

TOWN OF RHINE MUNICIPAL CODE

**CHAPTER 9: SUBDIVISIONS**

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## 9.01 PURPOSE OF REGULATIONS

The purpose of this Chapter is to promote the public health, safety, and general welfare of the community, and these regulations are designed to lessen congestion in the streets and highways; to further the orderly lay-out and use of land; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewage, schools, parks, playgrounds, and other public requirements; to facilitate the further resubdivision of larger tracts into smaller parcels of land. These regulations are made with reasonable consideration, among other things, of the character of the Township 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 Township.

## 9.02 GENERAL REQUIREMENTS

(1) Any division of land within the Township which results in a subdivision as defined in this Chapter shall be surveyed and a plat thereof approved and recorded as required by this Chapter and Wis. Stat. ch. 236.

(2) Any division of land other than a subdivision within the Township of which a plat has not been approved and recorded shall be surveyed and a certified survey map of such division approved and recorded as required by Section 9.09 of this code and Wis. Stat. ch. 236.

(3) The provisions of this Chapter shall not apply to:

(a) Transfers of interests in lands by Will or pursuant to Court Order;

(b) Leases for a term not to exceed ten (10) years, mortgages, or easements;

(c) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and a Plat of Survey indicates all corners are monumented and the lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances. (Rev. 05/02/05)

## 9.03 DEFINITIONS. Terms used in this Chapter have the following meanings:

(1) **SUBDIVISION.** A division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or of building development where:

(a) The act of division creates three (3) or more parcels or building sites of five (5) acres each or less in area, or

(b) Five (5) or more parcels or building sites of three (3) acres each or less in area are created by successive divisions within a period of five (5) years.

(2) **EXTRATERRITORIAL PLAT APPROVED JURISDICTION.** The unincorporated area within one and one-half (1-1/2) miles of the corporate limits of any City or Village.

- (3) STREET. A way for vehicular traffic other than an alley.
- (a) Major streets are those which are used primarily for fast or heavy traffic.
  - (b) Collector streets are those which carry traffic from minor streets to the system of major streets and highways, including the principal entrance streets of a residential development and streets for circulation within such development.
  - (c) Minor streets are those which are used primarily for access to the abutting properties.
  - (d) Marginal access streets are minor streets which are parallel to and adjacent to major streets and highways and which provide access to abutting properties and protection from through traffic.

#### 9.04 PROCEDURES

(1) PRELIMINARY CONSULTATION. Previous to filing a preliminary plat, the subdivider shall consult the Town Board for advice and assistance.

(2) PRELIMINARY PLAT

(a) Before submitting a final plat for approval, the subdivider shall submit a preliminary plat and such copies thereof as shall be required to the Clerk who shall forthwith forward the plat to the Town Board and such copies thereof to the Sheboygan County Planning and Resources Department and the State Department of Local Affairs and Development as required by Wis. Stat. ' 236.12.

The State Department of Local Affairs and Development, State Department of Transportation, and Department of Health and Social Services shall be hereinafter referred to as "objecting agencies."

(b) The Town Board, hereby designated as approving authority for all preliminary plats, shall transmit a copy of the preliminary plat to all affected local utility companies for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Board within fifteen (15) days from the date the plat is filed. A copy of the preliminary plat shall be provided to any affected school board for informational purposes. The preliminary plat shall be reviewed by the Town Board for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components which affect it.

(c) After review of the preliminary plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Town Board shall, within forty (40) days of its submission, approve conditionally or reject the plat. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection.

(d) Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat if the final plat conforms substantially to such layout and conditions of approval have been met and approval of the State Director of Regional Planning has been obtained.

(e) A public hearing shall be held prior to approval of a preliminary plat.

(3) FINAL PLAT

(a) The final plat and such copies thereof as shall be required shall be submitted to the Clerk within six (6) months of approval of the preliminary plat. If approval of the preliminary plat must be obtained from another approving authority subsequent to approval by the Town Board, the final plat shall be submitted within six (6) months of such approval. The Town Board may waive failure to comply with this requirement.

