surfacing must consist of either crushed aggregate or bituminous concrete composition suitable for anticipated traffic loads. The minimum

amount of pavement necessary for acceptance must be at least two and one-half (2-1/2) inches compacted in thickness. Such material shall be laid down at a width of not less than twenty-two (22) feet with its centerline corresponding to the centerline of the right-of-way.

- (10) **Shouldering.** Shouldering shall be placed on each side of the pavement. Shouldering must correspond with the height of the pavement. It shall be a gravel mixture of one-half (1/2) or five-eighths (5/8) inch crusher run with a width of two (2) feet from said pavement on each side.
- (11) **Authority for Higher Standards.** The road design standards herein as stated above are intended to be minimum design standards. The Town Board shall have the discretion to impose higher design standards where in the opinion of the Town Board local conditions require higher standards or anticipated traffic which in quantity or quality will require higher standards.
- (12) **Time for Acceptance.** No road shall be accepted by the Town of Star Prairie as a public road until after the expiration of one (1) year after the construction of such road has been completed.
- (13) **Topsoil, Grass, Seed, Fertilizer and Mulch.** All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway shall be protected by necessary erosion control materials such as hay bales, sod, erosion control mats, etc., as prescribed by the engineering design for the ditches as approved by the Town Engineer or Town Board.
- (14) **Extra Turn Surface.** The radius required shall be twenty-five (25) feet for minor/local streets; heavy traffic/collector street radius shall follow Manual standards.
- (15) **Drainage Improvements.** In the case of all new roads and streets, the Town Board may require that stormwater retention areas and storm sewers be constructed in order to provide for proper drainage.
- (16) **Post-Construction Traffic Limited.** No vehicular traffic shall be permitted on the pavement for a minimum period of between twenty-four (24) and seventy-two (72) hours following paving, as determined necessary by the Town Engineer or Town Board to protect the new pavement.
- (c) **Statutory Requirements.** The laying out of highways and roads shall be as provided in Chapters 80 and 86, Wis. Stats., except that in the case of subdivisions and certified surveys, the provisions of Sec. 236.29(2), Wis. Stats., shall apply.
- (d) **Final Inspection.** Upon completion of the proposed highway, the Town Board or Town Engineer will proceed to make final inspection, accepting or rejecting the road as the case may be. After all of the provisions of this Chapter have been complied with, the roadway or easement will be inspected by the Town officials and, at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has

14-1-71

been paid for or arrangements have been made for the payment through written instrument by the subdivider. If the road is rejected, corrections shall be made as recommended by the Town Board, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall turn over to the Town the deed of all land necessary for the road as previously mentioned.

Sec. 14-1-72 Block Design Standards.

- (a) **Length; Arrangement.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed one thousand five hundred (1,500) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than six hundred (600) feet in length. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots.
- (b) **Pedestrian Pathways.** Pedestrian pathways, not less than twelve (12) feet wide, may be required by the Town Board, upon the recommendation of the Plan Commission, through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Sec. 14-1-73 Lot Design Standards.

- (a) **Size.**
 - (1) **Access.** Every lot shall front or abut on a public street for a distance of at least fifty (50) feet. In unique hardship cases where it is impossible for a lot to abut a public street, a private way may be used for access purposes provided a statement is included on the face of the plat indicating that the lot is served by a private way and that the Town or County has no responsibility for the maintenance of the private way. Any such private way is subject to applicable County zoning or platting ordinances, if any.
 - (2) **Area and Dimensions** of lots shall conform to the requirements of SPS 385, Wis. Adm. Code.
 - (3) **Area.** Lots shall have a minimum size as provided by applicable Zoning Ordinances.
- (b) **Depth.** Lots shall have a minimum depth of one hundred (100) feet. Depth of lots or parcels reserved for commercial or industrial use shall be adequate to provide for screened, off-street service and parking required by the use contemplated, and the area zoning regulations for such use. An extra ten (10) feet in depth and width may be required for said lots to be restricted for planting of shrubs and trees to screen said parking or to screen proposed industrial lots.

- (c) **Corner Lots.** Corner lots for residential use shall have extra width of ten (10) feet to permit building setback from both streets, as required by the Zoning Code.
- (d) **Butt Lots.** Butt lots will be permitted by the Town Board only in exceptional cases. Permitted butt lots shall be platted at least five (5) feet wider than the average width of interior lots in the block.
- (e) **Side Lots.** Side lot lines shall be substantially at right angles to or radial to abutting street lines. Lot lines shall follow Town boundary lines.
- (f) **Double and Reversed Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (g) **Natural Features.** In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (h) **Land Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (i) **Building Setback Lines.** Building setback lines shall conform to the requirements which may be established in Building or Zoning Ordinances. Where not otherwise controlled by ordinance, setback lines appropriate to the location and type of development contemplated shall be established as may be required by the Town Board to achieve the purpose and intent of this Chapter.

Sec. 14-1-74 Drainage System.

- (a) **Drainage System Required.** As required by Sec. 14-1-56, a drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A Final Plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Town Board, upon the recommendations of the Plan Commission and Town Engineer (if consulted).
- (b) **Drainage System Plans.**
 - (1) The subdivider shall submit to the Town at the time of filing a Preliminary Plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:

- a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
- (3) The design criteria for storm drainage systems shall be based upon information provided by the Town Engineer.
- (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Town Board, upon the recommendation of the Town Engineer.
- (c) **Grading.** The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:
 - (1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
 - (2) Block grading shall be completed by one (1) or more of the following methods:
 - a. A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.
 - b. Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
 - c. Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled.
- (d) **Drainage System Requirements.** The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section.
 - (1) **Street Drainage.** All streets shall be provided with an adequate storm drainage and ditching system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No storm water shall be permitted to be run into a sanitary sewer system within the proposed subdivision.
 - (2) **Off-Street Drainage.** The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement of the Town to provide for the future maintenance of said system. Easements shall be a minimum of twenty (20) feet, but the Town may require larger easements if more area is needed due to topography, size of watercourse, etc.
- (e) **Protection of Drainage Systems.** The subdivider shall adequately protect all ditches to the satisfaction of the Town Board and Town Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or

channels with grades up to one percent [1%] shall be seeded; those with grades up to four percent [4%] shall be sodded and those with grades over four percent [4%] shall be paved.)

(f) **Maintenance.**

- (1) A maintenance agreement shall be required between the Town and the subdivider. The agreement shall be recorded as a property deed restriction by the subdivider with the County Register of Deeds in a form which shall be binding upon all subsequent owners of land covered by the agreement. Such agreement shall assign on-going responsibility for maintenance and repair of the stormwater management system, including detention/retention facilities and drainageways, to a homeowners, property owners or condominium association per Sec. 14-1-23. Prior to Final Plat approval, the subdivider shall submit to the Town for its approval an on-going maintenance and mowing plan for such facilities, which shall be incorporated by reference into all approvals and development agreements. In the alternative, if unique circumstances or a special benefit to the public can be demonstrated, such ownership and maintenance responsibility may be assumed by the Town.
- (2) If the Town at any time finds that the stormwater management measures constructed in accordance with the system plan are not being properly maintained, or if altered in any way from the location, configuration and capacity of the measures specified in the approved plan, the Town shall have the right to undertake the needed maintenance or repair. This right shall include the right to enter onto private property as necessary to carry out the needed maintenance or repair. The cost of such maintenance or repair shall be levied as a special assessment or special charge against the properties concerned. The special charge or assessment shall be collectible in the same manner as all other special assessments/charges levied by the Town.

Cross-Reference: Section 14-1-23.

Sec. 14-1-75 Non-Residential Subdivisions.

(a) **General.**

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Town may require.
- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Town Building Code. A non-residential subdivision shall be subject to all the requirements of this Chapter, as well as such additional standards required by the Town and shall conform to the proposed land use standards established by any Town Comprehensive Plan or the Zoning Code.

(b) **Standards.** In addition to the principles and standards in this Chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the

14-1-75

satisfaction of the Town Board that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the Town Board with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the Town Board with respect to the installation of public utilities, including water, sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
- (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Sec. 14-1-76 through Sec. 14-1-79 Reserved for Future Use.

Article H: Park and Public Land Dedications

Sec. 14-1-80 General Park and Public Land Dedication Requirements.

