

(2) **Street and Sidewalk Construction.**

- a. After sanitary sewer, storm sewer and water utilities have been installed, the subdivider shall construct and dedicate as part of the subdivision, streets, curbs and gutters and sidewalks including those adjacent to platted lots in existing street rights-of-way abutting the plat. The subdivider shall surface roadways to the widths prescribed by the Village Board on recommendation of the Village Engineer. Construction shall be to Village standard specifications for street improvements.
- b. The subdivider shall construct a concrete sidewalk on both sides of all streets within the subdivision. The Board may permit the construction of a concrete sidewalk on only one (1) side of streets that serve lots having an average width of one hundred (100) feet or more fronting on said street and may waive the construction of sidewalks on streets that serve lots having an average width of one hundred fifty (150) feet or more fronting on said street. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Board.
- c. Wider than standard sidewalks may be required by the Board in the vicinity of schools, commercial areas and other places of public assemblage; and the Board may require the construction of sidewalks in locations other than required under the preceding provisions of this Ordinance if such walks or necessary, in their opinion, for safe and adequate pedestrian circulation.
- d. Dedicated walkways shall be improved by the subdivider to a grade and width approved by the Village Engineer and with surfacing as required by the Village Board based on the location and the amount and character of use. The subdivider shall submit standard drawings indicating the existing and proposed grades.

(3) **Completion of Street and Sidewalk Construction.**

- a. Prior to any building permits being issued on lands adjacent to streets and/or sidewalks, all street and sidewalk construction shall be completed by the subdivider, approved by the Village Engineer and accepted by the Village Board.
- b. The Village Engineer may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area of construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Village Engineer and shall be based upon the written request of the subdivider.
- c. The subdivider requesting a waiver shall present such information and documentation required by the Village Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

- (4) **Curb and Gutter.** The subdivider shall install concrete curb and gutter along both sides of all streets shown on the plat prior to installation of the bituminous binder or base. The subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Village Board or its designee. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

- (f) **Construction Standards.** All streets and highways constructed in the Village or dedicated to the Village shall fully comply with the following construction standards.

- (1) **Right-of-Way and Pavement Width.** The minimum right-of-way and roadway width of All proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map, or neighborhood development study; or if no width is specified therein, the minimum widths shall be as follows:

Type of Street	R-O-W to be Reserved and Dedicated	Pavement Width (Face of Curb to Face of Curb)
Arterial Street	80 feet	46 feet
Boulevard	120 feet	Dual 34 ft. with 24 ft. median
Collector Street	80 feet	40 feet
Minor Street	66 feet	36 feet
Cul-de-sac	66 feet	36 feet
Pedestrian Ways	10 feet	5 feet
Alleys	32 feet	30 feet

- (2) **Cul-de-Sac Streets.** Cul-de-sac streets designed to have one end permanently closed shall not exceed one thousand (1,000) feet in length. All cul-de-sac streets designed to have an end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of sixty-six (66) feet and a minimum outside curb radius of forty (40) feet.

- (3) **Grades.**
- a. Unless necessitated by exceptional topography subject to the approval of the Village Board, the maximum centerline grade of any street or public way shall not exceed the following:
 1. Arterial streets: six percent (6%).
 2. Collector streets: eight percent (8%).
 3. Minor streets, alleys and frontage streets: ten percent (10%).
 4. Pedestrian ways: twelve percent (12%) unless steps of acceptable design are provided.
 5. The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half (0.5%) of one percent (1%).
 - b. 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. All changes in street grades shall be connected by vertical curves of a minimum length equivalent $\hat{=}$ 1 foot to fifteen (15) times the algebraic difference in the rates of grade for major streets, and one-half (1/2) this minimum for all other streets.
- (4) **Radius 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:
- a. Arterial streets and highways: 500 feet.
 - b. Collector streets: 300 feet.
 - c. Minor streets: 100 feet.
- (5) **Tangents.** A tangent at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.
- (6) **Full Street Width.** Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of half-streets should be avoided where possible.
- (7) **Roadway Ditches.** Where curb and gutter is not required by the Village for rural cross-section streets, the minimum ditch slope shall be fifty one hundredths percent (0.50%).
- (8) **Roadway Base Thickness.**
- a. Residential streets shall have a minimum roadway base thickness of six (6) inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower level.
 - b. On commercial, arterial or other heavy-use streets, as determined by the Village Engineer, a base course of eight (8) inches compacted shall be constructed upon an inspected and approved subgrade, either well-graded crushed gravel from a state-approved pit with a maximum stone of one and one-half (1-1/2) inches and no greater than ten percent (10%) by weight passing a No. 200 sieve or No. 3 crushed rock approximately six (6) inches in depth and one (1) or more layers of fine aggregate, either three-fourths (3/4) inch crushed gravel, well-graded with no greater than ten percent (10%) passing a No. 200 sieve, or three-fourths (3/4) inch traffic-bound crushed rock.

