

## **TITLE XV: LAND USAGE**

### **Chapter**

- 150. BUILDING REGULATIONS**
- 151. MOBILE HOMES**
- 152. LAND DIVISION REGULATIONS**
- 153. COMPREHENSIVE PLAN**



## CHAPTER 150: BUILDING REGULATIONS

### Section

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### **GENERAL PROVISIONS**

#### **§ 150.01 ADOPTION OF UNIFORM DWELLING CODE.**

(A) *Authority.* These regulations are adopted under the authority granted by Wis. Stat. § 101.65.

(B) *Purpose.* The purpose of this section is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

(C) *Scope.* The scope of this section includes the construction and inspection of one- and two-family dwellings built since June 1, 1980.

(D) *Wisconsin Uniform Dwelling Code adopted.* The Wisconsin Uniform Dwelling Code, Chapters Comm. 20-25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this section.

(E) *Building Inspector.* There is hereby created the position of Building Inspector, who shall administer and enforce this section and shall be certified by the Division of Safety and Buildings, as specified by Wis. Stat. § 101.66(2), in the category of Uniform Dwelling Code Construction Inspector.

Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical and UDC Plumbing. Also additional safety issues that might arise that the Board authorizes the Building Inspector to do.

(F) *Building permit required.* No person shall build a one- and two-family dwelling in any 12-month period, within the scope of this section, without first obtaining a building permit for such work from the Building Inspector. Any structural change or major changes to mechanical systems that involve extensions shall also require a permit and building inspection if the dwelling was built after June 1, 1980, if the amount shall be greater than \$50,000. Restoration or repair of an installation to its previous code-compliant condition is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements. If the dollar value is greater than \$1,000, a permit is needed from the Town Clerk, unless it falls under this section. If the dwelling was built after June 1, 1980, and the dollar amount of construction is greater than \$50,000, then a building permit must be obtained through the Building Inspector. If less than \$50,000, then the permit is issued by the Town Clerk.

(G) *Building permit fees.* The building permit fees shall be determined by resolution.

(H) *Penalties.* The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be doubling the building permit fee and will be collected by the Building Inspector. Failure to comply with the Wisconsin Uniform Dwelling Code regulations and rules will also impose a fine of doubling the building permit fee and also a halt in the construction until the problem is resolved. (Ord. 4-7-05-3, passed 4-7-05; Am. Ord. 10-09-07-1, passed 10-9-07; Am. Ord. 10-09-07-1, passed 2-12-13; Am Ord. 10-09-07-1, passed 1-10-14)

## ***BUILDING PERMITS***

### **§ 150.15 DEFINITION.**

The term ***BUILDING***, as used in this subchapter, shall include any building, either business or residential, and any enlargement, alteration or improvement thereof.

(Ord. 2-65, passed 10-12-65; Am. Ord. 8-96, passed 8-13-96; Am. Ord. 8-97, passed 8-12-97; Am. Ord. 10-11-11, passed 10-11-11)

### **§ 150.16 PERMIT REQUIRED; EXCEPTION.**

(A) No building or structure, or any part thereof, shall, after the effective date of this subchapter, be built, enlarged or altered within the town unless a permit therefor shall first have been obtained by the owner, or his or her agent, from a member of the Town Board or any officer of the town.

(B) This subchapter shall not require the securing of a permit when the cost of the alteration, enlargement, improvement or addition does not exceed the sum of \$2,000.

(Ord. 2-65, passed 10-12-65; Am. Ord. 8-96, passed 8-13-96; Am. Ord. 8-97, passed 8-12-97; Am. Ord. 10-11-11, passed 10-11-11) Penalty, see § 150.99

#### **§ 150.17 APPLICATION FOR PERMIT.**

Application for a building permit shall be made by contacting the Town Clerk. The applicant shall state the name and address of the owner of the building or structure proposed to be built, enlarged, altered or added to and shall also state the owner of the land upon which the building is then or is to be located should the owner of the land be other than the owner of the building thereon. The applicant shall also describe briefly the building or the improvement proposed to be made by the applicant and shall further set forth an approximate estimate of the proposed cost thereof.

(Ord. 2-65, passed 10-12-65; Am. Ord. 8-96, passed 8-13-96; Am. Ord. 8-97, passed 8-12-97; Am. Ord. 10-11-11, passed 10-11-11)

#### **§ 150.18 ISSUANCE OF PERMIT.**

Upon the filing of the application containing the information as required by § 150.17 of this subchapter, the permit shall be issued to the applicant. The permit is good up to one year of the issue date.

(Ord. 2-65, passed 10-12-65; Am. Ord. 8-96, passed 8-13-96; Am. Ord. 8-97, passed 8-12-97; Am. Ord. 10-11-11, passed 10-11-11)

#### **§ 150.19 SPECIAL PROJECTS.**

Any special building project must be addressed with the Town Board. A special project would include: solid waste facilities/incinerators; hazardous waste facilities/nuclear waste facilities; demolition waste sites; metallic mining operations; food processing and production operations; racetracks, amusement centers, bowling alleys, theaters, dance halls, stadiums and auditoriums; commercial feedlots; bulk storage tanks, commercial storage facilities and towers; rifle, trap and skeet range, golf driving range, archery range and tennis courts.