- (a) **Dedication Requirement.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to dedicate land or fees in lieu of land for park or other public uses.
- (b) **General Design.** In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the Town of Star Prairie Comprehensive Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

Sec. 14-1-81 Land Dedication.

- (a) **Dedication Calculation.** All subdividers shall be required to dedicate developable land to the Town for park, school or other public uses, other than streets or drainageways, at a rate of four-hundredths (.04) acres (1,742 square feet) per dwelling unit if the project exceeds ten (10) dwelling units. Whenever a proposed playground, park, or other public area, other than streets or drainageways, designated in the Comprehensive Plan or Comprehensive Plan component of the Town of Star Prairie is embraced, all or in part, in the tract of land to be subdivided, these lands shall be made part of the required land dedication. The Town Board shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. The Town Board may reduce the dedication requirement depending on the particular or unique circumstances of the subdivision. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- (b) **Shoreland.**
 - (1) **Lake and Stream Shore Plats.** All subdivisions abutting on a navigable lake or stream shall provide public access at least sixty (60) feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half (1/2) mile intervals as measured along the lake

14-1-81

or stream shore except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Administration, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this Chapter may be vacated except by Circuit Court action. This Subsection does not require the Town to improve land provided for public access.

- (2) **Lake and Stream Shore Plats.** The lands lying between the meander line, established in accordance with Section 236.20(2)(g), Wis. Stats., 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 in any plat abutting a lake or stream. This Subsection applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.
- (c) **Unknown Number of Dwelling Units.** Where the plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the pertinent Zoning Code and this Chapter.
- (d) **Deeded to the Town.** Land dedicated for public purposes shall be deeded to the Town at the time the Final Plat is approved.
- (e) **Access to Dedicated Land.** All dedicated land shall have frontage on a public street and shall have unrestricted public access.
- (f) **Utility Extensions.** The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

Sec. 14-1-82 Reservation of Additional Land.

When public parks and sites for other public areas as shown on the Comprehensive Plan or Comprehensive Plan component lie within the proposed area for development and are greater in area than required by Section 14-2-81, the owner shall reserve for acquisition by the Town of Star Prairie, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year of Final Plat approval unless extended by mutual agreement.

Sec. 14-1-83 Development of Park Area.

- (a) When parklands are dedicated, the subdivider is required to:
 - (1) Properly grade and contour for proper drainage;
 - (2) Provide surface contour suitable for anticipated use of area; and

- (3) Cover areas to be seeded with a minimum of four (4) inches of quality topsoil and good quality grass seed, fertilizer and mulch.
- (b) The Town Board may require certification of compliance by the Town Engineer. The cost of such report shall be paid by the subdivider.
- (c) Development of parklands is to be completed as soon as ten percent (10%) of the planned lots in the subdivision are sold, as determined by the Town Board.
- (d) If the subdivider fails to satisfy the requirements of this Section, the Town Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

Sec. 14-1-84 Fees in Lieu of Land.

(a) Method of Calculation.

- (1) **When Applicable.** Where, in the opinion of the Town Board, there is no land suitable for parks within the proposed subdivision or certified survey map lots, or the dedication of land would not be compatible with the Town's Comprehensive Plan or Park Plan, or Town officials determine that a cash contribution would better serve the public interest, the Town Board may require the subdivider to contribute cash payment in lieu of land according to the following provisions:

(2) Method of Calculation.

- a. The fee in lieu of land shall be as provided in Section 1-3-1 per residential unit created.
 - b. The fee is payable at the time of final approval of the lots by the Town Board. The Town Board may require that the subdivider shall post a bond irrevocable letter of credit or escrow monies to guarantee performance, in an amount as determined by the Town Board.
 - c. In the event of nonperformance, no building permits will be issued until the fee is paid in full.
- (b) **Park Fund.** Funds paid to the Town under any Fees in Lieu of Land provision or contributed from other sources for park development and improvement are to be placed in a separate account designated for park development and improvement projects. The Town Board shall have the final right to approve or reject such projects. Said account shall be a continuing account and shall not lapse at the end of a budget period.

Sec. 14-1-85 through Sec. 14-1-89 Reserved for Future Use.

Article I: Fees

Sec. 14-1-90 Administrative and Other Fees.

(a) **General.**

- (1) The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town of Star Prairie in connection with the plat or certified survey map. Legal work shall include the drafting of contracts between the Town of Star Prairie and the subdivider. These fees may also include the cost of obtaining professional opinions including, but not limited to attorneys, engineers, landscape architects, and land planners, requested by the Town Board, Plan Commission, or Town staff in connection with the land division being considered.
- (2) The Town may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Town's review of a proposal coming before the Town Board. The submittal of a development proposal application or petition by a subdivider, shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Town may charge the costs for these services to the subdivider. The Town may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the subdivider. Review fees which are charged to a subdivider, but which are not paid, may be levied by the Town as a special assessment against the subject property. The subdivider shall be required to provide the Town with an executed copy of an Agreement as to Costs, as set forth in the Appendix, to pay for said consulting services as a prerequisite to the processing of the development application.
- (3) At the time of submission of a plat or certified survey, the Plan Commission or Town Board, at their sole discretion, may require the subdivider to make a good faith deposit with the Town Clerk-Treasurer to cover, in all or part, the expenses anticipated to be incurred by the Town because of the land division. Unused portions of such fund may be refunded to the subdivider.

- (b) **Engineering Fee.** The subdivider shall pay a fee equal to the actual cost to the Town of Star Prairie for all engineering work incurred by the Town in connection with the plat or certified survey map, including inspections required by the Town pursuant to this Chapter. The subdivider shall pay a fee equal to the actual cost to the Town for such engineering work and inspection as the Town Board and/or Town Engineer 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. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.
- (c) **Administrative Fee.** The subdivider shall pay a fee to the Town of Star Prairie equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map.

- (d) **Concept Plan.** There shall be no fee for the Town's review of a concept or sketch plan of a proposed land division. However, such reviews shall be conducted only as staff time permits.
- (e) **Preliminary Plat.**
 - (1) A subdivider who submits a Preliminary Plat for the Town Plan Commission and the Town Board shall file said Preliminary Plat with the Town Clerk-Treasurer and shall deposit with the Town Clerk-Treasurer the required fee to cover the costs of reviewing said application. The fee for a Preliminary Plat shall be as prescribed in Sec. 1-3-1 for up to and including six (6) lots plus an additional fee per each additional lot over six (6). If the plat is rejected, no part of the fee shall be returned to the petitioner.
 - (2) A reapplication fee as prescribed in Sec. 1-3-1 shall be paid to the Town Clerk-Treasurer at the time of reapplication for approval or amendment of any Preliminary Plat which has previously been reviewed.
- (f) **Final Plat Review Fee.**
 - (1) The subdivider shall pay a fee as prescribed in Sec. 1-3-1 with the Final Plat to the Town Clerk-Treasurer at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review.
 - (2) A reapplication fee as prescribed in Sec. 1-3-1 shall be paid to the Town Clerk-Treasurer at the time of a reapplication for approval or amendment of any Final Plat which has previously been reviewed.
- (g) **Certified Survey Map.**
 - (1) The subdivider shall pay an application fee as prescribed in Sec. 1-3-1 for each certified survey map.
 - (2) Should the subdivider submit an amended or revised certified survey map, the resubmittal fee shall be as prescribed in Sec. 1-3-1 for each amended or revised certified survey map.
- (h) **Objecting Agency Review Fees.** The subdivider shall transmit all fees required for state agency review to the Town Clerk-Treasurer at the time of application. Said review fees shall be retransmitted to the proper state review agency by the Town Clerk-Treasurer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Transportation, Wisconsin Department of Administration and the Wisconsin Department of Natural Resources.
- (i) **Public Site Fee.** If the subdivision does not contain lands to be dedicated as required in this Chapter, the Town Clerk-Treasurer shall require a fee pursuant to Section 14-1-84 for the acquisition and development of public sites to serve the future inhabitants of the lots proposed with the subdivision plat or certified survey map.
- (j) **Improvement Review Fee.** The subdivider shall pay a fee or present a bond, certified check, or irrevocable letter of credit in an amount required by this Chapter for the cost of the required public improvements as estimated by the Town Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Town

of checking and reviewing such plans and specifications. Fee may be recomputed, upon demand of the subdivider or Town Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. At the Town Board's sole discretion, this procedure may be used as an alternative to the escrow account in Subsection (l) below. Evidence of cost shall be in such detail and form as required by the Town Engineer.