(b) The Clerk shall forward the plat to the Town Board and shall forward copies of the plat to the Director of Local and Regional Planning as required by Wis. Stat. ' 236.12. The Town Board shall approve or reject the final plat within sixty (60) days by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the meeting and a copy thereof or a written statement of such reasons shall be supplied to the subdivider.

(c) If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Town Board will be inscribed on the original of the final plat the surveyor or the subdivider shall certify the respects in which the original of the final plat differs from the true copy and all modifications must first be approved.

## 9.05 DESIGN STANDARDS

(1) GENERAL. A proposed subdivision shall conform to:

(a) The provisions of Wis. Stat. ch. 236;

(b) All applicable Ordinances of the Town and this code;

(c) The master plan of the Town, if any;

(d) The official map of the Town, if any;

(e) The rules of the State Department of Health & Social Services relating to lot size and lot elevation if the subdivision is not served by a public sewer and provisions for such service have not been made;

(f) The rules of the State Department of Transportation relating to safety of access and the preservation of the public interest and investment in the streets, if the subdivision of any lot contained therein abuts on a State trunk highway or connecting street.

(2) STREETS

(a) General Considerations. Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets.

(b) Conform to Official Map. The arrangements, width, grade, and location of all streets shall conform to the official map and master plan of the Town.

(c) Arrangement. Major streets shall be properly integrated with the existing and proposed system or major streets and highways. Collector streets shall be properly related to special traffic generating from facilities such as schools and churches to population densities and to the major streets into which they feed. Minor streets shall be laid out to conform as much as possible to topography, to discourage use by through-traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of street necessary to provide convenient safe access to property.

(d) Railroad Right-of-Way or Limited Access Highway. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Town Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land for park purposes in residential districts or for commercial or industrial purposes in other districts.

(e) Major Streets. Where a subdivision borders on or contains an existing or proposed major street, the Town Board may require that marginal access streets be provided, that the backs of lots abut the major streets and be provided with screen planting contained in a non-access reservation along the rear property line, that deep lots with rear service alleys be provided, or that other provisions be made for the adequate protection of residential properties and the separation of through and local traffic.

(f) Width. The right-of-way and roadway of all streets shall be the width specified on the official map and master plan, and shall be in conformance with the minimum requirements established by statute.

(g) Grades. The grade of all streets shall with the recommendation of the subdivider be set by the Town Board. The minimum grade of all streets shall be forty percent (40%) unless otherwise permitted by the Town Board.

(h) Horizontal Curves. A minimum sight distance with clear visibility measured along the centerline shall be provided of at least three hundred feet (300') on major streets, two hundred feet (200') for collector streets, and one hundred feet (100') on minor streets.

(i) Vertical Curves. All changes in street grades shall be connected by vertical curves of a minimum length in equivalent to fifteen (15) times the algebraic difference in the rate of grade for major streets and collector streets and one-half (1/2) of this minimum length for all other streets.

(j) Tangents. A tangent at least one hundred feet (100') long shall be introduced between reverse curves on major and collector streets.

(k) Street Names. New street names shall not duplicate the names of existing streets but streets that are continuations of others already in existence and named shall bear the name of the existing streets. Street names shall in all cases be subject to the approval of the Town Board, and the Town Board may require a street name other than that suggested by the subdivider.

(l) Cul-de-sac or Dead End Streets. Streets designed to have one (1) end permanently closed shall not exceed five hundred feet (500') in length and shall terminate with a turn-around of not less than one hundred twenty feet (120') in diameter of a right-of-way and a roadway turn-around of ninety-six feet (96') in diameter.

(m) Reserve Strips. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Township under conditions approved by the Town Board.

(n) Half Streets. Where a half street is adjacent to the subdivision, the other half of the street shall be dedicated by the subdivider.

(o) Access. All parcels indicated in any subdivision and any property upon which a structure is to be erected shall have proper access to publicly dedicated streets.

(p) Dedication. The dedication of property for street and park purposes shall be done without cost to the Township.

(q) Alterations. Any alterations or additions to presently approved streets shall be first approved by the Town Board. Existing streets shall not be accepted until they conform to the standards of this Ordinance.