(Ord. 2-65, passed 10-12-65; Am. Ord. 8-96, passed 8-13-96; Am. Ord. 8-97, passed 8-12-97; Am. Ord. 10-11-11, passed 10-11-11)

**§ 150.99 PENALTY.**

Any person, firm or corporation violating any of the provisions of §§ 150.15 et seq. shall forfeit to the town not in excess of \$50 with the cost of action, and in default of such payment shall be imprisoned in the county jail until forfeiture and costs be paid, but not to exceed 30 days.

(Ord. 2-65, passed 10-12-65; Am. Ord. 8-96, passed 8-13-96; Am. Ord. 8-97, passed 8-12-97; Am. Ord. 10-11-11, passed 10-11-11)

## **CHAPTER 151: MOBILE HOMES**

### **Section**

- 151.01 Policy and procedure
- 151.02 Town must be informed before mobile home can be brought into town
- 151.03 Monthly parking fee
- 151.04 License required to establish or operate a mobile home park
- 151.05 Information furnished to Town Clerk; deposit
  
- 151.99 Penalty

### **§ 151.01 POLICY AND PROCEDURE.**

Pursuant to the provisions of Wis. Stat. § 66.058, the town establishes the policy and procedure set forth in this chapter for mobile homes in the town.  
(Ord. 4-70, passed 7-8-97)

### **§ 151.02 TOWN MUST BE INFORMED BEFORE MOBILE HOME CAN BE BROUGHT INTO TOWN.**

There is imposed a requirement that before a mobile home can be brought into the town, the Town Board must be informed as to where this mobile home will be parked. The Town Board must also approve parking the mobile home in the town.  
(Ord. 4-70, passed 7-8-97) Penalty, see § 151.99

### **§ 151.03 MONTHLY PARKING FEE.**

There is imposed on each occupied, nonexempt mobile home located in the town a monthly parking fee as determined in accordance with Wis. Stat. § 66.058. The fees shall be paid to the Town Treasurer on or before the tenth day of the month following the month for which the fees are due.  
(Ord. 4-70, passed 7-8-97)

**§ 151.04 LICENSE REQUIRED TO ESTABLISH OR OPERATE A MOBILE HOME PARK.**

It shall be unlawful for any person to establish or operate upon property owned or controlled by him or her within the town a mobile home park without having first secured a license therefor from the Town Clerk. The application for the license shall be accompanied by a fee of \$25 for a park of 20 spaces or less, \$50 for a park of more than 20 spaces and a surety bond in the sum of \$2,000. This bond shall guarantee the collection by license of the monthly parking permit fee provided for in this chapter and the payment of such fees to the Town Treasurer, the payment by the licensee of any fine or forfeiture including legal costs imposed upon or levied against the licensee for the violation of the ordinances of the town pursuant to which the license is granted and shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating the provisions of this chapter. A fee of \$10 shall be paid for each transfer of license. (Ord. 4-70, passed 7-8-97) Penalty, see § 151.99

**§ 151.05 INFORMATION FURNISHED TO TOWN CLERK; DEPOSIT.**

(A) Licenses of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the Town Clerk and Town Assessor on the homes added to their park or land within five days after arrival of the home on forms furnished by the Town Clerk in accordance with Wis. Stat. § 66.058(3)(c) and (e).

(B) Occupants and owners of nonexempt mobile homes parked outside of a mobile home park shall remit the fees directly to the Town Treasurer as provided in § 151.03. It shall be the full and complete responsibility of the licensee of a mobile home park to collect the fees from each occupied, nonexempt mobile home therein and to remit the fees to the Town Treasurer as provided in § 151.03.

(C) Owners of nonexempt, occupied mobile homes, upon receipt of notice from the Town Clerk of their liability for the monthly parking permit fee, shall remit to the Town Clerk a cash deposit of \$25 to guarantee payment of the fees when due to the Town Treasurer. It shall be the full and complete responsibility of the licensee of a mobile home park to collect the cash deposits from each occupied, nonexempt mobile home therein and remit the deposits to the Town Treasurer. Upon receipt of notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the town, the Town Clerk shall direct the Town Treasurer to apply the cash deposit to reduce any monthly parking permit fees for which the owner is liable and refund the balance, if any, to the owner.

(Ord. 4-70, passed 7-8-97) Penalty, see § 151.99



**§ 151.99 PENALTY.**

Any person, firm or corporation who fails to comply with any provision of this chapter shall, upon conviction thereof, forfeit no less than \$10 nor more than \$100 and the cost of prosecution for each violation, and in default of payment thereof shall be imprisoned in the county jail until payment of the forfeiture and costs, but not exceeding 30 days, provided that the maximum forfeiture for violation of § 151.05 shall be \$25.