- (k) **Assessments.** All outstanding assessments due to the Town shall be due prior to the signing of the Final Plat or Certified Survey Map by the Town.

(l) **Administrative Costs.**

- (1) **Cost Determination.** The subdivider of land divisions within the Town shall reimburse the Town for its actual cost of design, inspection, testing, construction and associated legal, real estate and other fees incurred by the Town in connection with the preliminary plat, final plat, replat or certified survey. The Town's costs shall be determined as follows:

- a. The cost of Town employees' time engaged in any way with the land division based on the hourly rate paid to the employee multiplied by a factor determined by the Town Clerk-Treasurer to represent the Town's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
- b. The cost of Town equipment employed.
- c. The cost of mileage reimbursed to Town employees which is attributed to the land division.
- d. The actual costs of Town 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.
- e. All consultant fees, including but not limited to legal and engineering fees, at the invoiced amount plus administrative costs. Unless the amount totals less than Fifty Dollars (\$50.00), the Town shall draw against the escrow account or bill the subdivider monthly for expenses incurred by the Town. Statements 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 Town until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.

(2) **Escrow for Fees.**

- a. At such time as the subdivider submits a Preliminary Plat or Certified Survey Map for review by the Town, it shall deposit with the Town Clerk-Treasurer, in escrow, the sum required by the following schedule to guarantee the timely payment of the Town's administrative costs:
 1. Minor Subdivision (Certified Survey Map): Three Hundred Dollars (\$300.00).

2. Subdivisions: One Thousand Dollars (\$1,000.00) for each five (5) lots or units, up to a maximum of Five Thousand Dollars (\$5,000.00).
- b. In the event the amount deposited with the Town Clerk-Treasurer falls below twenty-five percent (25%) of the amount required to be deposited, the subdivider agrees, as a condition of application, to replenish the escrow to the original amount required hereunder. The subdivider agrees to deposit such additional sum within fifteen (15) days of written demand by the Town Clerk-Treasurer or the consideration and/or approval of the proposed land division may be delayed or rejected. The Town of Star Prairie is not under any obligation at any time to provide notice to the subdivider that the escrow funds under this provision are insufficient. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. In the event the subdivider withdraws his/her plat or certified survey map, or the same is approved, and money remains in escrow over and above the Town's fees, the excess shall be refunded to the subdivider. The escrow account shall not draw interest for the benefit of the subdivider. The Clerk-Treasurer, with the approval of the Town Board, shall have the right to draw upon the escrow to reimburse the Town for the fees it has incurred in reviewing the minor certified survey map or subdivision on a periodic basis.
 - c. An accounting of all fees incurred by the Town and the status of the escrow shall also be provided to the subdivider periodically. The Town will provide the subdivider with amounts paid from any such escrow account and copies of invoices it receives for any professional review services for the subdivider's proposed subdivision. In the event the subdivider defaults in establishing or replenishing the escrow, the Town shall not be required to act further upon the subdivider's request. Failure to replenish the escrow shall be sufficient cause to reject the minor subdivision or subdivision.
- (m) **Payment of Impact Fees.** Unless otherwise expressly provided herein, all required impact fees (if an impact fee system is adopted) shall be paid at the time of *issuance of the building permit* by the Town. The impact fee amount due shall be that amount in effect at the time payment of the impact fee is due. Impact fee payments shall be assumed to be the responsibility of the owner of record of the property *for which a building permit is sought*. All fees shall be paid at the Town of Star Prairie.

Sec. 14-1-91 through Sec. 14-1-99 Reserved for Future Use.

APPENDIX

Sample Agreement as to Costs With the Town of Star Prairie

_____ The applicant/petitioner
for _____ dated _____, _____.
(nature of application/petition)

agrees, in addition to those normal costs payable by an applicant/petitioner (e.g. filing, or permit fees, publication expenses, recording fee, etc.), that in the event the action applied or petitioned for requires the Town of Star Prairie, in the judgment of its staff, to obtain additional professional services(s) (e.g. engineering, surveying, planning, environmental, recreational, legal) than normally would be routinely available "in house" to enable the Town to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the Town for the costs thereof.

Dated this _____ day of _____, _____.

(Signature of Applicant/Petitioner)

Article J: Variances; Penalties and Violations

Sec. 14-1-100 Variations and Exceptions.

- (a) **Variances and Exceptions Generally.** Where the subdivider alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, he/she may request variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Chapter. Application for any such variance shall be made in writing by the subdivider to the Town Clerk-Treasurer at the time when the Preliminary Plat or certified survey is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data which may aid Town officials in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. The Town Clerk-Treasurer may request that the Town Engineer, Town Attorney or other officials review each situation to insure that the request is consistent with the requirements and standards of this Chapter. The Plan Commission shall make a recommendation to the Town Board. The previous granting of variances or exceptions in the same or similar circumstances shall not of itself constitute grounds for the granting of a variance or exception, nor shall strictly financial rationale.
- (b) **Required Findings.** The Plan Commission shall not recommend, nor shall the Town Board grant, variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) Failure to grant the variation may be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
 - (4) There would be no costs (present or future) to the Town resulting from the granting of the variance or exception.
- (c) **Form of Determinations.** Any recommendations for variances or exceptions by the Plan Commission must be approved by a majority vote of the Plan Commission and shall be so endorsed by the Secretary and transmitted to the Town Board. The Town Board, if it approves, shall do so by resolution adopted by majority vote and shall instruct the Town Clerk-Treasurer to notify the Plan Commission and the subdivider.

14-1-100

- (d) **Planned Unit Developments.** Variances from the strict application of this Chapter may also be granted in accordance with this Chapter in the case of Planned Unit Developments provided the Town Board, upon review and recommendations from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Chapter, Zoning Ordinances, and any Town comprehensive plan.

Sec. 14-1-101 Enforcement, Penalties and Remedies.

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, land division, certified survey, or replat with the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Town of Star Prairie may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
- (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (5) Assessor's plat made under Sec. 70.27, Wis. Stats., may be ordered by the Town at the expense of the subdivider when a subdivision is created by successive divisions.
- (c) **Revocation of Permits and/or Approvals.**
- (1) The Town Engineer, Town Chairperson or Building Inspector may revoke or suspend any permit or approval issued under the regulations of this Chapter and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Town Engineer shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the subdivider or his contractor has refused to conform after written warning or instruction has been issued to him.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.

- c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
 - d. Whenever, in the opinion of the Town Engineer, Town Chairperson or Building Inspector, the subdivider has provided inadequate management of the project.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Town Engineer, Town Chairperson or Building Inspector for the use of all materials, equipment, methods of construction, devices or appliances.
- (2) The notice revoking a permit or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and/or on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the premises in question by the Town Engineer, Town Chairperson or Building Inspector.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Town Engineer, Town Chairperson or Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
 - (5) Any appeals of such revocations or suspensions must be made in writing and within seven (7) calendar days to the Town Clerk-Treasurer for consideration by the Town Board at its next regularly scheduled meeting, provided the appeal is filed not less than seven (7) days prior to the meeting date.
 - (6) The Building Inspector is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this Chapter is obtained.
 - (7) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this Chapter may result in health or safety problems for the occupants.
- (d) **Appeals.** Any person aggrieved by an objection to a plat or certified survey map, or a failure to approve a plat or certified survey map, may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10, 14 and 15, Wis. Stats, within thirty (30) days of notification of the rejection of the plat or certified survey map. Where failure to approve

14-1-101

is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court may direct that the plat or certified survey be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

Sec. 14-1-102 Disclaimers on Approvals.

- (a) The purpose of requiring approvals under this Chapter is to insure the health, safety, morale, comfort, prosperity and general welfare of the Town of Star Prairie. This Article shall not be interpreted as placing any responsibility or liability on any Town official, Town employee, or the Town as a municipal corporation for the granting of approval, or the denial of any approval. All approvals rendered as part of this Chapter shall be considered as being approved conditionally based on the information and circumstances apparent at that time.
- (b) Approvals issued by the Town shall not be construed as an assumption or expression of any responsibility, warranty, or guarantee, for the design or construction of any improvements within the land division.
- (c) The Town does not guarantee, warrant, or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject to periodic inundation, nor does the Town guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by this Chapter are the only unsuited soils within the jurisdiction of this Chapter; and thereby asserts that there is no liability on the part of the Town Board, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter.