(r) Right-of-way. No street right-of-way shall be dedicated for street purposes unless the same shall have a minimum of four (4) rods [sixty-six (66) feet] in width, except that the Town Board may, from time to time, increase the width minimum herein set forth where projected traffic density may require such action.

(s) Substandard Right-of-way. The Town Board, by a two-thirds (2/3) vote, may permit the dedication of the substandard right-of-way for non-through streets in those areas where existing structures and availability is so restricted that a wider dedication would create an extreme hardship, but said dedication shall include a cul-de-sac for turnabout or street maintenance equipment.

(t) In residential subdivisions the grade level of any building site shall be at least one (1) foot above the elevation of the center of the abutting hard surface finished street grade as constructed or as proposed to be constructed, based upon a thirty-six- (36-) foot setback from the right-of-way.

In all other areas where a structure is erected at a setback greater than thirty-six feet (36'), the grade may be at elevations not related to the street grade so long as the building site has adequate surface water drainage slope.

(u) Construction of Streets. The construction of a street within any development area shall be in accordance with a base street grade establishing the elevation of said street. This elevation shall be set forth in any subdivision plan and shall be in accordance with Subsection (g) hereinabove. The construction of any street shall be the responsibility of the subdivider and shall be done at his cost. All grades and construction shall conform to the following minimum requirements:

1. Base Pitch. All street grades shall be graded at their base so as to pitch four (4) or five (5) inches from center of street to the future gutter. A thirty-six- (36-) foot street shall have a minimum four inch (4") grade from center to curb-gutter, a forty-four- (44-) foot street B five inches (5"), and greater or lesser widths shall be based upon a proportion thereof.

2. Base Construction. The unfinished base grade of any street shall make provision for minimum of nine inches (9") for gravel or granular fill in residential and agricultural areas, and twelve inches (12") in commercial or industrial areas and such other areas as shall have been designated as permanent truck routes.

3. Finish Construction. On the top of the base construction, there shall be a minimum of three inches (3") single aggregate bituminous surface (asphalt, type A.C., shall be used). This asphalt cement shall be homogeneous and free from water. For commercial, industrial, and permanent truck routes, a four- (4-) inch surface shall be required and must be laid in two (2) separate passes of two- (2-) inch thickness each. All streets shall have finished paved surfaces of twenty-four feet (24') in width. In lieu of bituminous eight inches (8") of concrete pavement of Portland cement may be substituted.

4. All construction as provided in Subsections 1, 2, and 3, above, shall be at the total expense of the subdivider in accordance with Section 9.07 hereof.

(3) INTERSECTION

(a) Streets shall intersect as nearly as possible at right angles and not more than two (2) streets shall intersect at one point unless approved by the Town Board.

(b) Property lines at street intersections shall be rounded with a radius of fifteen feet (15') or more where the Town Board considers it necessary.

(c) Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

(4) EASEMENTS

(a) The Town Board shall require easements of widths deemed adequate for the intended purpose along rear lot lines and along such side lot lines or in such locations across lots as are found necessary or advisable for poles, wires, cables, conduits, or other utility lines. The minimum width of easements shall be twelve feet (12').

(b) All easements dedicated on final plats or certified survey maps for poles, wires, cables, or conduits for electricity, telephone, or other private utility lines shall be noted thereon as "Utility Easement." All easements for pedestrian walks and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.



(c) All preliminary plats, final plats, and certified survey maps shall be presented by the Town Board to the utility companies and public agencies which would serve the area concerned, for the purpose of ascertaining the location and width of the easements to be established thereon. Such companies and agencies shall be given fifteen (15) days in which to designate their respective easements on preliminary plats and fifteen (15) days in the case of final plats or certified survey maps. Prior to approval of the final plat or certified survey map such utility companies or public agencies shall concur in the location and width of the easements which concern them as shown thereon, which concurrence shall appear on the final plat or certified survey map.

(d) Upon approval of the final plat or certified survey map and before the electric or telephone companies may be called upon to construct their respective lines within the limits of the utility easements dedicated thereon, the subdivider shall establish the proposed final grades of the ground surface throughout the length of such easements and shall grade such easements to an elevation approximating such final grades.