(Ord. 4-70, passed 7-8-97)



## **CHAPTER 152: LAND DIVISION REGULATIONS**

### **Section**

- 152.01 Disclaimers
- 152.02 Purpose and authority
- 152.03 Definitions
- 152.04 Land developments covered by this chapter
- 152.05 Review process for proposed land developments
- 152.06 Land developments required to meet town standards
- 152.07 The preliminary conference
- 152.08 The preliminary plat
- 152.09 The final plat
- 152.10 Land division by a certified survey map
- 152.11 Design standards
- 152.12 Building permits
- 152.13 Fees
- 152.14 Waiver
  
- 152.98 Offenses
- 152.99 Penalty

### **§ 152.01 DISCLAIMERS.**

(A) All persons reviewing the provisions of this chapter should be aware that the town is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions or developments. The town cannot make any representations or approvals on behalf of any other governmental body. No land division may be made unless all required approvals have been given.

(B) No statement or actions by any official, employee or agent of the town should be construed or taken as a binding act upon the town. The town acts only through adoption of a resolution, motion or ordinance by the Town Board at a lawfully conducted Town Board meeting. This includes, but is not limited to, interpretation of this chapter.

(C) The town has no responsibility whatsoever for assuring that land and/or buildings sold in the town are in compliance with any ordinances, regulations or rules. The town also assumes no responsibility for the suitability of any property whose subdivision has been approved by the Town Board.

(D) Applicants for development projects are advised that the town may decide to obtain expert advice on a proposed development. That advice may include, without limitation, engineering, environmental, planning, legal, water resource or other advice. The town does not pay for such advice, and will require the applicant to agree to pay for these consultants as a condition of accepting an application.

(Ord. 03-13-2007, passed 3-13-07)

## **§ 152.02 PURPOSE AND AUTHORITY.**

(A) *Title.* This chapter shall be known as the Town of Medford Land Division Ordinance, and will be referred to hereafter as “this chapter”.

(B) *Authority.* The town has elected to exercise village powers. Therefore, these regulations are adopted under this authority granted by Wis Stat. §§ 61.35, 62.23 and 236.45.

(C) *Purpose.* The purpose of this chapter is to maintain the high quality of life, safety and beautiful physical environment existing in the town. To secure that, this chapter regulates and controls the division of land within the limits of the town, and considers the use of water to insure adequate water supplies for future generations. This chapter is also intended to allow the town to plan for the future delivery of public services, and to avoid the need to provide public services in an uneconomic or inappropriate manner.

(D) *Intent.* The intent of this chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion on the highways and roads; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provisions for transportation; and to allow the division of large tracts of land into smaller parcels, where such proposed divisions meet the requirements of this chapter.

(E) *Abrogation and greater restrictions.* This chapter shall not be construed to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where it imposes greater restrictions, the provisions of this chapter shall govern.

(Ord. 03-13-2007, passed 3-13-07)

## **§ 152.03 DEFINITIONS.**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BOARD.** The Town Board of the Town of Medford.

***CERTIFIED SURVEY MAP.*** A map of land division, not a subdivision, prepared in accordance with Wis Stat. § 236.34, and in full compliance with the applicable provisions of this chapter. A ***CERTIFIED SURVEY MAP*** has the same legal force and effect as a subdivision map.

***CLERK.*** The Town of Medford Clerk.

***COMPREHENSIVE DEVELOPMENT PLAN.*** A map of land division, not a subdivision, prepared in accordance with Wis Stat. § 236.34, and in full compliance with the applicable provision of this chapter. Such a plan shall specify and clearly illustrate the location, relationship and nature of all primary and secondary uses, public and private easements, public and private roads, pedestrian paths and common open space.

***COPY.*** A true and accurate ***COPY*** of all sheets of the original subdivision plat or certified survey map.

***CUL-DE-SAC STREETS.*** Streets closed at one end with turnarounds.

***DEAD-END STREETS.*** Streets closed at one end without turnarounds.

***DEVELOPER.*** Any person, firm, corporation, partnership or other entity that divides or proposes to divide land in any manner resulting in a land division or subdivision.

***DIVIDE.*** To convey, record, survey, parcel, split or in any other manner alter an interest in real property so as to cause a parcel of land to be allotted, allocated, severed, split or rendered into smaller parcels of land.

***INTERGOVERNMENTAL AGREEMENT.*** The agreement between municipalities bordering the town, providing for a defined boundary and agreed on pattern of land and utilities.

***LAND DIVISION.*** A division of a parcel of land that is not a subdivision and that results in the creation of a new or remaining parcel or building sites of no less than two acres in size.