Sec. 14-1-103 Restrictions for Public Benefit.

Pursuant to Sec. 236.293, Wis. Stats., any restriction placed on platted lands by covenant, grant of easement, land division, certified survey, or consolidation approval, which was required by the Town and which names a public body or public utility as grantee, promisee or beneficiary, vests in the public body or utility the right to enforce the restriction by law or in equity against anyone who has interest in the land subject to the restriction. The restriction may be released or waived by resolution of the Town Board.

Title 14 ► Chapter 2

Comprehensive Plan

14-2-1 Comprehensive Plan Adoption

Sec. 14-2-1 Comprehensive Plan Adoption.

- (a) **Statutory Authorization.** Pursuant to Sec. 62.23(2) and (3), Wis. Stats., the Town of Star Prairie, Wisconsin is authorized to prepare and adopt a comprehensive plan as defined in Secs. 66.1001(1)(a) and 66.1001(2), Wis. Stats.
- (b) **Public Participation Procedures.** The Town Board of the Town of Star Prairie has adopted written procedures designed to foster public participation in every state of the preparation of a comprehensive plan as required by Sec. 66.1001(4)(a), Wis. Stats.
- (c) **Plan Commission Adoption.** The Plan Commission of the Town of Star Prairie, by a majority vote of the entire Commission recorded in its official minutes, had adopted a resolution recommending to the Town Board the adoption of the document entitled "Town of Star Prairie Comprehensive Plan: 2010–2030", containing all of the elements specified in Sec. 66.1001(2), Wis. Stats.
- (d) **Public Hearing.** The Town of Star Prairie has held a public hearing at its Town Board meeting on _____ on this ordinance, in compliance with the requirements of Sec. 66.1001(4)(d), Wis. Stats.
- (e) **Town Board Adoption.** The Town Board of the Town of Star Prairie, Wisconsin does, by enactment of this Section, formally adopt the document entitled "Town of Star Prairie Comprehensive Plan: 2010–2030", pursuant to Sec. 66.1001(4)(c), Wis. Stats.

Title 14 ► Chapter 3

Development of Public Property

14-3-1 Development of Public Property

Sec. 14-3-1 Development of Public Property.

- (a) **Title.** This Section is entitled the "Development of Public Property in the Town of Star Prairie Ordinance."
- (b) **Purpose.** The purpose of this Section is, consistent with the recommendations of the Town of Star Prairie Comprehensive Plan, to protect the scenic value, natural state, and environmental diversity of public lands within the Town of Star Prairie and to ensure that these lands will be maintained for the public benefit of future generations.
- (c) **Authorization of Town Electors Required.**
 - (1) The Town Board of the Town of Star Prairie shall not approve any development on any public land within the Town of Star Prairie without first obtaining the approval for such development of a majority of Town residents voting at the Annual Town Meeting or at a properly noticed Special Town Meeting.
 - (2) Approval of the Town residents shall not be necessary for any development, the total value or cost of which (determined at fair market value or at prevailing wage rates) does not exceed Five Thousand Dollars (\$5,000.00).
- (d) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) **Public Land.** Shall mean any land owned by the Town of Star Prairie, excluding road rights-of-way owned or maintained by the Town of Star Prairie.
 - (2) **Development.** Shall mean, without limitation, the construction, expansion, alteration or removal of any public structure or public building located on public land, the granting of any easement or right-of-way to any entity or individual for any purpose on, under, above, or across public land, or the changing of the existing use or the rezoning of any public land.

TITLE 15

Building Code

Chapter 1	Building Code
Chapter 2	Impact Fees

Title 15 ► Chapter 1

Building Code

15-1-1	Building Code Established
15-1-2	Building Permits and Inspection
15-1-3	State Uniform Dwelling Code Enforcement
15-1-4	Unsafe Buildings
15-1-5	Disclaimer on Inspections
15-1-6	Basements; Excavations
15-1-7	Construction Sites; Maintaining Clean Streets
15-1-8	Razing
15-1-9	Fences
15-1-10	Mobile Home Placement Outside of Mobile Home Park
15-1-11	Parking of Recreational Vehicle Outside of Mobile Home Park
15-1-12	Fees
15-1-13	Penalties

Sec. 15-1-1 Building Code Established.

- (a) **Title.** This Chapter shall be known as the "Building Code of the Town of Star Prairie" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) **Scope.**
 - (1) New buildings hereafter erected in, or any building hereafter moved within or into the Town, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any major alteration, enlargement or demolition of an existing building is a "new building" to the extent of such change. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code governing the Town and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

15-1-1

- (2) This Code applies to all dwellings, commercial buildings/structures, swimming pools, residential garages, structures, buildings, and residential accessory buildings. Not included are children's play structures and agricultural buildings (however, zoning setback requirements must be complied with). For purposes of this Chapter, an "agricultural building" is defined as a building on a parcel on which fifty percent (50%) or a significant portion of personal income is derived from farming operations.

Sec. 15-1-2 Building Permits and Inspection.

(a) **Permit Required.**

- (1) **General Permit Requirement.** No building of any kind shall be moved within or into the Town of Star Prairie and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Town, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his/her authorized agent, from the Building Inspector or his/her designee. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
- a. New buildings, or where fifty percent (50%) or more of the fair market value of a structure is destroyed and it is being repaired or altered.
 - b. Additions that increase the physical dimensions of a building including decks.
 - c. Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
 - d. Any electrical wiring for new construction; a permit is required when electrical service is upgraded.
 - e. Any HVAC for new construction, and which meets pertinent code requirements when replaced, upgraded or remodeled.
 - f. Any plumbing for new construction, and which meets pertinent code requirements when replaced, upgraded or remodeled.
 - g. Handicapped ramp construction.
 - h. Exempt are normal repairs performed in Subsection (a)(1)d-g.
- (2) **Building Permit Not Required.** A building permit is not required for the following:
- a. Replacement of in-kind major building HVAC equipment including furnaces, central air conditioners, water heaters, other major pieces of equipment, and plumbing, venting, electrical or gas supply systems when altered.
 - b. Window replacement, re-roofing and finishing of interior surfaces, installation of cabinetry, and minor repairs as determined by the Building Inspector. However, unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof. Additions of thirty-two (32) square feet or less do not require a building permit.
 - c. Agricultural buildings in properly zoned districts (however, applicable zoning setback requirements shall be complied with).
 - d. For any interior or exterior improvements or alterations to an existing building which does not affect a structural change.

- (3) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:
- a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
 - b. **Repairs.** Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or existence of any exit stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs and no permit shall be required.
 - c. **Alterations When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises. Such determination will be made by the Building Inspector, who may seek the assistance of the Assessor.
 - d. **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; if such restoration work is not done, the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
 - e. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector, who shall make a recommendation to the Town Board, who shall make a recommendation to the Town Board.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his/her designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of

the designer, the use to which said building is to be put and such other information as the Building Inspector may require.

- (c) **Access.** If the property is not located on an existing Town highway, proof of a recorded ingress/egress easement shall also be provided.

- (d) **Utilities Required.**

- (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until a sanitary permit has been issued to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the Building Inspector.
- (2) **Non-Residential Buildings.** Non-residential buildings over one hundred twenty (120) square feet require all necessary Town permits (agricultural structures exempted).
- (3) **Commercial Buildings.** Local permits are required.
- (4) **Final Inspection/Occupancy Permit.** A final inspection is required. An occupancy permit will be issued upon request.

- (e) **Plans.**

- (1) **Specifications.** With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Town datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site (construction site erosion control plan). Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Safety and Professional Services. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of the Uniform Dwelling Code.
- (2) **Site Plan.** This Subsection shall apply to any project requiring a permit pursuant to this Chapter which involves any land disturbing activity. The plot plan required in Subsection (e)(1) above shall also show the proposed finished elevation for any structure to be built on the property at issue along with the proposed finished contours

of the entire site. This proposed finished elevation shall also be indicated by benchmark(s) set on the property upon which the structure is to be built. These benchmarks shall be referenced to the USGS elevations established throughout the Town. The proposed finished elevation shall be in conformance with any approved grading plan for property in question. In the absence of an approved grading plan, a site plan and the proposed finished elevation shall be determined so as to provide proper drainage from the property to drainage ditches, and/or to a Town street. Any structure constructed on the lot shall be constructed consistent with this approved site plan and finished elevation.