(e) Deed restrictions shall accompany each final plat or certified survey map and shall be filed in the Register of Deeds' Office. In addition to whatever else may be contained therein, such restrictions shall describe the location and width of all utility and public easements which are being established; a description by reference to the final plat or certified survey map will suffice. Such restrictions shall further recite that the utility companies and the public agencies using such easements are granted the right to place, maintain, and operate their respective facilities thereon and shall state that the elevation of such easements as graded by the subdivider pursuant to Subsection (d) next above may not be altered thereafter by him or any subsequent land owner by more than six inches (6").

(f) For the comfort and convenience of the general public as well as the utilities, it is required that the developer include on the plat the following definitions:

1. PUBLIC UTILITIES. All persons, firms, corporations, co-partnerships, or governmental authorities providing gas, electricity, water, sewer, telephone, or other service of a similar nature.

2. UTILITY EASEMENT. Private easements for public utilities only. Private easements for public utilities shall not be deemed to be dedicated to the public but shall be private easements for public utilities on a basis of equality as between such utilities. No permanent structure may be erected or trees or vegetation planted in this area along with the right of the utility to trim or remove such trees and vegetation that may interfere with their proper utilization of the easement.

(g) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Wherever possible it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

#### (5) BLOCKS

(a) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated but block lengths in residential areas shall not exceed one thousand five hundred feet (1,500') nor be less than three hundred feet (300') between street lines.

(b) Pedestrian crosswalks, not less than ten feet (10') wide may be required by the Town Board through the center of blocks more than nine hundred feet (900') long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

(6) LOTS

(a) The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(b) Lot dimensions shall conform to the requirements of the zoning regulations.

(c) Residential lots to be served by private sewerage disposal facilities shall comply with the rules of the State Department of Health and Social Services.

(d) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(e) Residential lots fronting on major streets and highways shall be platted with extra depth to permit generous distances between the buildings and such traffic ways.

(f) Excessive depth in relation to width shall be avoided. A proportion of approximately 2-1/2 to 1 shall be considered as a desirable maximum.

(g) Corner lots for residential use shall have extra width to permit full building setback of at least thirty feet (30') from both streets or as required by applicable zoning regulations.

(h) Every lot shall front or abut on a public street. Lots with an access only to private drives or street shall be permitted only with Town Board approval.

(i) Lots at right angles to each other should be avoided whenever possible, especially in residential areas.

(j) Side lot lines shall be substantially at right angles or radial to street lines.

(k) In case a tract is subdivided into parcels containing one or more acres, such parcels shall be arranged to allow the resubdivision of such parcels into normal lots in accordance with the provisions of this Chapter.

(l) Lots shall follow municipal boundary lines whenever practicable rather than cross them.

(m) Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation.

(7) All electrical and communications transmission lines and all other utilities shall be underground unless clearly impractical.

**9.06 DEDICATION AND RESERVATION OF LAND FOR PUBLIC SITES AND OPEN SPACES**

In order that adequate land is set aside and preserved for development of public parks, recreation, and open space, and to provide for proper location of such sites and in order that the cost of providing public parks, recreation, and open space sites necessary to serve the additional persons by a division of land may be most equitably apportioned on the basis of additional need created by the individual development, the following provisions are established:

(1) **DEDICATION TO SITES.** Where feasible, the subdivider shall provide and dedicate to the public adequate land to provide for park, recreation, and open space needs of the division of land. The location of such land to be dedicated shall be determined by the Town Board. The amount of land to be provided shall not be smaller in area than five percent (5%) of the total area of the subdivision plat.

(2) **PAYMENT IN LIEU OF DEDICATION.** When the dedication of land for public sites and open spaces as set forth herein is not compatible with the comprehensive development plan or for other reasons is not feasible as determined by the Town Board, the subdivider shall in lieu thereof pay to the Town a fee equivalent to the value of the required dedication. Such fee shall be five percent (5%) of the value, after subdivision of all residential lots created by the division of land. Such fee shall be used exclusively for immediate or future park site acquisition or capital improvement and shall be fully paid by the subdivider prior to filing the final plat.