***LAND(S).*** Any real estate or interest in real estate.

***LOT.*** A land area of two acres or more, if not regulated by shoreland zoning. (For shoreland zoning, land that has been surveyed or plotted and recorded abutting a navigable waterfront shall not be divided or subdivided into less than 20,000 square feet.)

***OUTLOT.*** A parcel of land, other than a lot, building site, or block, so designated on the plat or certified survey map.

***PARCEL.*** Contiguous lands under the control of a developer or developers not separated by streets, highways or railroad rights-of-way.

**PLAT.** A map of a subdivision prepared in conformity to the requirements of Wis Stat. Chapter 236.

**PLAN COMMISSION.** The Town of Medford Plan Commission.

**PRELIMINARY PLAT.** A map showing the salient features of a proposed subdivision or land division, as described in this chapter, submitted to the town for purposes of preliminary consideration, prior to all final plats and, when required, prior to all land divisions.

**PUBLIC WAY.** Any public road, street, highway, walkway, drainage way, or part thereof.

**REPLAT.** The process of changing, or the map or plat that changes, the boundaries of a recorded subdivision plat or a part thereof. The division of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot is not a **REPLAT** but a land division.

**RESIDENTIAL DWELLING UNIT.** A single-family dwelling or the part of a duplex, apartment, residential condominium or other multiple-family dwelling occupied by one family or one distinct set of inhabitants.

**SUBDIVISION.** A division of a parcel of land where the act of division creates either:

- (1) One or more lots, parcels or building sites of two acres each or more in area; or
- (2) One or more lots, parcels or building sites of two acres each or more in area, by successive divisions within a period of five years.

**STRUCTURE.** Anything with the capacity to contain, used for the occupation or shelter of man or animal, or for the storage, receipt, retention or confinement of personal property, the use of which requires permanent location on the ground, or attachment to something having permanent location on the ground. The term does not include the facilities and appurtenances of public utilities other than buildings.

(Ord. 03-13-2007, passed 3-13-07)

#### **§ 152.04 LAND DEVELOPMENTS COVERED BY THIS CHAPTER.**

(A) These regulations shall apply to all land and condominium developments within the town.

(B) Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits for projects occurring within this chapter's jurisdiction. State agencies are required to comply when Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stat. § 30.12(4)(a) applies.

(Ord. 03-13-2007, passed 3-13-07)

**§ 152.05 REVIEW PROCESS FOR PROPOSED LAND DEVELOPMENTS.**

(A) *Review development standards and plans.* Before preparing a proposal, developers are responsible for reviewing the town's development standards and plans to assure that their plans meet the requirements contained therein.

(B) *Informal conference.* Before formally submitting an application for a proposed land division or subdivision, the applicant is encouraged to bring a concept plan to the Plan Commission for a pre-submission conference as provided for in § 152.07.

(C) *Application.* The applicant shall submit the proposed land division to the Plan Commission for review and recommendation to the Town Board.

(D) *Stages.* Informal review includes a preliminary conference. Formal review of land divisions shall include the preliminary plat and final plat, which are provided for herein. Certified survey maps shall be reviewed in one phase.

(E) *Cost of review.* All costs of review by the town shall be paid by the party proposing the land division.

(Ord. 03-13-2007, passed 3-13-07)

**§ 152.06 LAND DEVELOPMENTS REQUIRED TO MEET TOWN STANDARDS.**

(A) All land divisions must comply with the standards of this chapter.

(B) No person, firm, corporation, partnership or legal entity of any kind shall divide any land located within the town in a manner that results in a land division or replat, as defined herein, and no such land division or replat shall be entitled to record, and no street, highway or road shall be laid out or improvements made to land, unless the land division or replat complies with all requirements of this chapter and with the following standards, all of which are incorporated by reference, including future amendments thereto:

(1) Land that has been surveyed or plotted and recorded shall not be divided or subdivided to less than two acres in size, to assure and provide adequate space for orderly development.

(2) Land that has been surveyed or plotted and recorded abutting navigable waterfront shall not be divided or subdivided to less than 20,000 square feet.

(3) For any new development driveway, the distance between driveways may not be less than 350 feet on all through roads within the town.

(4) On all shared driveways, the entrances shall be a minimum of 48 feet in width.

(5) Building(s) shall be constructed or placed no less than ten feet from the property line.

(6) The provisions of Wis. Stat. Chapter 236 regarding platting lands.

(Res., passed 3-14-00; Am. Ord. 10-14-03, passed 11-11-03; Am. Ord. 03-13-2007, passed 3-13-07)  
Penalty, see § 152.99

#### **§ 152.07 THE PRELIMINARY CONFERENCE.**

(A) Prior to the filing of an application for the approval of a certified survey map or a preliminary plat, the developer or divider shall consult with the Plan Commission and the Town Board to obtain its advice and assistance. This consultation is intended to inform the developer of the purpose and objectives of these regulations, any applicable master plans and plan implementation devices, and to otherwise assist the developer in planning the development.

(B) Consultation with the County Zoning Department is also recommended.

