

CHAPTER 18 - SUBDIVISION AND PLATTING

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18.01 - INTRODUCTION AND GENERAL PROVISIONS

- (1) **STATUTORY AUTHORITY.** These regulations are adopted under the authority granted by §§59.97, 144.26 and 236.45, Wis. Stats.
- (2) **PURPOSE.** The purpose of these regulations is to promote public health, safety and general welfare; to encourage the most appropriate use of the land; to provide the best possible environment for human habitation and to conserve the value of buildings placed upon the land by:
 - (a) Lessening congestion in the streets or highways.
 - (b) Furthering the orderly layout and use of land.
 - (c) Securing safety from fire, panic and other dangers.
 - (d) Providing adequate light and air.
 - (e) Avoiding undue concentration of population.
 - (f) Facilitating adequate provisions for transportation, water, sewer, schools, parks, playgrounds and other public requirements.
 - (g) Facilitating, where appropriate, further resubdivision of larger tracts into smaller parcels.
- (3) **GEOGRAPHIC JURISDICTION.** The provisions of this chapter apply to all lands within the County not within the boundaries of incorporated cities or villages provided, however, that the provisions of §18.03(3) of this chapter shall apply to both incorporated and unincorporated parts of this County.
- (4) **LAND DIVISIONS GOVERNED BY THIS CHAPTER.**
 - (a) This chapter shall apply to the act of division of a lot, parcel or tract which existed on the effective date of this chapter by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates in area 5 or more parcels of 1.5 acres or less each in size.
 - (b) This chapter shall not apply to:
 - (1) Transfers of interest in land by will or under court order.
 - (2) 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 in size below the minimum size required by applicable laws and ordinances.
 - (4) Assessors' plats made under §70.27, Wis. Stats., provided, however, that such plats shall conform with §70.27 and 236.03(2) Wis. Stats.
 - (c) This chapter shall apply to all land division described in sub. (1) and not excluded by the exceptions in sub. (2), whether the division is new or an attempt to clarify prior metes and bounds description.

18.02 - CLASSIFICATION OF LAND DIVISION

Land divisions are classified under this chapter as:

- (1) **SUBDIVISIONS.** Five or more parcels of 1.5 acres each or less in size created by a division or by successive divisions of a parcel within a period of 5 years by the owner or by subsequent owners.
- (2) **INTERPRETATION.** In determining eligibility to create parcels by the subdivision procedures, the following definition shall apply to the land area from which the parcels are to be derived. Lands regardless of use, which are under unified ownership, shall be considered as a single parcel or tract even when they are divided by a street, road or highway.

18.03 - PROCEDURES TO BE USED IN REVIEWING LAND DIVISIONS REGULATED BY THIS CHAPTER

- (1) **PREAPPLICATION CONSULTATION.** It is recommended that prior to the filing of documents required under subs. (2) and (3), the landowner or subdivider consult with the Zoning Administrator or the Zoning Committee in order to obtain advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the applicant of the purpose and objectives of these regulations and to assist planning the proposed development and to afford an opportunity for the landowner to be informed of any changes, additions or correction to his proposed land division to expedite procedures.
- (2) **PROCEDURES FOR APPLICATION AND PROPOSED SUBDIVISIONS.**
 - (a) **Preliminary Plat Application and Review.** Before submitting a final plat for approval, the subdivider shall prepare a preliminary plan and an application. The preliminary plat shall be prepared in accordance with §18.04(2) of this chapter and the subdivider shall file 6 copies of the plat and application with the Zoning Administrator. The subdivider shall give copies to the clerk of each adjoining city or village if the subdivision lies within the extraterritorial plat approval jurisdiction of the city or village; copies to the applicable town clerk and copies to each affected public or private utility. The Zoning Administrator shall transmit a copy of the preliminary plat to affected County commissions or departments, including the County Land Conservation Office, County Highway Commissioner and County Surveyor for review and recommendations.
 - (b) **Preliminary Plat Approval.** The committee, within 45 days of the date of filing of a preliminary plat with the Zoning Administrator, shall approve, approve conditionally or reject such plan, unless the time is extended by mutual agreement with the subdivider. One copy of the plat shall thereupon be returned to the subdivider with the date and the action endorsed thereon. If approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall be placed in the Committee's permanent file. Failure of the Committee to act within the 45 days of the date

of filing or within the time as extended by agreement with the subdivider shall constitute an approval.