- c. In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.
 - d. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.
 - e. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
- (9) **Roadway Sub-Base.** Stable and nonorganic sub-base material is required. Unstable and organic material must be subcut, removed and replaced with a suitable granular of breaker-run material approved by the Village Engineer.
- (10) **Pavement Thickness.**
- a. Residential streets shall have a minimum of two and one-half (2-1/2) inches thick compacted bituminous concrete pavement, placed in two (2) layers - a binder course and one and one-half (1-1/2) inches thick and a surface course of one (1) inch. On commercial, arterial or other heavy-use streets, there shall be a minimum of three and one-half (3-1/2) inches of bituminous concrete pavement, placed in two (2) layers - a binder course of two (2) inches thick and a surface course of one and one-half (1-1/2) inches thick. In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.
 - b. Between six (6) months to one (1) year after the installation of the roadway, a bituminous binder or base at a compacted depth of one and three-fourths (1-3/4) inches to two (2) inches shall be laid flange of curb to flange of curb, by the subdivider. The thickness and type of bituminous surfacing shall be specified by the Board.
 - c. Within nine (9) months after the installation of the base course, the finish coat of bituminous surfacing shall be installed to a minimum compacted length of one and one-fourth (1-1/4) inches to one and one-half (1-1/2) inches. The thickness and type of bituminous surfacing shall be specified by the Board.
 - d. The costs for all surfacing, including inspection, supervision and engineering fees shall be paid by the subdivider.

- (11) **Roadway Culverts and Bridges.** Roadway culverts and bridges shall be constructed as directed by the Village Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage", of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls.
 - (12) **Driveway Culverts.** Driveway culverts shall be sized by the Village Engineer (if appropriate). The culverts shall be placed in the ditch line at elevations that will assure proper drainage, be provided with concrete, metal or landscape timber endwalls, and shall comply with the provisions of Title 6, Chapter 3.
- (g) **Sanitary Sewerage System Design Standards.**
- (1) The subdivider shall have plan and profile drawings and specifications prepared for the installation of sanitary sewerage facilities including lateral house connections for each lot in the subdivision, extended to the lot line.
 - (2) The subdivider shall cause to be installed in accordance with the "Standard Specifications for Sewer and Water Constructions in Wisconsin" all facilities required.
 - (3) Where the subdivision is not within reasonable access to connection with the Village sanitary sewer system, or where it can be shown that other types of sewage treatment may be advantageous to the development, the subdivider shall submit a proposed sewage disposal plan. This plan shall be approved by a registered engineer and all state and local agencies empowered with such approval. It shall be certified in writing that satisfactory, adequate and safe sewage disposal is possible at the site.
 - (4) The Village reserves the right to reject any plat which is not served by municipal sewerage facilities if it considers these proposed systems not to be in the best interests of the Village.
 - (5) If, at the time of final platting, sanitary sewer facilities are not available to the plat, as determined by the Village Board, but will become available within a period of five (5) years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this Section and shall cap all laterals. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Board.
 - (6) Subdivider shall assume the cost of installing all sanitary sewers eight (8) inches in diameter or less in size. If greater than eight (8) inch diameter sewers are required to handle the contemplated sewage flows, the cost of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewer and the excess cost either borne by the Village or assessed against the total tributary drainage area.
 - (7) If a new sewage lift station is necessary to serve the subdivision, or improvements are necessary to existing facilities to accommodate the needs of the subdivision, the subdivider shall share in the cost of the lift station and associated force main. The cost of the lift station shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by the lift station and the excess cost either borne by the Village or assessed against the total tributary drainage area.