(C) No such consultations shall in any manner bind the Plan Commission or the Town Board to approve a plat, a land division or any other land use control.

(D) Further, no developer may rely upon or cite any advice or information provided by the Plan Commission or Town Board as evidence of the official actions of the town.  
(Ord. 03-13-2007, passed 3-13-07)

#### **§ 152.08 THE PRELIMINARY PLAT.**

(A) Before submitting a final plat for approval, the developer shall prepare and submit to the Plan Commission:

- (1) A preliminary plat;
- (2) The written application for approval; and
- (3) The required application fees.

(B) The preliminary plat may include the entire contiguous area owned or controlled by the developer, even though only a portion thereof is proposed for development at the time.

(C) Every preliminary plat shall be prepared according to the following requirements:

- (1) A preliminary plat shall be required for all land divisions.
- (2) The preliminary plat shall show all plat data as required by the Town Land Development Ordinance.



(3) The developer shall provide road and street plans and profiles, showing existing ground surfaces, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon USGS data, and plans and profiles shall be approved by the Town Board.

(4) The Town Board shall require submission of a draft of all prospective covenants that the developer intends to regulate land use in the proposed land division and otherwise protect proposed development. No covenant may be recorded without the prior approval of the Town Board. All covenants, which insure to the benefit of the public, shall be drafted so as to be enforceable by the town.

(5) The surveyor preparing the preliminary plat shall certify on its face that he or she has fully complied with the provisions of this chapter.

(D) The developer shall file ten copies of the plat and the application with the Clerk at least 21 days prior to the meeting of the Plan Commission at which action is desired. The Plan Commission may waive the requirement that the preliminary plat include the entire area owned by the developer, where it is unnecessary to fulfill the purpose of the chapter and undue hardship would result from strict enforcement of this provision. Where a developer has control of lands that are equal to or in excess of 80 acres in area, or are smaller parcels separated only by existing public roads, in lieu of a preliminary plat on the entire area, the developer may elect to submit a comprehensive development plan.

(E) The Clerk shall forward five copies of the preliminary plat to the Plan Commission, which shall examine it for conformity with all ordinances, administrative rules and regulations, and for compliance with any applicable town master plan.

(F) (1) The Plan Commission shall recommend approval, conditional approval, or rejection of the proposed plat to the Town Board.

(2) If approval or conditional approval is recommended, the preliminary plat shall be referred to the Board for consideration. The Town Board shall then approve, conditionally approve, or reject the preliminary plat.

(3) One copy of the plat shall be returned to the developer, along with a copy of the Town Board minutes indicating the action taken. If the plat is approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto.

(Ord. 03-13-2007, passed 3-13-07)

## **§ 152.09 THE FINAL PLAT.**

(A) The developer shall prepare and file five copies of the final plat, together with a written application for approval, with the Clerk within six months of the approval of the preliminary plat, and at least 14 days prior to the meeting of the Town Board at which action is desired.

(B) The Clerk shall forward a copy of the plat to each Town Board member. The Town Board shall examine it for conformity with: the preliminary plat; any conditions for approval; the requirements of this chapter; and the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans that may be applicable. The plat shall be prepared in conformity with the following standards:

(1) A final plat prepared by a land surveyor registered in this state shall be required for all subdivisions. It shall comply in all respects with the requirements of this Wis. Stat. § 236.20 and the Town Subdivision Ordinance.

(2) In addition to the information required by Wis. Stat. § 236.20 and this chapter, the final plat shall correctly show and on its face the following:

- (a) The exact length and bearing of the centerline of all streets;
- (b) The exact street width along the line of any obliquely intersecting street;
- (c) The size of the culvert, if any, for each driveway of each lot in the land division;
- (d) All land reserved for future public acquisition or the common use of property owners within the plat;
- (e) Special restrictions required by the Town Board relating to access control along public ways or to the provisions of planting strips.

(C) All improvements required by this chapter shall be made or guaranteed in the manner described in this chapter. If the final plat meets the requirements of this chapter, and has been submitted within six months from the approval date of the preliminary plat, and the conditions have been met in the case of a preliminary plat given conditional approval, the town shall approve the final plat of the subdivision within 60 days from the date officially submitted to the Town Clerk.

(D) The Town Board shall require that restrictive covenants or deed restrictions be filed with the final plat. Any easements noted on the plat for the benefit of private parties, including adjacent landowners, shall be embodied on in written easement deeds, which shall be recorded.

(E) All final plats shall meet all the surveying and monuments requirements of Wis. Stat. § 236.15. All final plats shall provide all the certificates required by Wis. Stat. § 236.21. In addition, the surveyor shall certify that he or she has fully complied with all the provisions of this chapter.

(F) The Town Board shall approve or shall reject the plat. The Town Board shall indicate the reasons for any rejection of the plat. One copy of the plat shall then be returned to the developer, with a copy of the minutes indicating the formal action taken, and if approved or rejected, the conditions or requirements of approval or reasons for rejection shall be endorsed thereon or attached thereto.