(c) Final Plat Application and Review.

- (1) The subdivider shall prepare a final plat and an application in accordance with this chapter and shall file 4 copies of the plat and the application with the Zoning Administrator.
- (2) The Zoning Administrator shall, within 2 working days after filing, transmit copies to the Highway Commissioner and the County Surveyor.
- (3) The subdivider shall give copies to the clerk of each adjoining city or village if the subdivision lies within the extraterritorial plat approved jurisdiction of the city or village and copies to each affected town and public or private utility.

(d) Final Plat Approval

- (1) The Wisconsin Department of Development (DOD), the Wisconsin Department of Transportation (DOT) and the Wisconsin Department of Industry, Labor and Human Relations (DILHR), which are designated by State law (§236.12) as objecting agencies will notify the subdivider of any objections. If there are no objections, they so certify on the face of their copy of the plat. Objecting agencies failing to act within 20 days are deemed to have no objection to the plat.
- (2) The Committee shall, within 45 days of the date of filing the final plat with the Zoning Administrator, approve or reject such plat, unless the time is extended by agreement with the subdivider. After passage of the Committee's resolution, the Zoning Administrator can certify on the face of the plat that the plat has been approved by the Committee. 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 and the surveyor.
- (3) Failure of the Committee to act within 45 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (4) The subdivider shall file adequate copies of the final plat with the County Zoning Administrator for distribution to the County Highway Commissioner, County Supervisor, County Zoning Committee and other affected departments for their files.

(e) Optional Procedures.

- (1) A subdivider may elect, pursuant to §236.12(6) Wis. Stats., to submit the original plat in either the preliminary or the final stage or both to objecting agencies prior to submission to the County and other local approving agencies. In such event, the subdivider is encouraged to consult with the Zoning Administrator prior to preparation of the plat and its

submission to objection agencies to determine which optional features will be required pursuant to §18.04(2) in order that the objecting agencies may review the plat in the form in which it will be reviewed by the County.

- (2) Referrals of the plat to objecting agencies shall not be necessary pursuant to this subsection where the subdivider has followed the procedures of §236.12(6), Wis. Stats., and no unsatisfied objections remain.
 - (f) Review by Other Agencies Approving. Approval by the Committee of a preliminary or final plat shall not eliminate the need for the plat also to be approved by other agencies where approval is required. The provisions of §236.12(8), Wis. Stats., shall be followed when copies or different versions of a plat are submitted to various approving bodies.
 - (g) Relationship Between Preliminary and Final Plat.
 - (1) The preliminary plat shall be deemed an expression of approval of the layout submitted as a guide to the preparation of the final plat which shall be subject to further consideration by the Committee at the time of its submission.
 - (2) 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 6 months of the preliminary plat approval and conforms substantially to the preliminary plat layout, the final plat shall be entitled to approval with respect to such layout.
 - (h) Partial Platting. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposed to record at that time. Approval of a final plat for only a portion of a preliminary plat shall extend approval for the remaining portion of the preliminary plat for one year from the date of such final plat approval. Time period extension may be allowed by the County Zoning Committee upon request by the developer.
- (3) PROCEDURES FOR REVIEW OF SUBDIVISION IN INCORPORATED MUNICIPALITIES. Plats of subdivisions are received by the Committee to determine if any conflict exists between the proposed subdivision and any existing or planned park, parkway, expressway, major highway, airport, drainage channels, schools or other public facilities. The Committee shall issue a response to the plat, as provided in §236.13(3), Wis. Stats.

18.04 - STANDARDS APPLICABLE TO DOCUMENTS SUBMITTED

(1) PRELIMINARY PLAT.