(h) **Water Supply System Design Standards.**

- (1) There shall be provided a water supply system in conformity with the master plan of the water system as approved by the Village Board. The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified in applicable ordinances. The Village may require the installation of water laterals to the street lot line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village.
- (2) The subdivider shall assume the cost of installing all water mains eight (8) inches in diameter or less in size. If greater than eight (8) inches diameter water mains are required, the excess cost of such mains over and above the cost of an eight (8) inch main shall be borne by the subdivider.

(i) **Storm Water Drainage Facilities.** Pursuant to Section 14-1-12, the subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate the twenty-five (25) year storm. Storm drainage facilities shall be so designed as to present no hazard to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Village Engineer. The subdivider shall pay all costs of all storm sewer work.

(j) **Other Utilities.**

- (1) The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision.
- (2) If cable television is available, it shall also be installed underground with service provided for each lot.
- (3) All telephone, electric and gas service lines shall be placed underground entirely throughout a subdivision area, unless otherwise approved by the Board. Conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other municipal underground services.
- (4) No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier.
- (5) All utility lines for telephone and electric service shall be placed in rear lot line easements where practicable and side lot line easements, where necessary.

- (6) The subdivider shall have written statements from all the utilities that the easements as shown on the final plat are acceptable to them.
- (7) All piping must be laid in a sand or stone bed.
- (8) The cost for the plans, installation, inspection, supervision and engineering fees shall be paid by the subdivider.

(9) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the Village Board.

(k) **Street Lamps.**

- (1) The subdivider shall install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Village Board.
- (2) The subdivider shall provide for the location of all street lights within the area being developed after consultation with the Board and the electric utility serving the subdivision.
- (3) In areas where underground electric facilities are installed, poles for street lights shall be of an ornamental type.
- (4) There shall be no cost obligation to the Village for supplying and installing the required street lights.
- (5) The Village shall provide and pay the cost of the energy needed to operate the street lights within the corporate limits of the Village.

(l) **Street Signs.** The subdivider shall install at the intersections of all streets proposed to be dedicated a street sign of a design specified by the Village Board.

(m) **Material Standards.** All improvements constructed under this Chapter shall be of the standards, where applicable, established by the State Highway Commission's "Standard Specifications for Roads and Bridges." Where the Highway Commission's specifications do not apply, the standards shall be as approved by the Village Engineer.

(n) **Improvements Complete Prior to Approval of Final Plat.** Improvements within a subdivision which have been completed prior to application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the Village Engineer shall certify that he/she is satisfied that the existing improvements conform to applicable standards.

(o) **Construction.**

- (1) **Commencement.** No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat has been approved and the Board has given written authorization.

- (2) **Building Permits.** No building permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Chapter have been met.
- (3) **Plans.** The following plans and accompanying construction specifications may be required by the Board before construction or installation of improvements is authorized:
- a. Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - b. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - c. Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - d. Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - e. 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.
 - f. Planting plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
- (4) **Maintenance of the Landscape.** Proper construction techniques should be followed so as to maintain as many of the natural features of the site as is practical.
- a. All grading, topsoil removal, mineral extraction, stream course changing, road) cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography. The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Board.
 - b. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
 - c. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
 - d. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
 - e. Sediment basins shall be installed and maintained at all drainage ways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.
 - f. The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainage ways, soil absorption waste disposal areas, paths and trails.

- g. Trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.
 - h. Tree cutting and shrubbery clearing shall not exceed thirty percent (30%) of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and during foliage, substantially screen any development from stream or lake uses.
 - i. Path and trails shall not exceed ten (10) feet in width and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.
- (p) **Acceptance of Improvements.** The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the Village or the public shall not be considered accepted by the Village for public ownership until such time as the required public improvements within the intended dedication or necessary because of the intended dedication have been completed and accepted by the Village Board by adoption of a resolution accepting such dedication. Improvements shall be dedicated to the Village free and clear of any encumbrances. The subdivider shall be responsible for and liable for the maintenance, safety and operation of all required public improvements until such time as the improvements are accepted by the Village Board by resolution. In the event the Village must take measures to maintain, operate or make safe a public improvement existing or required as a result of the land division but which has not yet been accepted by the Village, the costs of such measures shall hereby be determined to be Village-incurred costs to be reimbursed to the Village by the subdivider in accordance with the provisions of this Chapter.
- (q) **Inspection and Certification of Improvements.**
- (1) After any of the following increments of the required improvements have been installed and completed, the subdivider shall notify the Village Engineer, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavits, in a form acceptable to the Village Engineer and approved by the Village Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys are owned to any surveyor, mechanic, contractor, subcontractor, materialman or laborer after all required improvements have been installed. Acceptance of the improvements may be requested in the following increments:
 - a. Sewer mains and services (either storm or sanitary).
 - b. Water mains and services.
 - c. Streets comprised of all grading, gravel, curb and gutter, culverts and paving.
 - d. Other miscellaneous appurtenances to the above increments such as sidewalks, bikeways, street lighting, street signing, etc.