(G) If permitted by the Town Board, the final plat may include only that portion of the approved preliminary plat the developer proposes to record at this time.

(H) The final plat shall be approved if it conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to any applicable town plans and ordinances. If the final plat is not submitted within six months of the last required approval of the preliminary plat, the Plan Commission may reject the final plat regardless of any prior action on the preliminary plat.

(I) After the final plat has been approved by the Board and the contract and security have been filed in accordance with this chapter, the developer shall submit the final plat to the Clerk. After the developer has executed the developer's agreement to provide all required improvements, has posted the security required by this chapter, has paid all fees imposed pursuant to the ordinance and any area assessments, and after the developer has met all other requirements, the Clerk shall execute the certificate inscribed upon the face of the plat or certified survey, attesting to the approval thereof, and return it to the developer for recording. The Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed. The plat shall be returned to the developer for recording.

(J) The developer shall record the final plat, and shall file a certified copy of the final plat with the Clerk within ten days after it has been recorded.  
(Ord. 03-13-2007, passed 3-13-07)

#### **§ 152.10 LAND DIVISION BY A CERTIFIED SURVEY MAP.**

(A) *Payments required prior to approval.* All unpaid or outstanding taxes, assessments and special assessments shall be paid prior to the approval, unless determined otherwise by the Town Board.

(B) *Filing and preparation.* An applicant for a land division by certified survey map shall file ten copies of the certified survey map and a written application for approval with the Clerk. The certified survey map must be prepared in conformance with the requirements of the Town Subdivision Ordinance.

(C) *Certification.* After the certified survey map has been approved by the Town Board, the development agreement has been executed and recorded, the security filed in accordance with this chapter, and any fee imposed pursuant to this chapter has been paid, the developer shall submit the certified survey map to the Clerk. The Clerk shall cause the certificate inscribed upon the map attesting to such approval to be duly executed. The certified survey map shall be returned to the developer for recording.

(D) *Recording.* The developer shall record the certified survey map with the County Register of Deeds after it has been approved, and shall file a certified copy of the recorded map with the Clerk within ten days after the certified survey map is recorded.

(E) *General.* A certified survey map prepared by a surveyor registered in this state shall be required for all land divisions. It shall comply in all respects with the requirements of Wis. Stat. § 236.34, and conform to the requirements of the Town Subdivision Ordinance.

(F) *Information required.* A sketch showing the present zoning and any proposed zoning change for the land division and all adjacent lands shall be submitted along with the map. In addition to the information required by Wis. Stat. § 236.34 , the map shall correctly show on its face the following:

- (1) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division;
- (2) Setbacks or building lines required by town ordinance;
- (3) All lands reserved for future acquisition;
- (4) The date of the map;
- (5) The size of the culvert, if any, for the driveway of each lot.

(G) *Certificates.*

(1) The surveyor shall certify on the face of the map that the surveyor has fully complied with all the provisions of this chapter. The Board shall certify its approval on the face of the map.

(2) The following certificate of approval shall be provided legibly on the face of the map:

This certified survey, including any dedications shown thereon, has been duly approved by the Town Board of the Town of Medford, Taylor County, Wisconsin, on \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Clerk

(Ord. 03-13-2007, passed 3-13-07)

## § 152.11 DESIGN STANDARDS.

(A) *Street arrangement.* In any new subdivision, the street layout shall conform to the arrangement, width and location indicated on any official map, master plan or component neighborhood development plan of the town. In areas for which plans have not been completed, the street layout shall recognize the functional classification of the various types of streets, and shall be developed and located in proper relation to: existing and proposed streets, the topography, such natural features as streams and tree growth, public convenience and safety, the proposed use of the land to be served by such streets, and the most advantageous development of adjoining areas. Each lot of the subdivision or land division shall have access to a public street which is, at a minimum, sufficient to allow ingress and egress of motor vehicles.

(1) *Arterial streets.* Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related

to the existing and proposed system of major streets and highways, and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they connect.

(2) *Collector streets.* Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system, and shall be properly related to the mass transportation system, to special traffic generators, such as schools, churches, shopping centers and other concentrations of population, and to the major streets into which they feed.

(3) *Local streets.* Local 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 for the advantageous development of the adjacent tracts. Temporary turnarounds shall be required where the street ends at the boundary of the subdivision. The road right-of-way shall continue to the adjacent lands and connect to roads constructed on such lands if approved by the Town Board.

(5) *Arterial and highway protection.* Whenever the proposed subdivision contains or is adjacent to a major highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen plantings contained in a non-access reservation along the rear property line, or by the use of frontage streets.

(6) *Reserve strips.* Reserve strips controlling access to roads or highways are prohibited, except where control of such strips is placed with the town under conditions approved by the Town Board.

