

TITLE 4 - PUBLIC WORKS

CHAPTER 4 - LAND USE

ARTICLE 1 - SUBDIVISION CODE

4-4.0100 PURPOSE. This chapter is adopted for the following purposes:

A. To complement the Eau Claire County Code Title 18, Subtitle III-Subdivision Control.

B. To promote the public health, safety and general welfare.

C. To further the orderly layout and use of land.

D. To facilitate adequate provision for transportation, recreation, sewerage, and other requirements.

E. To provide for proper ingress and egress.

F. To insure proper legal description and proper monumenting of subdivided land.

G. To facilitate the subdivision of larger tracts into smaller parcels of land.

It is intended that these regulations shall complement the Eau Claire County Code Title 18, Subtitle III-Subdivision control and facilitate the enforcement of the provisions and development standards contained in adopted Town codes, plans and maps.

4-4.0105 JURISDICTION. This chapter shall apply to all subdivisions of land as defined herein located within the Town.

4-4.0110 DEFINITIONS.

A. "Administrator" shall mean Town Administrator.

B. "Board" shall mean Town Board of Supervisors.

C. "Building Site" shall mean a parcel of land occupied, or intended to be occupied, by a structure as permitted under applicable zoning regulations.

D. "Certified Survey Map" (CSM) shall mean a map of a land division resulting in not more than four parcels of land prepared in accordance with this ordinance and Section 236.34, Wisconsin Statutes. See "Other Division". The Town shall only review a CSM that includes public dedications.

E. "City" shall mean the City of Eau Claire or City of Altoona.

F. "Clerk" shall mean Town Clerk.

G. "Comprehensive Plan" shall mean a master plan, adopted by the Town Plan Commission and certified to the Board pursuant to Section 62.23 of the Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

H. "Construction" shall mean any activity on any parcel of land resulting in a non-restorable change, or the permanent affixing of a structure, to any part of the parcel, in the course of, or with the intent of, altering or improving the parcel.

- I. "County" shall mean Eau Claire County.
- J. "Cul-de-sac" shall mean a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- K. "Extraterritorial Plat Approval Jurisdiction" shall mean the unincorporated area within 1.5 miles of a 4th class city (City of Altoona) or village or within 3 miles of all other cities (City of Eau Claire). Extraterritorial Jurisdiction (ETJ).
- L. "Improvement, Public" shall mean any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, recreational trail, planting strip, off-street parking area or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- M. "Land Division" shall mean the division of a parcel of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division results in a subdivision, other division, or replat.
- N. "Objecting Agencies" shall mean those agencies to whom a preliminary plat shall be distributed pursuant to §236.12, Statutes, and other applicable laws.
- O. "Other Division" shall mean the division of a parcel of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates fewer than five lots or building sites any of which is 20 acres in area or less, except where the newly created lot(s) or building site(s) are entirely within a recorded subdivision or where the newly created lot(s) or building site(s) are within a previously recorded Certified Survey Map (CSM). A CSM shall be required for all lots or building sites of land so created. See "Certified Survey Map".
- P. "Outlot" shall mean a parcel of land not intended for immediate or eventual development, so designated on the plat, replat or Certified Survey Map.
- Q. "Owner" shall mean any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal or equitable title to land sought to be subdivided or subject to a land division under this ordinance.
- R. "Parcel" shall mean contiguous land not separated by public roads or railroad rights-of-way. Creation of private or public roads or railroad rights-of-way after the effective date of this ordinance does not create separate parcels.
- S. "Plan Commission" shall mean the Town Plan Commission.
- T. "Preliminary Plat" shall mean a map showing the salient features of a proposed subdivision, submitted to the Town planning agency for purposes of preliminary consideration.
- U. "Plat" shall mean a map of a subdivision complete with all certificates and engineering data per Chapter 236, Wisconsin Statutes.
- V. "Replat" shall mean the process of changing the map or plat of the boundaries of a recorded subdivision plat or part thereof.
- W. "Right-of-Way" shall mean a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within

water mains, sanitary or storm systems or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

X. "Roadway" shall mean the paved portion of the street available for vehicular traffic.

Y. "Street" shall mean a public or private right-of-way which affords a primary means of vehicular ingress and egress to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway or however otherwise designated, but excepting driveways to buildings.

Z. "Street, Arterial" shall mean a street used, or intended to be used, primarily for fast or heavy through traffic. "Arterial street" includes freeways and expressways as well as standard arterial streets, highways and parkways.

AA. "Street, Collector" shall mean a street which carries traffic from minor streets to the system of major streets and highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development.

AB. "Subdivide" shall mean the act of creating a subdivision or other division.

AC. "Subdivider" shall mean any person, firm, corporation, any agent thereof, assigns of the land owner at the time the subdivision plat or CSM is recorded dividing or proposing to divide land resulting in a subdivision, other division or replat, as defined herein.