(3) **EXISTING STRUCTURES.** No dedication or payment shall be required for a parcel on which a permanent residential structure has existed for at least one (1) year prior to the date of the division.

(4) **SPECIAL FUND CREATED.** All fees received by the Town as a result of this Ordinance shall be deposited in a non-lapsing special fund, separate from the General Fund of the Town, and said special fund shall be used exclusively for park and recreation area development, including site acquisition and related improvements. Disbursements from said special fund are to be made only upon specific approval of the Town Board.

**9.07 REQUIRED IMPROVEMENTS**

(1) **MONUMENTS.** The subdivision and all other divisions of land shall be monumented as required by Wis. Stat. ' 236.15 which is hereby adopted by reference.

(2) **STREETS AND UTILITIES.** No final plat for the subdivision of land shall be approved until the subdivider enters into a contract with the Town agreeing that either the Town or the subdivider shall provide within the subdivision the following utilities and street improvements as follows, within the time required by the Town Board. All streets shall be constructed in accordance with the provisions of Section 9.05 of this Ordinance.

(a) **Street Grading.** The subdivider shall furnish drawings which indicate the proposed grades of streets shown on the plat and after approval of those grades by the Town Board or Engineer the streets shall be graded the full width of the right-of-way of the proposed street. The grading is to be completed prior to installation of utilities.

(b) Drainage and Culverts. Proper drainage shall be provided for all surface water from the area shown on the plat. This includes necessary open ditches, culverts, bridges, etc. The size of culverts to be provided shall be determined by the Town Board, but no culvert shall be less than fifteen inches (15") in diameter. All culverts shall be of corrugated pipe.

(c) Street Surfacing. After all underground utilities have been installed, the developer or subdivider shall construct a roadway. This roadway shall consist of crushed gravel base course compacted in place with asphalt bituminous in accordance with Town of Rhine specifications. All materials shall meet the standards currently in use by the Town. The developer shall bear the total cost for base course and surfacing on all streets.

(3) INSTALLATION COST. All of the work set forth in this Section, together with all costs of material, engineering, inspection, legal, clerical, and all other costs shall be paid in full by the subdivider with the specific exceptions previously noted. If the Township is to do the work, the costs thereof shall be advanced to the Township by the subdivider. If the subdivider is to do the work, he shall deposit a certified check with the Clerk equal to the estimated cost of all the improvements, or shall consent to the levy of a special assessment against all lots within the subdivision in said amount, which is to be in such form as approved by the Town attorney.

## 9.08 PLATS AND DATA

(1) PRELIMINARY CONSULTATION DATA. The following information shall be provided at the time of preliminary consultation or upon filing the preliminary plat if the preliminary consultation is not held:

(a) Information including data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park area and other public areas, tree planting, proposed protective covenants, and proposed utilities and street improvements.

(b) A location map showing the relationship of the proposed subdivision to existing community facilities which serve or influence it, including development name and location; main arteries of traffic; schools, parks, and playgrounds; principal places of employment; other community features such as railroad stations, airports, hospitals, and churches; title; scale; north arrow, and date.

(c) A sketch plan showing in simple sketch from the proposed layouts of streets, lots, and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the topographic survey.

(d) A statement based upon state and federal environmental standards describing the environmental, sociological, and economic impact of the proposed subdivision on the Township which shall set forth both immediate and long-term effects of such subdivision.

(e) In the case of a residential subdivision, valid evidence that additional housing is actually needed.

(2) PRELIMINARY PLAT. The preliminary plat shall be drawn with waterproof, non-fading black ink or legibly drawn with pencil on tracing cloth or tracing paper of good quality on a scale of not more than one hundred (100) feet to an inch and shall show correctly on its face:

- (a) Date, scale, and north point.
- (b) The proposed subdivision name, which shall not duplicate the name of any plat previously recorded in Sheboygan County.
- (c) The name and address of the owner, the subdivider, and the surveyor preparing the plat.
- (d) Location of the subdivision by government lot, quarter section, section, township, range, and county.
- (e) A small scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.
- (f) The exact length and bearing of the exterior boundaries of the subdivision.
- (g) Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.
- (h) Zoning on and adjacent to the subdivision.
- (i) Location, widths, and names of all existing and platted streets, alleys, or other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, water courses, drainage ditches, permanent buildings, bridges, and other pertinent data as determined by the Town Board.
- (j) The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to U.S.C. and G.S. datum.
- (k) If the subdivision borders a lake or stream, the distance and bearings of a meander line established not less than twenty feet (20') back from the ordinary high water mark of the lake or stream.
- (l) Layout, width, and approximate grades of all new streets and rights-of-way such as alleys, highways, easements for public utilities.
- (m) The location of existing sanitary sewer, storm sewer, and water main facilities and the proposed connection thereto as well as proposed sizes and grades of the facilities to be installed within the subdivision.
- (n) Approximate dimensions of and areas of lots.
- (o) Proposed building lines.
- (p) Approximate radii of all curves and length of tangents.

(q) Approximate location and area of property proposed to be dedicated for public use or to be reserved by deed or covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.

(r) Contours at vertical intervals of not more than two feet (2') or at more frequent intervals if required by the Town Board for land of unusual topography.

(3) FINAL PLAT

(a) A final plat of subdivided land shall comply with the requirements of Wis. Stat. ' 236.20 which is hereby adopted by reference as though fully set forth herein.

(b) The affidavits and certificates required by Wis. Stat. ch. 236 shall be lettered or printed legibly in black durable ink or typed legibly with black ribbon on the final plat. The subdivider shall provide the Clerk at his own expenses, a mylar reproduction at the same scale of the recorded plat.

(c) At the time the final plat is submitted to the Clerk for final Town Board action and signatures of the Town Officials, the plat shall be accompanied by established grade plans and profiles including typical cross-sections and pavement design.

All such plans shall be drawn to a horizontal scale of not more than fifty feet (50') feet to one inch (1") and a vertical scale of not more than five feet (5') to one inch (1"). All plans shall be reviewed and approved in writing by the Department of Natural Resources before submission to the Town Board. The above requirements shall include all streets in the subdivision.

## 9.09 LAND DIVISIONS OTHER THAN SUBDIVISION

(1) PROCEDURE. The divider shall file a certified survey map with the Town Board which shall within forty (40) days approve, approve conditionally, or reject the map. The divider shall be notified in writing of any conditions of approval or the reason for rejection.

(2) REQUIREMENTS

(a) To the extent reasonably practicable, the division shall comply with the provisions of this Chapter relating to general requirements and design standards and require improvements.

(b) The survey shall be performed and the map prepared by a registered surveyor.

(c) All corners shall be monumented in accordance Wis. Stat. ' ' 236.15(1)(c) and (d).

(d) The map shall be prepared in accordance with Wis. Stat. ' ' 236.20(2)(a), (b), (c), (e), (f), (g), (h), (j), (k), and (l) on durable white paper eight and one-half inches (8-1/2") wide by fourteen inches (14") long. All lines shall be made with non-fading black ink on a scale of not more than five hundred feet (500') to an inch.

(e) Prior to approval or conditional approval, all delinquent personal property taxes which constitute a potential lien on the property to be divided pursuant to Wis. Stat. ' 74.11(4) shall be paid.

(3) CERTIFICATES AND AFFIDAVITS

(a) The map shall include the Affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered, or reproduced legibly with non-fading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land Survey or some corner providing reference to a corner marked and established in the U.S. Public Land Survey. The Affidavit shall include the statement of the surveyor to the effect that he has fully complied the requirements of this Section.

(b) The certificate of approval of the Town Board shall be typed, lettered, or reproduced legibly with non-fading black ink on the face of the map.

(4) MAP. The map shall be filed by the divider for records with the Register of Deeds for Sheboygan County.

#### 9.10 SEVERABILITY

Invalidation of any part of this Ordinance by a Court shall not invalidate the remainder of the Ordinance or any Section thereof.

#### 9.11 PENALTIES AND REMEDIES

Any person who fails to comply with the provisions of this Chapter shall upon conviction thereof forfeit not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00) and the costs of prosecution for each violation. In addition, the remedies provided by Wis. Stat. ' 236.30 and 236.31 shall be available to the Township. (Rev. 08/07/01)