(B) *Street names and numbering.* Street names must be approved by the Town Board. Building numbers shall be assigned in accordance with the provisions of the County Zoning Department.

(C) *Street design standards.*

(1) *Minimum right-of-way.* The minimum right-of-way for all proposed streets and roads shall be 66 feet or such other width as is specified by the town comprehensive plan, official map or neighborhood development study; or if no width is specified therein, the minimum widths shall be 66 feet. Roadbed width for traffic should be 30 feet minimum, including a shoulder of four feet minimum and 22 feet of hard surface, blacktop or concrete.

(2) *Presentation to Town Board.* Before a road is plotted or laid out, the developer must appear before the Town Board to present the road specification plans, to determine whether the road will conform with the Department of Transportation standards. This applies to roads intended for the town road system; not to private roads.

(3) *Culverts, ditches and slopes.* The owner of a newly laid out road shall put in new, certified AADFHTO, corrugated, dual wall, polyethylene culverts needed for the roadway at the developer's cost. Adequate and sloped ditches shall be large enough to carry and drain water away from roadbed, with room for snow removal. Slope from roadbed to ditch bottoms will be a minimum of 3 to 1, preferably 4 to 1, with a uniform and smooth surface. On blacktop roads, slope from the center of roadway to edge of blacktop should be eight inches. Shoulder slope from blacktop edge to edge of shoulder should be a 2% slope. The blacktop shall have a gentle slope, not a straight, up-and-down cut. The shoulder should be four feet wide, with no less than three inches of 3/4-inch gravel.

(4) *Road construction and inspection.* Gravel base for the roadbed construction shall consist of 14 inches of breaker run material, six inches maximum; material consisting of fractured rock, sand, 10% binder material. Top base should consist of six inches of 3/4-inch minus crushed gravel, with 12% to 16% binder material. Geotextile must be used in unstable ground at the request of the Town Board. The owner or developer must call town road maintenance personnel to inspect the roadwork when gravel or blacktop work is being performed. The road will be inspected at the following intervals:

- (a) Preparation site;
- (b) Gravel/breaker run (sub-base); and
- (c) Crushed gravel base.

(5) *Hard surface road of blacktop or concrete required.* All new private road construction offered to the town for acceptance to their road system must include hard surface road of blacktop or concrete.

(6) *Road signs, road maintenance and performance bond required.* The owner or developer shall furnish all necessary road signs to control traffic and insure safety. The owner or developer will be responsible for any road maintenance due to road deterioration up to four years from when the road is deeded over to the township. A letter of performance bond shall be issued in the amount of \$50,000 to cover expenses that may occur for the four-year term.

(7) *Cul-de-sac streets.* All dead-end roads or cul-de-sacs shall have a minimum right-of-way width of 50 feet, with a turnaround having an outside right-of-way diameter of at least 120 feet. Each lot or parcel abutting on a cul-de-sac shall have a minimum of 40 feet of frontage of that cul-de-sac. Effective June 14, 2005, a moratorium is placed on the construction of cul-de-sacs in subdivisions.

(8) *Road survey and deed required.* The owner or developer must survey and plot the road before the town will acquire it, and must supply the town with a deed of the road. The town road must be surveyed as an outlot.

(9) *Subdivision survey required.* The owner or developer must survey as a subdivision, with the intention to develop the subdivision, before the town will acquire the road.

(10) *Geotextile material.* Geotextile material must be installed in the roadbed where unstable ground is. A Board member will determine if geotextile material will be used.

(11) *Drainage easements.* Where a subdivision is traversed by a water course, drainage way, channel or stream, an adequate drainage way or easement shall be provided, as required by the Town Board. The location, width, alignment and improvement of such drainage way or easement shall be subject to the approval of the Town Board. Parallel streets or parkways may be required in connection therewith. Wherever possible, the storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These sizes and design details shall be subject to review and approval by the Town Road Supervisor and Town Board. Drainage easements shall maintain existing water flow patterns onto neighboring lands.

(D) *Reservation and dedication of land.*

(1) *Public ways.* Whenever a tract of land to be divided or subdivided abuts, includes or is adjacent to all or any part of a street, an arterial street, drainage way or other public way designated in any applicable master plan or official map, the public way or street shall be incorporated into the plat and dedicated to the public or to the town by the developer, in the locations and dimensions indicated on the plan or map.

(2) *Public sites and open spaces.* In designing a land division or subdivision, due consideration shall be given by the developer to the reservation of suitable sites of adequate area for future drainage ways or other public purposes. In the location of such facilities, consideration shall be given to the protection and preservation of scenic and historic sites, stands of trees, marshes, lakes and ponds, water courses, watersheds, wetlands, wildlife habitat and ravines.

(3) *Storm water management.* The deed covenants of every land division shall provide that the town shall have the right to maintain or repair all storm water management features, including all easements, structures and ditches, if the owner or homeowners' association fails to maintain the same after notice has been given by the town. The town may recover the cost of such repairs from the responsible property owners.