- (2) The Village Clerk-Treasurer shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance and shall prepare a final billing for engineer, inspection and legal fees and submit it to the subdivider for payment. The Village Engineer shall conduct any necessary final inspections of the improvements and forward a report to the Village Clerk-Treasurer recommending either approval or disapproval. When the engineering, inspection, taxes, special assessments and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, the report of the Village Engineer, together with the recommendation of the Village Clerk-Treasurer, shall be forwarded to the Village Board for approval and acceptance of the improvements and dedications.

Sec. 14-1-16 Easements.

- (a) **Utility Easements.** The Village Board, on the recommendation of appropriate agencies of the Village, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the interest 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.
- (c) **Easement Locations.** Such easements shall be at least twelve (12) feet wide 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 Village Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

Sec. 14-1-17 Grading.

The subdivider shall grade each land division in order to establish street, block and lot grades in proper relation to each other and to topography as follows:

- (a) **Master Site-Grading Plan.**
 - (1) A master site-grading plan shall be prepared by the subdivider for all new subdivisions. This plan shall be prepared in accordance with the requirements and standards of the Village.
 - (2) The master site-grading plan shall show existing and proposed elevations of all lot corners, control points and building locations. The plan shall also indicate all overland storm drainage in and adjacent to the subdivision. The cost of the preparation of such a plan shall be paid for by the subdivider.
 - (3) After approval or modification of these plans by the Village Engineer, the full width of the right-of-way of the proposed streets within the subdivision and the entire subdivision lot area shall be graded in accordance with the master site-grade plan. The owners of the subdivision lots shall adhere to those plans.
 - (4) Upon completion of all street and subdivision grading, the grades shall be checked and certified by the Village Engineer to determine that the completed grading work is in accordance with the master site-grading plan.
 - (5) The cost of all required grading work, supervision, certification, inspection and engineering fees shall be paid for by the subdivider.
- (b) **Right-of-Way Grading.** The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans, including the grading of site triangles at each intersection.
- (c) **Block Grading.** Block grading shall be completed by one (1) or more of the following methods:
 - (1) Regrading along the side or rear lot lines which provides for drainage to the public drainage facilities, provided any ditches or swales are in public drainage easements, provided that a deed restriction is adopted which prohibits alteration of the grades within five (5) feet of any property line from the grades shown on the master site grading plan.
 - (2) Parts of all lots may be graded to provide for drainage to a ditch or to a swale.
- (d) **Miscellaneous Grading Requirements.**
 - (1) Lot grading shall be completed so that water drains away from each building site toward public drainage facilities at a grade approved by the Village Engineer and provisions shall be made to prevent drainage onto properties adjacent to the land division unless to a public drainage facility.
 - (2) Grading activities shall not result in slopes greater than three to one (3:1) on public lands or lands subject to public access.
 - (3) The topsoil stripped for grading shall not be removed from the site unless identified in the Erosion Control Plan approved by the Village Engineer as not being necessary

for erosion control or site landscaping purposes. Topsoil shall be uniformly returned to the lots when rough grading is finished. Topsoil piles shall be leveled and seeded for erosion control prior to the Village releasing the one (1) year guarantee provision on public improvements in the streets adjacent to the lots on which the topsoil is stockpiled.

- (4) Such grading shall not result in detriment to any existing developed lands, either within or outside of the corporate limits.
- (e) **Drainage Flows.** The subdivider shall cause to be set upon the master grading plan arrows indicating the directions of drainage flows for each property line not fronting on a street on all parcels and along each street as will result from the grading of the site, the construction of the required public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor and major [one hundred (100) year event] drainage components. The arrows shall be accompanied on the master grading plan with the following note:

Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner unless approved by the Village Engineer.