- (f) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein with a fair market value of less than One Thousand Dollars (\$1,000.00), as determined by the Building Inspector, including market value of labor, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (g) **Approval of Plans.**
 - (1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Town and all applicable laws and orders of the State of Wisconsin, he/she shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building in a location viewed from the road. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
 - (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (h) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within twenty-four (24) months from the date of issuance thereof.
- (i) **Revocation of Permits.**
 - (1) The Building Inspector or the Town Board may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning of construction has been issued to him/her.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.

- c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
- (j) **Report of Violations.** Town officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
 - (k) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises which can be viewed from the road where the authorized building or work is in progress at all times during construction or work thereon.

Sec. 15-1-3 State Uniform Dwelling Code Enforcement.

(a) **Adoption of Codes.**

- (1) **Wisconsin Administrative Codes Adopted.** The following Wisconsin Administrative Codes and subsequent revisions pertaining to construction activity are adopted by reference for municipal enforcement and incorporated herein:

SPS 316	Electrical Code
SPS 320-325	Uniform Dwelling Code

SPS 326	Manufactured Home Communities
SPS 360-366	Commercial Building, Energy Conservation, and Heating, Ventilating and Air Conditioning Code
SPS 367	Rental Unit Energy Efficiency
SPS 375-379	Buildings Constructed Prior to 1914
SPS 381-387	Uniform Plumbing Code

- (2) **Commercial and Pre-1914 Buildings Codes.** Chapters SPS 360 through SPS 366, Wis. Adm. Code (Wisconsin State Commercial Building Code), and SPS 375-379, Wis. Adm. Code (Existing Pre-1914 Buildings Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Code provisions and amendments thereto shall be kept with the Building Inspector.
- (3) By virtue of adopting the Wisconsin Administrative Code above, the following codes are also adopted and incorporated by reference:
- IBC.** The *International Building Code*® – 2000, subject to the modifications specified in SPS 361-362, Wis. Adm. Code.
 - IECC.** The *International Energy Conservation Code*® — 2000, subject to the modifications specified in SPS 363, Wis. Adm. Code.
 - IMC.** The *International Mechanical Code*® – 2000, subject to the modifications specified in SPS 364, Wis. Adm. Code.
 - IFGC.** The *International Fuel Gas Code*® – 2000, subject to the modifications specified in SPS 365, Wis. Adm. Code.
- (4) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in this Town. A copy of these administrative code provisions and any future amendments shall be kept on file in the Town Building Inspector's Office.
- (b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
- An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
 - An existing structure that is altered or repaired.
 - Additions and alterations, regardless of cost, made to an existing building constructed post-1980 as deemed necessary by state law shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.

- (4) Additions and alterations —Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (c) **Definitions.** As used herein:
 - (1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
 - (2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
 - (3) **Department.** The Wisconsin Department of Safety and Professional Services.
 - (4) **Dwelling.**
 - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or
 - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
 - (5) **Minor Repair.** Repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
 - (6) **One (1) or Two (2) Family Dwelling.** A building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others. Included are "community living arrangements".
 - (7) **Person.** An individual, partnership, firm or corporation.
- (d) **Method of Enforcement.**
 - (1) **Certified Inspector to Enforce.** The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector (or state-provided inspector or contract certified inspector) shall be certified for inspection purposes by the Department in each of the categories specified under SPS 326.06, Wis. Adm. Code.
 - (2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Town Board.
 - (3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter, the Uniform Dwelling Code and all other duties as assigned by the Town Board.
 - (4) **Inspection Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such

- premises to the Building Inspector or his/her agent while in performance of his/her duties. If inspection access is denied, the Building Inspector may seek an inspection warrant from a circuit court.
- (5) **Records.** The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a file for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept. The Building Inspector shall provide the Town Board a monthly report of permits issued.

Sec. 15-1-4 Unsafe Buildings.

Whenever the Building Inspector or Town Board find any building or part thereof within the Town of Star Prairie to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

Sec. 15-1-5 Disclaimer on Inspections.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Town of Star Prairie. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

Sec. 15-1-6 Basements; Excavations.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.

15-1-6

- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way before workers leave the job site.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in a newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Town Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0703, Wis. Stats.

Sec. 15-1-7 Construction Sites; Maintaining Clean Streets.

Town streets, roads and alleys are to be kept clean of dirt and debris from all construction sites. The primary contractor for any construction project shall be responsible for sweeping streets of debris within twenty-four (24) hours of the incident. The Town of Star Prairie will clean said street(s) if the work is not done within twenty-four (24) hours of the incident; and charge the current established costs to the contractor for the work. Failure to pay said costs within thirty (30) days of receipt of the billing shall be deemed a violation of this Section, and be subject to the penalty provisions of Section 1-1-6.

Sec. 15-1-8 Regulation and Permit for Razing Buildings.

- (a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a non-agricultural structure larger than four hundred (400) square feet

within the Town of Star Prairie shall apply for and obtain a demolition permit from the Building Inspector prior to undertaking any steps to demolish the structure. The Assessor shall be notified by the Town of the issuance of a razing permit.

- (b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:
- (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
 - (2) The name, address and telephone number of the contractor(s) performing the demolition work;
 - (3) The date upon which demolition is to commence;
 - (4) The date by which demolition shall be complete;
 - (5) A list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
 - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
 - (7) A description of the method of demolition to be used; and
 - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
 - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (d) **Clearing and Leveling the Site.**
- (1) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.
 - (2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the

permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.

- (3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the Town provided that a written copy of the opinion is delivered to the Town Clerk-Treasurer at least forty-eight (48) hours before filling of the excavation commences.
- (e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.
- (f) **Miscellaneous Provisions.**
 - (1) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
 - (2) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
 - (3) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. [See Wisconsin Department of Natural Resources regulations].
 - (4) If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
 - (5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

Sec. 15-1-9 Fences.

- (a) **Definitions.** The following words and terms shall have the meanings herein provided in this Section:
- (1) **Arbor.** A decorative solid or latticework structure or trellis which is used as an entrance focal point along a barrier which serves the purpose of a fence.
 - (2) **Berm.** A mound of earth higher than the final elevation of a lot.
 - (3) **Fence.** An enclosed barrier or vertical screen device consisting of wood, stone, vinyl or metal intended to limit ingress or egress and/or provide privacy and containment. This definition also includes, but is not limited to, trellises, railings and walls around the perimeter of a property.
 - (4) **Fence, Agricultural/Farm.** A fence meeting the agricultural fence standards of Chapter 90, Wis. Stats., consisting of wire strands, high tensile strands or other types of material used for agricultural purposes meeting the statutory requirements.
 - (5) **Fence, Architectural or Aesthetic.** A fence constructed to enhance the appearance of the structure or the landscape.
 - (6) **Fence, Boundary.** A fence placed on or within five (5) feet of the property lines of adjacent properties.
 - (7) **Fence, Good Neighbor.** A fence constructed of solid or spaced boards where the face boards are installed at the center of the posts so that the fence looks the same from both sides.
 - (8) **Fence, Protective.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (9) **Install, Installation, Installed.** To construct, erect, install, place, or replace over sixteen (16) lineal feet.
 - (10) **Lot, Double Frontage.** An interior lot having street frontage on the front and the rear of the lot.
 - (11) **Trellis.** A frame or structure of open latticework.
- (b) **Fence Permit Required.** No person shall install a residential or commercial fence in the Town of Star Prairie without first obtaining a fence permit from the Town, including special purpose fences under Subsection (n), paying the required permit fee prescribed by the Town, and complying in all respects with the terms and conditions of this Section. A fence permit shall be valid only for the term of issuance, unless sooner revoked. A fence permit is not required for painting, maintenance, or repair or replacement of less than sixteen (16) lineal feet of a fence within a five (5) year period or for an agricultural/farm fence totally on an agriculturally-zoned property. A fence permit may include reasonable conditions required by the Town. A fence permit application shall be filed with the Town and include the following:
- (1) Payment of the permit fee and completed application forms required by the Building Inspector or Town Board.