- (a) A preliminary plat shall be based upon a survey by a land surveyor registered in Wisconsin and a plat prepared on suitable drafting media of good quality at a scale of not more than 100' to the inch and shall show correctly on its face the following information:

- (1) All information required on preliminary plat by §§236.15, 236.20 and 236.21(1) and (2), Wis. Stats.
 - (2) Provisions of all restrictive covenants which apply or which the subdivider intends to apply to land within the subdivision.
- (b) Where the Zoning Administrator finds that the County requires additional information relative to a particular problem presented by the proposed development in relation to County standards, he shall have the authority to request in writing that such information be included on the preliminary plat or on accompanying documents.
- (1) Existing and proposed zoning on the property adjacent to the proposed subdivision.
 - (2) Soil types and their boundaries derived from the test of a certified soil tester (CST), with boring sites precisely indicated or from maps prepared from the U.S. Department of Agriculture and Soil Conservation Service, the number and characteristics of such soil boring test shall not be less than that required by the Zoning Administrator or as required by Ch. ILHR 85, Wis. Adm. Code, or to provide reasonably accurate data as to capacities of the land to handle waste absorption of proposed construction loads.
 - (3) Location and results of percolation tests conducted in accordance with §ILHR 85.06, Wis. Adm. Code, taken at the location and depth in which any soil absorption waste disposal system is to be installed.
 - (4) Location of existing boundary lines, structures, drives, streams and watercourses, marshes, rocks, rock outcroppings, wooded areas, railroad tracks and other significant features within the tract or immediately adjacent thereto.
 - (5) Contours within the plat and extended to the centerline of adjacent public streets at vertical intervals of not more than 2', where the slope of the ground surface is not more than 10% and of not more than 5' feet where the slope is 10% or more.
 - (6) Plans and profiles for streets, curbs, gutters, sidewalks, boulevard improvements, walkways, greenways, drainageways, storm sewers and culverts, locations of manholes, catch basins, hydrants, sanitary sewer, water mains, gas mains, electrical and communication (whether overhead or underground) within or immediately adjacent to the tract. If no sewer or water mains are located on or immediately adjacent to the tract, the nearest such facilities which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
 - (7) Water elevations of all parcels, streams, lakes, flowages and wetlands within the tract or located within 100' therefrom and the approximate low water elevations.

- (8) Floodplain and shoreland boundaries and the contour line lying a vertical distance of 2' above the regional flood elevation or, where such information is not available, 2' above the elevation of the maximum flood on record within 100' therefrom.
 - (9) Grading plan with proposed contours shown at 2' intervals and within minimum basement floor elevation shown for all proposed buildings.
 - (10) Location and dimensions of all sites to be reserved or dedicated for public use, such as parks, playgrounds, drainageways or which are to be used for group housing shopping centers, church sites or other nonpublic uses.
 - (11) Any proposed lake or stream access and any proposed lake or stream improvement or relocation.
 - (12) Identification of the proposed use of all lands within the proposed subdivision.
 - (13) Identification of sources of water supply and sewage services.
 - (14) Location and names of any adjacent subdivision, parks, cemeteries, identification of owners or records or abutting nonplatted lands, sketch or plan for future use and development of all adjoining lands owned by the subdivider.
- (2) FINAL PLAT. A final plat prepared by a land surveyor registered in Wisconsin shall be required for all subdivisions. It shall comply in all respects to the requirements of §236.20, Wis. Stats. In addition to the requirements of §236.20, Wis. Stats., the final plat shall correctly show on its face.
- (a) Lands reserved for future public acquisition or for the common use of the property owners within the subdivision.
 - (b) Special restrictions required by reviewing authorities. All final plats shall provide all certificates required by §236.21, Wis. Stats., and the surveyor will certify that all provisions of this chapter have been complied with.

18.05 - APPLICATIONS OF STATE STANDARDS IN REVIEW OF SUBDIVISIONS

The standards of §236.15, Wis. Stats., and standards set forth in rules adopted by the Wisconsin Department of Health and Social Service pursuant to §236.13(1)(d), Wis. Stats., and by the State Department of Transportation under §236.13(1)(e) shall be applied to preliminary and final plats of all subdivisions as defined by this chapter and the procedures set forth in §18.03(2) shall govern presentation of such plats for State review.

