

**TITLE 14** Subdivision -- Village of Gays Mills

**TITLE 14**

Subdivision

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**CHAPTER 1**

Subdivision

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**TITLE 14** Subdivision -- Village of Gays Mills

**ARTICLE A**

Introduction

**SEC. 14-1-1 AUTHORITY.**

These regulations are adopted under the authority granted by Sections 236.31(2) and 236.45 of the Wisconsin Statutes.

**SEC. 14-1-2 PURPOSE.**

The purpose of this Chapter is to promote the public health, safety, and general welfare of this community.

State Law Reference: Sec. 236.45(1), *Wis. Stats.*

**SEC. 14-1-3 INTENT.**

It is the general intent of this Chapter to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; and to facilitate the further resubdivision of larger tracts into smaller parcels of land. It is further intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation. The regulations in this Chapter have been made with reasonable consideration, among other things, of the character of the Village with a view of conserving the value of the buildings placed upon land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the Village.

State Law Reference: Secs. 236.31(2) and 236.45(1), *Wis. Stats.*

**SEC. 14-1-4 ABROGATION AND GREATER RESTRICTIONS.**

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

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### **SEC. 14-1-5 INTERPRETATION.**

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the Village, and shall not be deemed a limitation or repeal of any requirement or power granted or appearing in Chapter 236 of the Wisconsin Statutes or elsewhere in the Wisconsin Statutes, relating to the subdivision of lands.

State Law Reference: Sec. 236.45(2)(b), *Wis. Stats.*

### **SEC. 14-1-6 SEVERABILITY.**

If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

### **SEC. 14-1-7 TITLE.**

This Chapter shall be known as the Subdivision Code, Village of Gays Mills, Wisconsin, but may be referred to in this Chapter as “this Chapter.”

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ARTICLE B

State Statutes Adopted

SEC. 14-1-8 STATE SUBDIVISION LAWS ADOPTED.

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Chapter, all the statutory provisions in Chapter 236 of the Wisconsin Statutes, describing and defining regulations with respect to subdivisions, exclusive of any statutory penalty of a fine or term of imprisonment, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix “14-1-” to each statute section number. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any existing or future amendments, revisions or modifications of the statutory regulations in Chapter 236 incorporated herein are intended to be made part of this Chapter. Any person who shall, within the Village of Gays Mills, Wisconsin, violate any provisions of any statute incorporated herein by reference shall be deemed to have violated this Section.
- (b) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such reference shall mean the Wisconsin Statutes of 1995-96 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (c) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of subdivision regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.
- (d) **Definitions.** Unless a different definition is specifically provided in this Chapter or State law, the definitions contained in Section 236.02, *Wis. Stats.*, shall apply in this Title 14.

State Law Reference: Sec. 236.45, *Wis. Stats.*

**ARTICLE C**

Optional Regulations Under State Statute Enacted

**SEC. 14-1-9 PRELIMINARY PLAT.**

Pursuant to Section 236.11(1)(a) of the Wisconsin Statutes, submission of a preliminary plat by the subdivider is required.

**SEC. 14-1-10 PUBLIC IMPROVEMENTS.**

Pursuant to Section 236.13(2)(a) of the Wisconsin Statutes, a subdivider is required to make and install any and all reasonably necessary public improvements. In the alternative, on a showing of good cause by the subdivider, the Village Board, in its discretion, may allow the subdivider to execute a surety bond or provide other security to ensure that he/she will make those improvements within a reasonable time.

**SEC. 14-1-11 CONDITIONS FOR ACCEPTING DEDICATION OF PUBLIC WAYS AND FOR PERMITTING PRIVATE WAYS.**

Pursuant to Section 236.13(2)(b) of the Wisconsin Statutes, the following designated facilities are required to be provided by the subdivider without cost to the Village prior and as a condition to accepting the dedication of public streets, alleys, or other ways, and permitting private streets, alleys, or other public ways to be placed on the official map, which designated facilities are required to be constructed according to Village specifications and under Village inspection:

- (1) Sewerage;
- (2) Water mains and laterals;
- (3) Grading and improvement of streets, alleys, sidewalks, and other public ways; and
- (4) Street lighting.

In the alternative, on a showing of good cause by the subdivider, the Village Board, in its discretion, may by resolution provide that a specified portion of the costs for such designated facilities shall be paid in advance as provided in Section 66.54(3) of the Wisconsin Statutes.

**SEC. 14-1-12 ALTERATION OF EXISTING FACILITIES.**

Pursuant to Section 236.13(2)(c) of the Wisconsin Statutes, the subdivider shall be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or certified survey map, fall within the public right-of-way.