Sec. 14-1-18 General Park and Public Land Dedication Requirements.

- (a) **Dedication of Lands for Parks, Recreation and Open Space.**
- (1) It is the intent of these regulations that properly located parks, recreation facilities and open space be provided. The subdivider shall designate on every new preliminary plat, at least five percent (5%) of the gross area of such lands shall be dedicated by the owner or developer to the Village for parks, recreation or open space purposes. The location of such park and recreation site shall be clearly shown and no plat shall be accepted without these areas clearly shown. The location of such park and recreation site is subject to the approval of the Board. Where property abuts the river, the Village may require that the five percent (5%) dedication include up to five percent (5%) of the river frontage included in the subdivision.
- (2) The Board may waive the requirement for dedication of land if it finds that the proposed public land would be too small or unsuitable for reasons particular to the subdivision or the neighborhood in which it is located. In lieu of dedication, the Board shall levy a public site fee against the subdivider at the time of application for final plat approval at the rate according to the procedures established in Subsection (b) below.

- (3) At the discretion of the Board, these requirements shall also apply to new preliminary plats lying outside of the corporate limits of the Village, but within the jurisdictional area of these regulations. Such requirements for dedication of land or fees shall be applied under the stipulation that such land shall be maintained by the Village at no cost to the residents of the subdivision and such fees as required by Subsection (b) below shall be used to provide services to residents of the subdivision.
- (b) **Fees in Lieu of Land.**
- (1) Where, in the sole discretion of the Village Board, there is no land suitable for parks within the proposed land division or the dedication of land would not be compatible with the Village's comprehensive development or park plan, the minimum size under Subsection (d) cannot be met, or Village officials determine that a cash contribution would better serve the public interest, the Village Board shall require the subdivider to contribute a park and recreation development fee in lieu of land. The fees collected shall be held in a nonlapsing fund to be used for purchase, development, improvement and maintenance of parks, playgrounds, open spaces and other recreational sites and facilities. The total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under the Zoning Code. For each proposed residential development, the fee shall be One Hundred Fifty Dollars (\$150.00) for each residential unit. The fee shall be paid to the Village at the time of final plat or certified survey approval. This fee shall be annually adjusted by the Clerk-Treasurer by adding to the base fee the Consumer Price Index (CPI) cost on March 1st of that year for each possible dwelling unit within the plat/land division allowed by the Zoning Code.
 - (2) The Village Board may, in its sole discretion, permit the subdivider to satisfy the requirements of this Section by combining a land dedication with a fee payment. If a land dedication of twenty-five percent (25%) of the required dedication is made, the subdivider shall also contribute an amount equal to seventy-five percent (75%) of the required per unit fee in lieu of land. If a land dedication of fifty percent (50%) of the required dedication is made, the subdivider shall also contribute an amount equal to fifty percent (50%) of the required per unit fee in lieu of land. If a land dedication of seventy-five percent (75%) of the required dedication is made, the subdivider shall also contribute an amount equal to twenty-five percent (25%) of the required per unit fee in lieu of land.
 - (3) The Village shall place any fee collected pursuant to the provisions of this Section in a separate account to be used at the discretion of the Village Board in any community park, for developing adequate parks, playgrounds, recreation and open spaces.
- (c) **Limitations.** A subdivider shall not be required to dedicate more than one-third (1/3) of the total area of the plat to meet the objectives of this Section.
- (d) **Suitability of Lands.** The Village Board shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands

or areas reserved for streets shall not be considered as satisfying land dedication requirements.

- (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.
- (g) **Development of Park Area.**
 - (1) When parklands are dedicated to the Village, the subdivider is required to:
 - a. Properly grade and contour for proper drainage;
 - b. Provide surface contour suitable for anticipated use of area as approved by the Village Engineer; and
 - c. Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the Village Engineer and mulched, as specified in the standard "Specifications for Road and Bridge Construction Section 627 and 629". The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humusbearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one (1) year following issuance of the first building permit within that land division unless otherwise authorized by the Village. The improved area shall not be deemed officially accepted until a uniform grass cover to a two (2) inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the Village accepts the dedication.
 - (2) It shall be the responsibility of the Village to maintain the dedicated areas upon their dedication and acceptance by the Village.
 - (3) A neighborhood park area shall be provided by the subdivider with a standard residential water service unless located directly adjacent to a fire hydrant. A community park area shall be provided by the developer with a minimum six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line.
 - (4) The Village Board may require certification of compliance with this Article by the subdivider. The cost of such report shall be paid by the subdivider.
 - (5) If the subdivider fails to satisfy the requirements of this Section, the Village 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.
 - (6) The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.