- (2) A drawing, site plan or plat map displaying property boundaries, the location of buildings and structures on the property, the proposed location of the fence and its distances from other structures on the parcel.
 - (3) Accurate design information for the proposed fence, including height and materials to be utilized.
 - (4) If the fence is proposed to be installed on leased or rented property, the written consent of the owner.
- (c) **Responsibilities of Applicant; Location Determination.**
 - (1) The property owner installing a fence is solely responsible for ensuring that the fence is properly located on his/her property, and is in compliance with height, setback, vision clearance and materials requirements. If uncertainty exists regarding the actual location of lot lines, it is the applicant's responsibility to secure a lot survey.
 - (2) The applicant is responsible for complying with any private subdivision covenants or deed restrictions or utility easement(s) restrictions, including any applicable plan review/approval requirements.
- (d) **Fence Installation General Requirements.** No residential or commercial fence shall be installed except in strict compliance with this Section, permit conditions, and the following:
 - (1) Prior to fence installation, the applicant shall contact Diggers Hotline service to have the project site marked.
 - (2) Structural and support components of a fence shall face internally into the applicant's lot, facing away from adjacent properties. Fences shall be installed with the finished side facing adjacent properties or the public right-of-way. Fence posts shall be located on the inside of the fence facing the property on which the fence is located, except when the style of fence is of a design commonly known as a "Good Neighbor Fence."
 - (3) Fences shall be installed plumb and the top finish of the fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the fence.
 - (4) Fence height shall be measured from the surface of the ground immediately below the fence. Berms, retaining walls or other methods to raise the elevation of the fence site shall require approval by the Building Inspector or Town representative prior to installation. The height of fences and walls shall be measured vertically from the finished grade on the exterior side of the fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a fence is prohibited. If a fence is placed on a berm, the berm shall be included in the height of the fence and the height will be measured vertically from the base of the berm.
- (e) **Approved Fence Materials.**
 - (1) Fences located in side and/or rear yards of residential/commercial parcels shall be constructed using materials suitable for residential-style fencing, including, but not limited to: brick, fieldstone, wrought iron, vinyl, chain link [with a required top rail

support and a minimum nine (9) gauge thickness], split rail wood, stockade or board-on-board wood.

- (2) Residential/commercial front yard fences shall be fifty percent (50%) open (see-through) and be of wrought iron, picket or split rail design. Chain link fencing is permitted in side or rear yards only and its use is not permitted in residential front yards.
- (3) Agricultural/farm fences shall only be permitted in agriculturally-zoned or use districts, as determined by the Town, and shall comply with Ch. 90, Wis. Stats.
- (4) No fence shall be constructed of used, discarded or scrap materials in disrepair, including, but not limited to, pallets, tree branches/stumps, crates, vehicle parts, refuse or other similar items. Materials not specifically manufactured for fencing, such as doors, railroad ties, landscape timbers or utility poles shall not be used in fences. Fences shall not be constructed of luminous materials or smooth or corrugated metal materials.
- (5) All fences, including privacy fences, shall only be painted or stained in neutral colors.
- (f) **Modifications to Existing Fences.** All modifications to a pre-existing residential/commercial fence shall comply with this Section. Any existing fence shall not be enlarged, extended or replaced for more than sixteen (16) linear feet in a three (3) year period except in compliance with this Section.
- (g) **Height and Placement of Residential Fences Regulated.**
 - (1) Residential fences six (6) feet or less in height are permitted on rear and side lot lines, but shall not continue beyond the front of the principal structure or the required front yard setback, whichever is furthest from the street right-of-way. Residential fences less than or equal to three (3) feet in height are permitted in the street yard setback area but shall not be closer than two (2) feet to any public right-of-way.
 - (2) In any residential district or on any lot or premises, the principal use of which is for residential purposes, no lengthwise fence or other lengthwise barrier or obstruction shall be erected, placed, installed or reinstalled in any area where there is a distance between main residential buildings of ten (10) feet or less.
 - (3) No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
- (h) **Setback for Residential Fences.** Fences in or adjacent to a residential property (or property primarily residential in use) are permitted along lot lines with a minimum one (1) foot side and rear yard setback. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.
- (i) **Industrial/Commercial Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed eight (8) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (j) **Corner Lot Vision Clearance Requirements.**
 - (1) In order to provide adequate vision clearance on corner lots, no fence shall be erected or maintained within the triangular space formed by two (2) intersecting street, alley,

or driveway (public or private) property lines and a line joining points on such property lines (or projections thereof) located less than:

- a. A minimum of twenty (20) feet from the intersection of the two street property lines;
 - b. A minimum of fifteen (15) feet from the intersection of the two alley or secondary access property lines; or
 - c. A minimum of ten (10) feet from the intersection of the two driveway property lines.
- (2) Street or alley property lines are measured from the right-of-way or easement lines establishing such street or alley. Driveway lines are measured from the easement establishing such driveway, or, in the case of no easement, from the edge of the driveway surface.

(k) **Prohibited Fences.**

- (1) No fence shall be constructed which is of a dangerous condition, or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are eight (8) feet above the ground or height and project toward the fenced property and away from any public area.
- (2) Although fences which conduct electricity or are designed to electrically shock are generally prohibited except on agricultural parcels, such fences using smooth wire are allowed for the limited purpose of deer control if located five (5) feet from a lot line.
- (3) No woven, twisted, welded or interlaced wire fence, such as using chicken wire, shall be located in a non-industrial or non-agricultural district, unless such fencing is ornamental in character.
- (4) No wood-slat or plastic snow fence shall be permitted as a regular use in a Residential District, except as a temporary use under Subsection (m).
- (5) No fence shall consist solely of fence posts or be maintained as an incompletely constructed fence consisting only of posts and supporting members.

(l) **Residential/Commercial Fences to be Repaired; Corrective Action.**

- (1) All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property. Fences shall be maintained in a manner as to prevent rust, corrosion and deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. Every fence installed shall be maintained by the owner in such a way that it will remain plumb and in good repair.
- (2) Any existing fences which do not conform to the requirements of this Section and which are damaged, or in need of repair to the extent that exceeds fifty percent (50%) of the then value of the fence, said entire fence shall either be completely dismantled or reconstructed in compliance with the provision of this Section.
- (3) All new and existing fences shall be maintained in such a manner so as not to allow rust, dents or deterioration to take place. Failure to maintain a fence in good

condition and repair will result in the Town issuing an order to the property owner to take whatever steps are necessary to correct the condition. Said notice shall set forth a reasonable time for compliance and shall set forth a notice that failure to comply will result in a violation and with a penalty set forth in Section 1-1-6.

(m) **Temporary Fences; Permit Not Required.**

- (1) Fences erected for the protection of planting or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
- (2) This Section is not intended to regulate seasonal or temporary fences such as garden or snow fences except that such fences shall be removed when the condition or season for the said fence was erected no longer exists.

(n) **Special Purpose Fences.**

- (1) **Pet Enclosures; Dog Runs.** Pet enclosures and dog runs shall be permitted in residential districts subject to the following conditions:
 - a. A fence permit is required prior to installation of a pet enclosure or dog run.
 - b. No pet enclosure or dog run shall be in excess of two hundred and fifty (250) square feet in area, or be more than six (6) feet in height above the surface of the ground.
 - c. Pet enclosures and dog runs may be constructed of any material permitted for a residential fence.
 - d. No pet enclosure or dog run shall be constructed contrary to required vision clearance area requirements.
 - e. Pet enclosures and dog runs shall be located no closer than ten (10) feet to a side or rear lot line, and shall not be located to the front of the principal structure.

- (o) **Nonconforming Fences.** Any residential/commercial fence existing on the effective date of this Chapter and not in conformance with this Section may be maintained, but alterations, modifications or improvements of more than fifty percent (50%) of said fence shall require the owner to bring the fence into compliance with this Section.

Sec. 15-1-10 Mobile Home Placement Outside of Mobile Home Park.

The parking or placement of a mobile home outside of a mobile home park shall be in compliance with the following:

- (a) **Building Permit Required.** No person shall park a mobile home outside of a mobile home park for occupancy or change its location within the Town without first obtaining a building

permit from the Town of Star Prairie. Such permit may be obtained by application from the Building Inspector.