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### **SEC. 14-1-13 MONUMENTS.**

Pursuant to Section 236.15(h) of the Wisconsin Statutes, on a showing of good cause by the subdivider, the Village Board, in its discretion, may waive the placing of monuments under paragraphs (b), (c), and (d) of Section 236.15(1) of the Wisconsin Statutes for a reasonable time on condition that the subdivider executes a surety bond to ensure that he/she will place the monuments within the time required.

### **SEC. 14-1-14 TITLE EVIDENCE.**

Pursuant to Section 236.21(2)(b) of the Wisconsin Statutes, the owner of the land described in the final plat as a condition to approval of the final plat shall furnish an abstract of record title certified to date of submission for approval of the final plat or, at the option of the owner, a policy of title insurance or certificate of title from an abstract company for examination in order to ascertain whether all parties in interest have signed the owner's certificate on the plat.

### **SEC. 14-1-15 LEASE OF PARK.**

Pursuant to Section 236.29(3) of the Wisconsin Statutes, the Village may lease to a subdivision association any part of the subdivision intended for park purposes where such part has never been improved nor work done thereon nor funds expended therefor by the Village Board, but such lease shall not exceed ten (10) years and shall only be for park improvement purposes.

### **SEC. 14-1-16 RECORDING OF MAP, PLAT, OR SKETCH.**

Pursuant to Section 236.45(2) of the Wisconsin Statutes, a map, plat, or sketch of any subdivision shall be recorded with the Register of Deeds for Crawford County, Wisconsin. When so recorded, the lots included in the map, plat, or sketch may be described by reference to it by lot number and by volume and page of the book provided for that use, for all purposes, including those of assessment, taxation, devise, descent, and conveyance as defined in Section 706.01(4) of the Wisconsin Statutes.

### **SEC. 14-1-17 OTHER CODE PROVISIONS.**

The terms and provisions of the other Titles of this Code of Ordinances shall apply to subdivisions to the extent they may be applicable if not inconsistent with the terms and provisions of this Title 14.

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### ARTICLE D

#### Enforcement

#### SEC. 14-1-18 REMEDIES AND PENALTIES.

The Village shall have the following remedies and the following penalties shall apply for violations of this Chapter:

- (a) **Injunction Action.** The Village may institute injunction or other appropriate action or proceeding to enjoin a violation of any provision of this Chapter.
- (b) **Forfeiture.** Any person, firm, limited liability company, corporation, or other entity who or which violates any provision of this Chapter shall upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) per violation plus any and all applicable costs, fees, surcharges, and assessments, for each violation and each and every day a violation exists or continues shall constitute a separate offense, provided, however, that the following forfeitures shall be imposed for the following specific violations, plus any and all applicable costs, fees, surcharges and assessments, for each violation:
  - (1) A forfeiture of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) pursuant to Section 236.30 of the Wisconsin Statutes, for causing his/her or its final plat to be recorded without submitting such plat for approval as required herein and by Chapter 236 of the Wisconsin Statutes, or who shall fail to present the same for record within the time prescribed after approval.
  - (2) A forfeiture of not more than Five Hundred Dollars (\$500.00) pursuant to Section 236.31(1) of the Wisconsin Statutes for any subdivider or the subdivider's agent offering or contracting to convey or conveying any subdivision as defined in Section 236.02(12) of the Wisconsin Statutes or lot or parcel which lies in a subdivision as defined in Section 236.02(12) of the Wisconsin Statutes knowing that the final plat thereof has not been recorded, provided, however, that where the preliminary or final plat of the subdivision has been filed for approval with the Village an offer or contract to convey may be made if that offer or contract states on its face that it is contingent upon approval of the final plat and shall be void if such plat is not approved.
  - (3) A forfeiture of not more than Two Hundred Fifty Dollars (\$250.00) pursuant to Section 236.32 of the Wisconsin Statutes for any of the following:
    - a. Any owner, surveyor or subdivider who fails to place monuments as prescribed by this Chapter when subdividing land.
    - b. Any person who knowingly removes or disturbs any such monument without the permission of the Village Board or fails to report such disturbance or removal to it.
    - c. Fails to replace properly any monuments which have been removed or disturbed when ordered to do so by the Village Board.
  - (4) A forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) pursuant to Section 236.335 of the Wisconsin Statutes for dividing or using if so divided a lot or parcel in a recorded plat for purposes of sale or building development if the resulting lots or parcels do not conform to this Chapter.
- (c) **Assessor's Plat.** The Village may order an assessor's plat to be made under Section 70.27 of the Wisconsin Statutes at the expense of the subdivider or the subdivider's agent when a subdivision is created under Section 236.02(12)(b) of the Wisconsin Statutes by successive divisions.

State Law Reference: Secs. 236.30, 236.31, 236.32, and 236.34, *Wis. Stats.*