18.06 - SUITABILITY STANDARDS

- (1) GENERAL. Wisconsin Statute §236.45 authorizes the County Board to prohibit division of lands where such prohibition will carry out the purposes set forth in §18.01(2). The County Board may also regulate the manner of land division in areas where divisions are permitted. The suitability standards of §18.06 shall be applied to all proposed subdivisions under the authority stated herein. These standards are in addition to the standards set forth in other land regulating ordinances applicable to the County.
- (2) GENERAL SUITABILITY STANDARDS. No land shall be subdivided which is held unsuitable for its proposed use by the Committee. Unsuitability can be flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature or circumstance likely to result in the imposition of unreasonable costs to remedy severe and avoidable problems or to be harmful to the health, safety or general welfare of the future residents of the subdivisions or of the County.
- (3) PROHIBITION OF LARGE LOT, UNSEWERED DEVELOPMENTS IN AREAS WHICH HAVE POTENTIAL FOR SANITARY SEWER SERVICE. It is hereby declared to be the policy of the County to encourage sanitary sewer service for subdivided developments. In the interest of promoting the orderly use and development of lands and facilitating adequate provisions for sewage service, the following standards shall apply to all subdivision development:
 - (a) Developments which can be connected to sanitary sewage collection and treatment facilities at the time of development shall have all lateral and service to the property line installed in the course of development and be connected to the available treatment system prior to occupancy.
 - (b) Developments in areas where sanitary sewage treatment service can reasonably be expected to be available within a 5 year period from the date of project completion shall have a sewage collection system, including services to the property lines installed prior to completion and occupancy. Such collection systems within the boundaries of the tract shall be capped pending availability of a connection to the expected treatment system. The Committee shall make diligent inquiry into all municipal, State and federal policies which bear upon the likelihood that service will, in fact, be provided on schedule. If payments from the developer and/or owner are a precondition to provision of a sewage service, the requirement that appropriate funds be placed in escrow may be imposed.
 - (c) Subdivisions that are within an area of potential sewage service may be occupied prior to connection to sewage service, provided that each parcel proposed for occupancy meets all standards that are applicable to the interim, on-site waste disposal system. As provided for in §18.07(6) (b)2., interim occupancy may be on the basis of use of 2 or more lots with provision for resubdivision after sewage service connection is made.

- (4) **SUITABILITY OF LANDS FOR LARGE LOT RURAL DEVELOPMENTS.** It is hereby declared to be the policy of the County to accommodate reasonable demands for purchase and occupancy of large lots for residential purposes in scenic and rural locations. In the interest of preserving the green and scenic character of such areas, lessening highway congestion and allowing for adequate on-site disposal, such developments shall be permitted in areas of the County which are:
 - (a) Zoned for such use.
 - (b) Compatible with the general suitability standards of sub. (2) to ensure that such developments retain their character, they may be subject to the convenient provisions of §18.07(6)(b)2.
- (5) **RECITATION OF BASIS FOR DECISIONS AND CONTESTS.** The Committee, in applying the provisions of this section, shall specify in writing the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding the suitability issue at a public hearing. Thereafter, the Committee may affirm, modify or withdraw its determination of suitability.

18.07 - DESIGN STANDARDS

- (1) **GENERAL.** Subdivision development layouts shall be planned in proper relation to existing and proposed streets, topography, surface water, vegetative cover and natural features and the most advantageous development of all adjoining areas.
- (2) **STREET LAYOUT; GENERAL STANDARDS.** Street layouts shall conform to the arrangement, width and location indicated on any applicable official map or comprehensive plan of a municipality, town or County and shall be designed so as to be within the capability of the land and water resources, considering topography and bearing capacity of the land and potential for erosion and obstruction to flow of surface waters; to least disturb the existing terrain, flora and water regimen; to meet all floodplain and shoreland regulations of the County; to promote public convenience and safety, including fire protection, snow plowing and pedestrian traffic; and to relate all lands to be served or affected by such streets. Each lot shall have a satisfactory access to a public street. Design standards set forth in this subsection and sub. (3) and construction standards set forth in §18.09(2) and 18.10(4) shall apply to all streets and roads intended for public use, excluding driveways, regardless of whether the right-of-way has been dedicated to the town or County. The layout shall recognize the functional classification of various types of streets and through traffic shall be discouraged on minor streets which serve primarily to provide access to individual lots.
- (3) **STREET DESIGN STANDARDS.** Minimum and maximum standards concerned with sight distances, widths, grades, curves and access requirements will be handled on an individual basis since no 2 roads would have identical engineering characteristics. The following regulations will control all newly created roads or access:

- (a) If the road or access concerns a State highway or County trunk, the State Department of Transportation or the County Highway Department will write the special provisions concerning the road or access. If other than State highway or County trunk, the municipality or town having jurisdiction will enumerate the provisions concerned with the road or access.
 - (b) A written permit will be required for all new roads or accesses. The permit will be obtained from the governing unit having road jurisdiction for that area.
 - (c) All proposed public streets dedicated in any subdivision will require a permit and concurrence from the local governing body and the County Highway Department.
- (4) EASEMENTS. The Committee may require easements or widths deemed adequate for intended purposes at the property side of front yard lines, on each side of rear lot lines, on each side of all lot lines or across lots where necessary for electric power and communications facilities; storm and sanitary sewers; streets; trees; and gas, water or other utility lines. All easements shall be noted on the final plat followed by reference to the intended use.
- (5) BLOCKS.
- (a) Blocks in residential areas shall not exceed 1,320' in length.
 - (b) Blocks shall have sufficient width to allow 2 tiers of lots, except where required variation is required to separate residential development from through traffic or other incompatible conditions.
- (6) LOTS.
- (a) Unless specifically waived by the Committee, a separate lot shall be provided for each structure intended for residential use.
 - (b) Lot size shall conform to the County Zoning and Sanitary Codes and to the following standards:
 - (1) Corner lots shall be platted with a width at least 15' wider than the minimum required by the Zoning Code.
 - (2) The Committee may require that lots within subdivision located within potential sewer service zones be arranged and dimensioned so as to allow orderly resubdivision of such parcels upon availability of sanitary sewer service. In addition, the Committee may establish control over the use and/or resubdivision of interim multiple lots by contract or covenant requirements.
 - (3) The Committee may require that large lots in a rural location be restricted against further resubdivision by restrictive covenants with the County being granted enforcement and waiver rights pursuant to §236.93, Wis. Stats., in the interest of enforcing the policies and standards of §18.06(4).

- (7) **PARKS, PLAYGROUNDS AND OPEN SPACE.** In the design of the subdivision, due consideration shall be given to the preservation of suitable sites of adequate area for further schools, parks, playgrounds, drainageways and other public purposes. Such areas as are shown on an adopted master plat or official map shall be made a part of the subdivision design. Consideration shall also be given in the design of the subdivision to the preservation of scenic and historic sites, stands of trees, marshes, lakes and ponds, watercourses, watersheds and ravines.
- (8) **STORM WATER DRAINAGE.** The design of the subdivision shall include provision for storm drainage facilities as needed to permit the unimpeded flow of natural watercourses; to insure drainage of all points along the line of streets; to provide positive drainage away from on-site sewage disposal facilities. Special consideration shall be given to prevention of erosion and sedimentation and prevention of excess runoff on adjacent properties. The Committee may require easements or dedicated drainageways sufficient to accommodate anticipated storm water runoff.
- (9) **CONSERVATION AND EROSION CONTROL.** The Committee may direct that plats be subject to review by the Land Conservation Department to insure proper application of conservation practices and the County Forester to assist in controlling erosion and in preserving forest woodland resources.

18.08 - PLANNED RESIDENTIAL UNIT DESIGN

- (1) **GENERAL.** Where the subdivider has 5 acres or more of land under his control, he may elect to apply for approval of a plat employing a planned residential unit design. Under such a design, dwelling units may be grouped on lots below the minimum size specified in the applicable County Zoning Code and the remaining land in the tract shall be common open space. Planned residential developments shall be required to be sewered.
- (2) **STANDARDS FOR PLANNED RESIDENTIAL UNIT DESIGN.**
 - (a) The maximum number of lots permitted in such developments shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes in the applicable Zoning Code.
 - (b) The remaining land not proposed to be used for lots or for streets or other public facilities shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance of a legally constituted homeowner's association to manage such lands or by dedication and acceptance by the local governing body. Dedication of such lands to the lot owners in common shall name the County as a beneficiary with enforcement powers under §236.293, Wis. Stats.
 - (c) Water supply and sewage disposal plans for such a proposed design shall meet all applicable standards of the County ordinances and Wisconsin Statutes and Administrative Codes. Tree cutting rules of Ch. 16 of this Code of Ordinances shall be no more than 30% of the width of the lot or a maximum of 30'.