- (b) **Placement Conditions.** All mobile homes moved into or placed in the Town of Star Prairie shall comply with the following requirements:

- (1) **Permit Requirement; Age and Construction Standards.** Any mobile home placed in the Town of Star Prairie, whether within or outside a mobile home park, shall be ten (10) years or less in age, determined by the date of unit manufacture. All existing occupied mobile homes may be inspected by the Town Building Inspector. The Town Building Inspector can approve and issue a permit if all elements on the inspection report are satisfactory. If a problem was found and corrected within three (3) months, and a second inspection verified the correction(s), an occupancy permit may be issued by the Building Inspector. Specifically, any mobile home placed in the Town of Star Prairie shall meet the specifications required by Federal HUD Standards Ch. XX, Part 3280 and 3282.
- (2) **Additions; Accessory Structures.** No construction of any addition, windbreaks, carports, permanent garages, utility sheds or any other improvement to a mobile home shall be commenced without first obtaining a building permit as provided for in the Town of Star Prairie Building Code.
- (3) **Converted Vehicles.** No converted vehicles such as, but not limited to, vans, semi-trailers or school buses, may be considered allowable mobile home units or storage buildings within the scope of this Chapter. The parking of such vehicles within the Town of Star Prairie is strictly prohibited. No mobile home shall be utilized as a storage shed, and permits shall not be issued for such use.
- (4) **Shoreland Zoning.** In addition to complying with the terms of this Chapter, the owner of a mobile home shall comply with the conditions of the St. Croix County Shoreland Zoning Ordinance, whenever applicable. If a zoning permit is required under said ordinance, said permit must be obtained prior to the issuance of any permit by the Building Inspector.
- (5) **Sanitary Permit.** A sanitary permit or privy permit from St. Croix County shall be required before being granted a building permit for the placement of a mobile home in the Town of Star Prairie.
- (6) **Foundation Requirement.** All manufactured/mobile homes moved into the Town of Star Prairie or moved from one location to another within the Town of Star Prairie shall have for a foundation either a basement or a minimum of three and one-half (3-1/2) inch thick reinforced concrete pad under the entire area of the home along with tie-downs.

- (c) **Pre-Existing Units.** All existing mobile homes which do not conform to the standards set forth in this Section at the time of original adoption of this Section (October 10, 2001) shall not be affected by said conditions except:

- (1) **Change in Location.** That said non-conforming mobile home upon removal from the property it was located on at the time of original adoption of this Section may not be moved to another location within the Town of Star Prairie.

- (d) **Units Per Parcel.** Only one mobile unit shall be permitted on a recorded tract of land in the Town of Star Prairie. Any owner of a single recorded tract of land on which there are three (3) or more mobile home units shall be deemed to be operating a mobile home park and shall comply with all of the requirements governing mobile homes and mobile home parks ordinance (Title 15, Chapter 3).
- (e) **Placement Standards.** Individual mobile home units set up on a parcel of land in the Town of Star Prairie are required to be installed in accordance to Wisconsin Department of Safety and Professional Services guidelines and Town of Star Prairie and St. Croix County ordinances, whichever is most restrictive.

Sec. 15-1-11 Parking of Recreational Vehicles Outside of Mobile Home Park.

- (a) **Definition.**
 - (1) Within the scope of this Section, a "recreational" vehicle means a vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which has its own mode of power or is mounted or drawn by another vehicle. The basic terms for such vehicles are: travel trailer, camping trailer, truck camper, motor home, and/or recreational vehicle.
 - (2) For the purposes of this Section, a recreational vehicle shall be considered to be a temporary structure.
- (b) **Placement; Wheels.** The wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall any such recreational vehicle be otherwise fixed to the ground in any manner that would prevent ready removal.
- (c) **Septic System Connection.** Recreational vehicles may not be permanently attached to a private sewage system.
- (d) **State-Licensed for Road Travel.** Recreational vehicles must be state-licensed annually for road travel.
- (e) **Additions.** No permanent-type construction or structure shall be added or attached to a recreational vehicle.

Sec. 15-1-12 Fees.

Fees for permits under this Chapter shall be established by resolution of the Town Board.

Sec. 15-1-13 Penalties and Violations.

- (a) **Violations.** Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an

unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Town Board and Town Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of Section 1-1-6 of this Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Town officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

(b) **Compliance; Penalties.**

- (1) **Notice of Noncompliance.** If an inspection reveals a noncompliance with this Chapter, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted by the Building Inspector.
- (2) **Stop-Work Orders.** If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- (3) **Each Day a Separate Offense.** Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter.
- (4) **Double Permit Fees for Violations.** If any construction or work governed by the provisions of this Chapter is commenced prior to the issuance of a permit, double fees shall be charged.

(c) **Appeals.**

- (1) **UDC Appeals.** Any person feeling aggrieved by an order or determination of the Building Inspector on a matter governed by the Wisconsin Uniform Dwelling Code may only appeal such an order to the Wisconsin Department of Safety and Professional Services for a UDC interpretation.
- (2) **Town Board Review.** Any person feeling aggrieved by an order or a determination of the Building Inspector and/or other Town official administering this Chapter may appeal from such order or determination to the Town Board. Those procedures customarily used to effectuate an appeal to the Town Board shall apply.

(d) **Liability.** Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Town of Star Prairie charged with the enforcement of this Chapter

shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the Town as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the Town until the final determination of the proceedings therein.

Title 15 ► Chapter 2

Impact Fees

15-2-1	Title; Purpose
15-2-2	Definitions
15-2-3	Impact Fee Revenue Administration
15-2-4	Use of Impact Fees
15-2-5	Payment of Impact Fees
15-2-6	Appeals
15-2-7	Impact Fees Established
15-2-8	Exemptions
15-2-9	Impact Fees Review

Sec. 15-2-1 Title; Purpose.

- (a) **Title.** This Chapter is known and may be cited as the "Impact Fees of the Town of Star Prairie Ordinance."
- (b) **Purpose.** Pursuant to the authority of Section 66.0617, Wis. Stats., the local impact fees enabling legislation, the purpose of this Chapter is to establish the mechanism for the imposition of impact fees upon new development to finance the capital costs of acquiring, establishing, upgrading, expanding, and constructing public facilities which are necessary to accommodate land development. This Chapter is intended to assure that new development bears an appropriate share of the cost of capital expenditures necessary to provide public facilities within the Town of Star Prairie and its service areas, as they are required to serve the needs arising out of land development.

State Law Reference: Section 66.0617, Wis. Stats.

Sec. 15-2-2 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Capital Costs.** The capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or

improve public facilities, except that not more than ten percent (10%) of capital costs may consist of legal, engineering and design costs unless the Town can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed ten percent (10%) of capital costs. "Capital costs" does not include other noncapital costs to construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.

- (b) **Building Permit.** The written approval issued in accordance with the provisions of SPS 320.09, Wis. Adm. Code, by the Town's Building Inspector for any construction, repair, enlargement, improvement or alteration of any building or structure within the Town. It does not include a "Fast Start" permit or preliminary permit issued at the time of excavation or installation of footings for any such building or structure.
- (c) **Development.** Any man-made change to improved or unimproved real property, the use of any principal structure or land or any other activity that requires issuance of a permit for a dwelling unit. "Development" as used herein shall also include commercial development.
- (d) **Developer.** A person that constructs or creates a land development.
- (e) **Dwelling Unit.** A building or portion thereof with rooms arranged, designed, used or intended to be for one (1) family. Guest houses with kitchen and bathroom facilities are considered dwelling units.
- (f) **Impact Fee.** Cash contributions, contributions of land or interests in land, or any other items of value that are imposed on a developer by the Town Board under this Chapter.
- (g) **Land Development.** The construction or modification of improvements to real property that creates additional residential dwelling units within the Town of Star Prairie or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Town.
- (h) **Low-Cost/Low-Income Housing.** Per Sec. 66.0617(4)(a)(1), Wis. Stats., the Town Board may discount impact fees on low-cost/low-income housing developments. The impact of these fees on the availability of low-cost/low-income housing is difficult to quantify on an overall basis. The impact of the fees on the developments that qualify for low-cost/low-income housing will be assessed at the time of final platting.
- (i) **Multi-Family Units.** Any residential dwelling greater than a duplex or twin home.
- (j) **Public Facilities.** For purposes of this Chapter, as defined in Sec. 66.0617, Wis. Stats., means facilities for Town use.
- (k) **Residential Equivalent Unit (REU).** A unit of measure for calculating impact fees; one REU is equivalent to the projected impact of land development to Town services created by one (1) residential dwelling unit. The application of these standards in each individual case shall be at the discretion of the Town Board in consultation with the Town Engineer and/or Town Attorney as necessary.
- (l) **Service Area.** A geographic, Town of Star Prairie, T31N, R18W, exclusive of the City of New Richmond, delineated by the Town Board within which there are public facilities.
- (m) **Service Standard.** A certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure, as specified by the Town Board.