Sec. 14-1-19 Administrative and Other Fees.

- (a) **General.** The subdivider shall pay the Village of Merrilan all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map. At the time of submission of a plat or certified survey, the Village Board, at its sole discretion, may require the subdivider to make a good faith deposit with the Clerk-Treasurer to cover, in all or part, the expenses anticipated to be incurred by the Village 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 Village for all engineering work incurred by the Village in connection with the plat or certified survey map, including inspections required by the Village. The subdivider shall pay a fee equal to the actual cost to the Village for such engineering work and inspection as the Village Board and/or Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority. 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 Village equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village of connection with the plat or certified survey map.
- (d) **Concept Plan.** There shall be no fee for the Village'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 to the Village Board shall file said Preliminary Plat with the Village Clerk-Treasurer and shall deposit with the Village Clerk-Treasurer a fee to cover the costs of reviewing said application. The fee for a Preliminary Plat shall be Fifty Dollars (\$50.00) for up to and including six (6) lots plus Five Dollars (\$5.00) 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 of Twenty-five Dollars (\$25.00) shall be paid to the Village 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 of Five Dollars (\$5.00) per lot within the Final Plat to the Village 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 of Twenty-five Dollars (\$25.00) shall be paid to the Village Clerk-Treasurer at the time of a reapplication for approval or amendment of any Final Plat which has previously been reviewed.

- (g) **Certified Survey.**
- (1) The subdivider shall pay an application fee of Twenty-five Dollars (\$25.00) for each certified survey.
 - (2) Should the subdivider submit an amended or revised Certified Survey, the resubmittal fee shall be Twenty Dollars (\$20.00) for each amended or revised Certified Survey.
- (h) **Objecting Agency Review Fees.** The subdivider shall transmit all fees required for state agency review at the time of application. Said review fees shall be retransmitted to the proper state review agency by the developer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Development, Wisconsin Department of Transportation, Wisconsin Department of Commerce 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 Village Clerk-Treasurer shall require a fee pursuant to Section 14-1-18 for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.
- (j) **Assessments.** All outstanding assessments due to the Village shall be due prior to the signing of the Final Plat or Certified Survey by the Village.
- (k) **Cost Determination.** The subdivider of land divisions within the Village shall reimburse the Village for its actual cost of design, inspection, testing, construction and associated legal and real estate fees incurred in connection with the preliminary plat, final plat, replat or certified survey. The Village's costs shall be determined as follows:
- (1) The cost of Village 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 Village Clerk-Treasurer to represent the Village's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
 - (2) The cost of Village equipment employed.
 - (3) The cost of mileage reimbursed to Village employees which is attributed to the land division.
 - (4) The actual costs of Village materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
 - (5) All consultant fees, 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 Village shall bill the subdivider monthly for expenses incurred by the Village. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the subdivider's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the Village until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.

Sec. 14-1-20 Variations and Exceptions.

- (a) Where, in the judgment of the Village Board, it would be inappropriate to apply literally the provisions of this Chapter because of the proposed subdivision being located outside of the corporate limits or because exceptional or undue hardship would result, the Village Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat 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 the Village Board 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.
- (b) The Village Board shall not 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) The granting of the variation will not 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, if the strict letter of the regulations were carried out.
- (c) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the community in accordance with the Comprehensive Plan or Zoning Code, if applicable, of the Village. A three-fourths (3/4) majority vote of the entire membership of the Village Board shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Board.
- (d) The Village Board may waive the placing of monuments, required under Section 236.15(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

Sec. 14-1-21 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 Village authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Code until the provisions and requirements of this Chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.

- (b) (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. 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 Section 70.27, Wis. Stats., may be ordered by the Village at the expense of the subdivider when a subdivision is created by successive divisions.
- (c) **Appeals.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10 to 15, Wis. Stats., within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.