- (d) Plats submitted under this section shall be approved if found to conform to applicable standards of State law and County ordinance if found to be beneficial considering the effect of the cluster design on the carrying capacity of the land, impact upon any affected waters and ability of the design to accommodate sewage disposal without pollution effect.

18.09 - DEDICATIONS AND IMPROVEMENTS

(1) REQUIRED DEDICATIONS OR PAYMENTS IN LIEU OF DEDICATIONS.

- (a) Streets and Roadways . Unless specifically waived by the Committee, all streets, roads and other public ways which are proposed to be established within the subdivision shall be offered for dedication to the County or town.
- (b) Disclosure . No person shall sell any parcel of land in an approved subdivision abutting a road which has not been accepted as a public road, unless the purchaser is informed in writing of the fact and that the road is not required to be maintained by the County or town.
- (c) Parks, Playgrounds, Public Access Facilities, School Sites, Drainageways and Other Public Green Space . On subdivisions of 10 acres or more, the Committee may require that not more than 10% of the total area of the subdivision be offered for dedication to the County, school district or town to provide appropriate sites for parks, playgrounds, public access points, school sites, drainageways and other public green spaces which will be needed to serve the needs of residents of the proposed subdivision. On subdivisions of less than 10 acres, a payment of \$75 per lot in accordance with par. (e) will be required. Public access points shall be provided in any watermark, so that access points are provided with connections to existing public roads at not greater than - -mile intervals, except where greater intervals and wider access is agreed to by the State pursuant to §236.16(3), Wis. Stats., or in the case of a subdivision, not meeting the definition of §236.02(8), Wis. Stats., by the Committee. The Committee shall specify the unit of government which shall be offered the dedication of lands for such purpose.
- (d) Method of Offering Dedications . Dedications shall be effected as provided in §236.29, Wis. Stats. Dedication offers to units other than the town may, with the consent of the Committee, be limited in duration to not less than 90 days from the date of final approval of the plat by the town.
- (e) Payments in Lieu of Dedication . If the subdivision includes no land suitable for park purposes or the Committee decides the land is not needed in this area, the Committee shall require the sum of \$75 per lot be paid by the subdivider to the County Treasurer to be held in trust for use in providing or upgrading County park facilities and supplementing the survey budget for remonumentation of corners.

(2) **REQUIRED IMPROVEMENTS.**

- (a) Monuments. The subdivider shall install survey monuments in accordance with the requirements of §236.15, Wis. Stats.
- (b) Streets and Roads. The subdivider shall grade all roadbeds in the roadway width to subgrade and shall surface all roadways to the width specified in these regulations. Construction and surfacing shall be done in accordance with plans and specifications established by the County Highway Commission. Boulevards shall be seeded and sodded. All roads constructed shall include as part of their construction plans provisions for control of erosion and sedimentation.
- (c) Sewer, Water and Utility Systems.
 - (1) The subdivider shall install all public utility systems required to be included within the subdivision. The Committee shall specify the agencies which must approve the installation procedures. Unless otherwise specified, the subdivider shall assume the cost of installing sanitary sewers 8" in diameter and water mains 6" in diameter where such facilities are required. If greater capacities are needed, the cost of such excess capacity shall be borne either by the local governments or sanitary or utility district or assessed by such unit or district against the additional territory for which the excess capacity is required.
 - (2) Sanitary sewage collection facilities shall be included in each subdivision where connections to a sewage treatment facility is now available or where the County Zoning Committee has determined such service will be available within 5 years. In the latter case, the system shall be capped pending availability of service and adequate and feasible provision for private interim services meeting all applicable laws and codes shall be made by the subdivider.
 - (3) The Committee may require that a public or a common water supply system be established as a condition or approval of the subdivision upon a finding that such a system is feasible and that its establishment would significantly reduce the potential of environmental or public health problems and/or allow a more desirable lot size and density pattern.

18.10 - BONDS AND CONSTRUCTION

- (1) **COMMENCEMENT.** No construction or installation of improvements shall commence in a proposed subdivision until the final plat has been approved by all reviewing authorities.
- (2) **INSPECTION.** Prior to the commencement of any work within the subdivision, the subdivider shall make arrangements for inspection by the Zoning Administrator and any other approving jurisdictions.