- (n) **Town.** The Town of Star Prairie, St. Croix County, Wisconsin.

Sec. 15-2-3 Impact Fee Revenue Administration.

- (a) Revenues from impact fees shall be placed in one (1) or more segregated, interest-bearing accounts and shall be accounted for separately from other Town funds. Impact fee revenues and interest earned thereon may be expended only for capital costs, including interest expense, for which the impact fees were imposed.
- (b) Impact fee revenues imposed and collected, but not used within a reasonable period of time after collection to pay the capital costs for which they were imposed shall be refunded to which the impact fees were imposed. Reasonable time periods for expenditure of impact fee revenues shall be as prescribed by Sec. 66.0617(9), Wis. Stats. [generally ten years, with a possible extension of an additional three years].

Sec. 15-2-4 Use of Impact Fees.

Funds collected from impact fees shall be used solely for the purpose of paying the proportionate costs of providing public facilities that may become necessary due to land development to the extent authorized by Sec. 66.0617, Wis. Stats. These costs may include the costs of debt service on bonds or similar debt instruments when the debt has been incurred for the purpose of proceeding with designated public facilities projects prior to the collection of all anticipated impact fees for that project, to reimburse the Town (or a Town utility) for advances of other funds or reserves, and such other purposes consistent with Sec. 66.0617, Wis. Stats., which are recorded and approved by the Town Board.

Sec. 15-2-5 Payment of Impact Fees.

Unless otherwise expressly provided herein, all required impact fees shall be paid one hundred percent (100%) at time of issuance of building permit by the Town of Star Prairie. The impact fee amount due shall be those in effect at the time payment of the impact fee is due. Impact fee payments shall be assumed to be the responsibility of the owner of record of the property at the time of application for a building permit(s). Impact fees shall be imposed on any development for which a building permit has been applied for (and not yet issued) as of the date of original passage of this Chapter (March 7, 2006). All fees shall be paid to the Town Building Inspector prior to issuance of the building permit. If the provisions of this Section are inconsistent with any terms addressing imposition or payment of impact fees in any developer's agreement executed prior to passage of this Chapter, the terms of any such developer's agreement(s) shall control.

Sec. 15-2-6 Appeals.

- (a) The payment of an impact fee imposed under this Chapter may be contested as to the amount, collection or use of the impact fee by appeal to the Town Board, provided that the applicant files a written notice of appeal with the Town Clerk-Treasurer's office within fifteen (15) days of final plat approval or the approval by the Building Inspector of an application for a building permit upon which the impact fee is imposed. Such notice of appeal shall be entitled "Notice of Appeal of Impact Fee" and shall state the applicant's name, address, telephone number, address, and legal description of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal.
- (b) The Town Clerk-Treasurer shall schedule the appeal for consideration by the Town Board at a meeting as soon as reasonably practicable under the circumstances and shall notify the applicant of the time, date and place of such meeting in writing by regular mail, deposited in the mail no later than at least five (5) days before the date of such meeting to hear the appeal. Upon review of such appeal, the Town Board may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.

Sec. 15-2-7 Impact Fees Established.

- (a) **Basis.**
 - (1) The basis for the imposition of the impact fees is the study and assessment conducted to establish the amount, implementation schedule and rational basis for imposition of the impact fee, which has been summarized in the "Public Facility Needs Assessment" ("Needs Assessment"), dated January, 2006, prepared by Ayres & Associates, which is on file in the Town Hall and open to public inspection during normal business hours.
 - (2) The Town of Star Prairie's service standard is primarily related to single-family residential dwellings. This service standard will apply to the impact fees as the residential equivalent unit (REU). It is necessary to develop an appropriate relationship between the REU and other land uses for the application of the impact fee and to develop an equivalent measure of services to equate commercial land uses to a REU. Commercial properties that develop within the Town of Star Prairie will be assessed impact fees equal to one (1) single-family residence (one REU).
 - (3) The greatest impact of future population increases will be to the Town's road system. The Needs Assessment contains an opinion of probable costs for required roadway improvements necessitated by anticipated new development. The Needs Assessment further contains the method used to calculate the amount of the transportation impact fee per REU.

- (4) The other capital cost which will be incurred in part due to new development is a new Town Hall. The Needs Assessment contains an opinion of probable costs for required public facilities for a new town hall project. The Needs Assessment further contains the method used to calculate the amount of the public building impact fee per REU.
- (b) **Impact Fees Established.** In the interest of fairness and in an effort to better effectuate the purpose of this Chapter outlined in Sec. 15-2-1, the Town of Star Prairie has adopted the following schedule relating to the impact fees to be paid according to Sec. 15-2-5. The fee schedule for each Residential Unit or Residential Equivalent Unit is as prescribed in Sec. 1-3-1.
- (c) **Different Residential Types.** Impact fees for single-family units will be based on residential equivalent units. Duplexes and twin homes will pay impact fees based on two (2) residential equivalent units. All other residential buildings, three-plexes or larger, will pay impact fees based on the number of dwelling units.
- (d) **Levying of Impact Fees.** An impact fee, as prescribed in Subsection (b) above, is levied against each residential equivalent unit constructed, altered, or improved within the Town of Star Prairie after the effective date of this Chapter:
- (1) For new construction, each residential equivalent unit constructed or caused to be build by the owner of record shall be subject to the assessment of the impact fee.
 - (2) For alterations or improvements to an existing residential equivalent unit, or where a change in land use is requested, the owner of record shall be assessed an impact fee equal to the difference between the impact fee which would be assessed on the basis of the existing number of residential equivalent unit(s) and the impact fee which would be assessed on the basis of the proposed number of residential equivalent unit(s). Alterations or changes in use which decrease the number of residential equivalent unit(s) will not result in a refund of impact fees previously paid.
 - (3) The residential equivalent unit is the unit of measurement for assessment of the impact fee regardless of whether or not the proposed land development is residential or commercial.
- (e) **Collection of Impact Fees.** These impact fees shall be collected until the capital costs associated with the projects specified in the Needs Assessment have been incurred and satisfied unless such time period exceeds the limitations prescribed in Sec. 15-2-3 and this Section.

Sec. 15-2-8 Exemptions.

The following situations shall be exempted from payment of impact fees required by this Chapter:

- (a) Alterations or expansion of an existing building in which no additional residential uses are created or, in the case of nonresidential uses, that do not create a need for new, expanded or improved public facilities within the Town of Star Prairie.

15-2-8

- (b) The replacement of a building or structure with a new building or structure of the same size and where the use is not changed.
- (c) Any claim for exemption shall be made and filed prior to the time required for payment as provided in this Chapter. Any claim not so made shall be deemed waived.
- (d) No impact fee shall be imposed in an amount necessary to address existing deficiencies in public facilities.
- (e) Upon Town Board approval, an exemption from or a reduction in the amount of impact fees on land development that provides low-cost housing may be made. As set forth in Sec. 66.0617(7), Wis. Stats., no amount of an impact fee for which an exemption or reduction is provided under this Subsection may be shifted to any other development in the land development in which the low-cost housing is located or to any other land development in the Town of Star Prairie.

Sec. 15-2-9 Impact Fees Review.

The impact fees contained herein shall be reviewed by the Town Board every three (3) years, and modified if necessary, as a result of changing facility needs, inflation, revised cost estimates, capital improvements, changes in other funding sources applicable to public facility projects and other relevant factors in accordance with the standards for impact fees set forth in Sec. 66.0617(6), Wis. Stats. Until changed by this process, the current fees shall stay in full force and effect.