AD. "Subdivision" shall mean the division of a parcel of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five or more lots or building sites any one of which is five acres or less in area; or where the act of division creates five or more lots or building sites any one of which is five acres or less in area by successive division within a period of five years.

4-4.0120 INTERPRETATION AND SEPARABILITY.

A. INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

1. Where the conditions imposed by any provisions of this chapter upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this chapter or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
2. This chapter is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of this chapter shall govern.

B. SEPARABILITY. It is hereby declared to be the intention of the Board that the several provisions of this chapter be separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provision of this chapter not specifically included in such judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular subdivision of land, such judgment shall not affect the application of such provision to any other subdivision of land not specifically included in such judgment.

4-4.0200 SUBDIVISION. Procedures for subdivision shall be coordinated to the greatest extent practicable with the County and any municipality with extraterritorial plat approval jurisdiction, to streamline the platting process for the applicant and avoid duplication. When it is proposed to divide a parcel of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five or more lots or building sites any one of which is five acres or less in area; or where the act of division creates five or more lots or building sites any one of which is five acres or less in area by successive division within a period of five years, the subdivider shall subdivide in accordance with this ordinance and Chapter 236, Wisconsin Statutes.

4-4.0210 PROCEDURE FOR APPROVAL.

A. PRELIMINARY CONSULTATION. At least 30 days prior to the submission of the preliminary plat, the subdivider shall have an initial consultation with the County and Administrator and submit a concept plan. The County and the Administrator is to provide assistance with respect to the suitability of the site for development, the accessibility of the site and roadway considerations, the effect on the proposed development on any contemplated improvements and comprehensive plans, zoning regulations, and ETJ considerations. The concept plan is to contain:

1. Subdivision boundaries;
2. Approximate topographic and physical features;
3. Proposed general street design;
4. Proposed lot layout;

B. DESIGNATION OF APPROVAL AUTHORITY.

1. Subdivisions Within City Extraterritorial Jurisdiction. If the proposed subdivision is located within the Town, but within the extraterritorial jurisdiction of a city, the city is an objecting agency to which copies of the subdivision plats are submitted by Eau Claire County. Eau Claire County will notify the subdivider and all approving or objecting authorities of any objection. If there is no objection, the proposed subdivision shall be

submitted to the Town Plan Commission for a recommendation and to the Board for approval and shall be subject to all provisions of this chapter.

2. Subdivisions Outside City Extraterritorial Jurisdiction. All proposed subdivisions located within the Town and outside the extraterritorial plat objecting jurisdiction shall be submitted to the Town Plan Commission for a recommendation and the Board for approval and shall be subject to all provisions of this chapter.

C. PRELIMINARY PLAT REVIEW WITHIN THE TOWN.

1. Application and Preliminary Plat. The subdivider shall prepare an application and preliminary plat in accordance with the Eau Claire County Code Title 18, Subtitle III-Subdivision Control and Chapter 236, Wisconsin Statutes and submit to the County per County timelines. Said application and preliminary plat must be received by the Administrator at least 10 days prior to a regular meeting of the Plan Commission at which action is desired.
2. Protective Covenants. If the subdivider intends to regulate land use or is to install a community septic system in the proposed subdivision, a draft of protective covenants must also be submitted to the Administrator at least 10 days prior to said meeting.
3. Distribution of Copies. Eau Claire County will distribute the electronic file of the preliminary plat to the Administrator and to other approving, objecting or affected agencies for their review and comment.
4. Review and Recommendations. The preliminary plat shall be reviewed by the Administrator to determine its conformity to this chapter and all other ordinances and regulations in force which affect the subdivision or platting of land and provide findings to the Plan Commission.
5. Disposition of Preliminary Plat.
 - (a) The Plan Commission shall provide a recommendation of approval, conditional approval or rejection of such plat to the Board. The Board shall approve, approve conditionally, or reject such preliminary plat by resolution.
 - (b) Approval or conditional approval of the preliminary plat by the Board shall allow for site improvements as authorized by the County and a Development Agreement (see "Development Agreement") unless expressly prohibited in the conditional approval of the preliminary plat.
6. Revocation of Preliminary Plat Approval. The approval of the preliminary plat or any time extension thereof, may be revoked upon written notice if the Administrator finds that a material change in conditions has occurred affecting the proposed subdivision, including new information regarding the physical conditions of the site or proposed public works, which would adversely affect to a substantial degree public health, safety or welfare.

D. REQUIRED IMPROVEMENTS.

1. Development Plan Set. The Developer shall submit the development plan set to the Administrator to approve the design of streets, stormwater drainage and management, and any other public improvements.

the design for all public improvements may be made at the same time as application for approval of the preliminary plat. The Administrator may require an Engineering Report or other analyses as warranted. Costs for engineering services or review shall be paid by the Developer.