- (3) SECURITY BONDS. If required improvements are not installed and approved by the applicable agency at the time final plat approval is required, the subdivision shall, prior to the final plat approval, enter into a contract with the County agreeing to install the required improvements and shall file with the contract a security bond meeting the approval of the District Attorney as a guarantee that the improvements will be made by the subdividers or his subcontractors not later than one year from the date of recording of the plat or later if specified. One week prior to the time each improvement is to be installed and upon its completion, the subdivider shall notify the Zoning Administrator so that adequate inspections can be made. The subdivider shall pay all inspection fees.
- (4) EROSION CONTROL. All public road right-of-way shall be sodded or seeded at the time of construction or, if constructed after September 15, a temporary seeding shall be planted followed by a permanent seeding the next growing season to prevent erosion and sedimentation. Side slopes shall not be greater than 2 to one.

18.15 - FEES, ENFORCEMENT, VARIANCES AND APPEALS

- (1) FEES. The subdivider shall pay the County all of the following fees to defray any administrative expenses. Fees shall be paid at times specified.
 - (a) Preliminary Plat. At the time of the filing of the preliminary plat, the subdivider shall pay to the County a fee of \$100 plus \$5 for each acre of land in the proposed subdivision. This fee is only paid once, no fee for the final plat.
 - (b) Final Plat. At the time of the filing of the final plat, the subdivider shall pay to the County a fee of \$100 plus \$5 for each acre of land within the proposed subdivision. This fee is not required if a preliminary plat was filed.
 - (c) Legal and Engineering Fees. The subdivider shall pay to the County at times specified by the Committee a fee equal to the actual costs to the County of any engineering and legal work incurred by the County in conjunction with the plat review. Engineering work shall include preparation of construction plans and specifications and inspections. Legal work shall include the drafting of contracts between the County and the subdivider and the review of covenants, easements and documents involved in dedications.
- (2) ENFORCEMENT.
 - (a) No person shall 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 permit by the County authorizing the building upon or improvement on any subdivision or replat within the geographic jurisdiction of the chapter.
 - (b) The County may institute appropriate action or proceedings to enjoin violations of this chapter or of State law pursuant to §236.31, Wis. Stats.

- (3) PENALTIES.
- (a) A person who fails to comply with this chapter shall, upon conviction, forfeit not less than \$10 nor more than \$200 and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
 - (b) Recordation improperly made has penalties provided in §236.30, Wis. Stats.
 - (c) Conveyance of lots in unrecorded plats has penalties provided in §236.31, Wis. Stats.
 - (d) Monuments disturbed or not placed have penalties provided in §236.32, Wis. Stats.
- (4) VARIANCES AND APPEALS OF ADMINISTRATIVE DETERMINATIONS. Where because of unique topographic or other conditions of the land involved it would be inappropriate to apply literally the provisions of §§18.07 through 18.09(1) of this chapter and where such literal application would impose undue hardship, the County Board of Adjustment may attach conditions to the granting of such modifications to assure that the purposes and intent of this chapter are observed and that compliance with State laws is achieved. The County Board of Adjustment shall hear and decide appeals where it is alleged that the administration erred in applying the provisions of this chapter.
- (5) APPEALS. Any person aggrieved by a failure to approve a plat or a certified survey map may appeal therefrom to the courts as provided in §§236.13(5) and 62.23(7)(e)10. to 15., Wis. Stats., within 30 days of notification of rejection. The courts shall direct that the plat or map be approved if it finds that the action of the Zoning Administrator, County Board of Adjustment, County Board or the Committee is arbitrary, unreasonable or discriminatory.
- (6) REPLATS, VACATIONS OR ALTERATIONS IN RECORDED PLATS.
- (a) Replats of all or part of a recorded subdivision occur pursuant to §§236.33 through 236.445, Wis. Stats.
 - (b) Upon submission to the County of a preliminary plat of an area for which a plat was vacated or altered by action of the circuit court pursuant to §§236.33 through 236.445, the Committee shall hold a public hearing while the proposed new plat is pending before the Committee and shall cause notices of the hearing to be mailed to the owners of all properties within the area of the subdivision and to all owners of property within 200' of the exterior boundaries of the proposed replat.