(Ord. 03-13-2007, passed 3-13-07) Penalty, see § 152.99

## **§ 152.12 BUILDING PERMITS.**

No building permits shall be issued for the erection of a structure on any lot created by a land division or subdivision until all the requirements of this chapter have been met. No construction of any kind may commence until the final plat has been recorded.

(Ord. 03-13-2007, passed 3-13-07) Penalty, see § 152.99

**§ 152.13 FEES.**

(A) *General.* The developer shall pay the town or Building Inspector all costs incurred by the town, and all fees as hereinafter required and at the times specified.

(B) *Preliminary plat and certified survey review fee, engineering, inspection and attorney fees.*

(1) The developer shall pay all engineering, inspection, consulting and legal fees incurred by the town for services performed by or on behalf of the town in conjunction with the design, inspection and review of any preliminary plat, certified survey, final plat, comprehensive development plan, or contract, the drafting of legal documents, and such inspections as the Town Road Supervisor 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.

(2) To guarantee payment of the engineering, inspection and attorneys fees, the town may require the developer to deposit the sum of \$1,000, plus \$100 for each lot or parcel within the preliminary plat or certified survey, with the Town Clerk at the time that the application for approval is first filed. If such fees are paid timely, the deposit will be refunded at the time that the final plat or certified survey is approved by the Town Board, or 30 days after the preliminary plat, certified survey, or final plat is rejected. In the event that the developer fails to pay such fees within 14 days of the time when the town submits its bill therefor, the town may deduct the amount of such fees from the security deposit. The developer shall replenish the deposit. Failure to maintain the required security balance shall constitute grounds for the town's issuance of a stop-work order.

(3) The developer shall reimburse the town for the cost of time of town officers or employees engaged in providing services or assistance to the developer in connection with the proposed or approved plat or land division. The developer shall also reimburse the town for the cost of per diems, mileage and advertising or notices of any special meetings called solely to accommodate a request from the developer.

(4) The Clerk shall not sign the plat or certified survey map until such time as all fees, and expenses have been paid and all dedications or fees in lieu of dedications have been paid.  
(Ord. 03-13-2007, passed 3-13-07)

**§ 152.14 WAIVER.**

(A) Where, in the judgment of the Town Board, it would be inappropriate to apply the provisions of this chapter to a land division because extraordinary or undue hardship resulting from the characteristics of the land would result, the Town Board may waive or modify any requirement, other than requirements of state law or the recording of the certified survey map or plat map, and only to the extent a waiver is found to be just and proper.

(B) The Town Board shall grant such relief only where it will not be detrimental to the public good, impair the intent and purpose of this chapter, or impair the desirable general development of the community in accordance with the master plan.



(C) Any developer who requests a waiver of a provision of this chapter shall make a written application for a waiver and file the application with the Town Clerk. The Town Board shall hold a public hearing on the application after its required posting or publication. The Town Clerk shall mail a notice of the hearing to all adjacent landowners and to the Town Highway Department. The waiver application shall state the basis for the application, and the specific hardship claimed.

(D) Any waiver, exception or variance granted pursuant to this section shall be made in writing, shall state the reasons that justified its granting, and shall be filed with the Town Clerk. Neither the grant or denial of a waiver by the town shall constitute a precedent that in any way restricts the discretion of the town to grant or deny a similar variance request in the future.

(Ord. 03-13-2007, passed 3-13-07)

#### **§ 152.98 OFFENSES.**

(A) No person may subdivide land, advertise, vend, sell or convey an interest in property without first obtaining any and all necessary approvals of any land division, plat or certified survey map required to create a legal lot.

(B) No person may construct a public improvement serving a land division without obtaining the required approval thereof.

(C) No person may construct a structure unless the structure is located on a lawful lot of record.  
(Ord. 03-13-2007, passed 3-13-07) Penalty, see § 152.99

#### **§ 152.99 PENALTY.**

Any person who violates this chapter shall forfeit not less than \$100 nor more than \$2,000 per violation, plus the costs of prosecution. The town may also obtain an injunction to forbid the violator from continuing the violation. The Town Board hereby finds that a violation of this chapter, by reason of irreversible effects on the land, air and water resources of the town, constitutes an irreparable injury to the town.

(Ord. 03-13-2007, passed 3-13-07)



## **CHAPTER 153: COMPREHENSIVE PLAN**

### **Section**

#### **153.01 Comprehensive plan adopted by reference**

#### **§ 153.01 COMPREHENSIVE PLAN ADOPTED BY REFERENCE.**

Pursuant to Wis. Stat. § 66.101(4)(c), the Town Board, on May 12, 2009, adopted the “Town of Medford Comprehensive Plan”, which contains all the elements stated in Wis. Stat. § 66.1001(2). The comprehensive plan is hereby adopted by reference as if set forth in full herein.  
(Ord. 5-12-09, passed 5-12-09)