2. **Development Agreement.** Upon approval of the design for public improvements in the plat by the Administrator and the Board, the Developer shall enter into a written agreement for the design and construction of the required public improvement(s). Required improvements include streets to Town specifications, street and traffic control signs, and storm water facilities as approved and guaranteed by Eau Claire County Land Conservation. Other improvements may include recreational trail facilities or other items deemed by the Town. The Developer shall convey an easement for Town access to public improvements that are not located on property dedicated to the Town such as stormwater facilities, public trails or parks located in outlots or lots for the maintenance, repair, and reconstruction of said facilities as warranted by the sole discretion of the Town. No final plat shall be approved, unless the agreement for public improvements has been signed by all parties. The Developer and the Town shall agree upon a deadline for the completion of all required improvements. Extensions may be made between the Developer and the Town only upon mutual agreement.
3. **Performance Guarantees.** Full performance of the Development Agreement shall be secured by a surety bond issued by a bonding company licensed to do business in the State of Wisconsin, by the pledge of a deposit of funds in a financial institution insured by the Federal Deposit Insurance Corporation assigned in such a way that the Town can receive the funds without action or further consent of the subdivider or by an unconditional letter of credit from a financial institution insured by the Federal Deposit Insurance Corporation. The amount of the surety bond, deposit or letter of credit shall be in the amount of the Town's estimate of the full cost of engineering and constructing the streets and other public improvements by the deadline stated in the contract, adjusted upward for estimated inflation between the time the contract is signed and the deadline plus the anticipated cost of penalties for early withdrawal and enforcement of the contract, bond, pledge or letter of credit. The storm water facilities performance guarantee shall be through Eau Claire County Land Conservation; not the Town.

E. **FINAL PLAT REVIEW AND APPROVAL WITHIN THE TOWN.** The subdivider shall prepare a final plat and application in accordance with Eau Claire County Code Title 18, Subtitle III-Subdivision Control and Chapter 236, Wisconsin Statutes and shall submit the application and an electronic file of the plat with the County per County timelines. Said application and final plat must be received and examined by the Administrator at least 10 days prior to a Regular Meeting of the Board at which action is desired. The Administrator shall schedule this item with the Board and communicate the meeting date to the applicant and Eau Claire

County. The Board shall approve or reject said plat. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider and the County.

G. **RECORDATION.** Shall be completed per County requirements and recorded with the County Register of Deeds.

4-4.0300 REPLAT. When it is proposed to replat a recorded subdivision or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider shall follow Sections 236.36 and 236.40 through 236.44 of the Wisconsin Statutes. When necessary, the Administrator shall schedule said item before the Plan Commission when a preliminary plat of a replat of lands within the Town is filed.

4-4.0310 OTHER DIVISION. A CSM shall be required by Eau Claire County for all newly created lots or building sites where the act of division will create less than five lots or building sites. Eau Claire County will distribute the electronic file of the proposed CSM to the Administrator and to other approving, objecting or affected agencies for their review and comment. The Town is only an approving agency of a CSM when public dedications are included. If public dedications are included, the CSM shall be reviewed by the Administrator for conformance with this ordinance and all ordinances, rules, regulations, and comprehensive plans which affect it and schedule with the Plan Commission and Board. The Plan Commission shall recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the Board. The Board shall approve, approve conditionally, or reject such map and communicate such decision to the County. The CSM shall be recorded with the County Register of Deeds per County requirements.

4-4.0400 PLAT REQUIREMENTS. The preliminary plat and final plat shall conform to Eau Claire County requirements. Additionally, it shall delineate all areas to be dedicated to the public and identify and delineate accommodations for stormwater facilities or other public facilities and the access thereof.

4-4.0410 LOCATION OF SITE.

A. **GENERAL PLAN.** The location and design of land divisions must conform to any applicable comprehensive, land use plan, or ETJ provisions.

B. **ZONING.** The use of land in subdivision plats must conform to any applicable County zoning ordinances.

C. **OBJECTIONABLE AREAS.** Land subject to hazards of life, health or property or considered to be uninhabitable for other reasons, may not be subdivided for building purposes unless the hazard has been eliminated or the plans show adequate safeguards correcting the hazards have been approved by the Town.

D. RESERVATION OF PUBLIC SPACES AND SITES. Whenever a tract to be subdivided includes a proposed street, highway, recreational trails and facilities, or proposed site for a park, or other public use as indicated on any officially adopted and authorized by State Statute map or plan, such space shall be suitably incorporated by the Developer into his subdivision plat after proper determination of its necessity by the Administrator, Plan Commission and Board or other public agency involved in the acquisition and use of each such site.

E. NEARBY DEVELOPMENT. All land divisions shall be relatively consistent with existing nearby development or neighborhoods so that the area as a whole shall be developed harmoniously.

4-4.0420 DESIGN OF SITE.

A. CONFORMANCE TO APPLICABLE RULES AND REGULATIONS. In addition to the design standards established herein, all subdivision plats shall comply with the following laws, ordinances, rules and regulations:

1. The provisions of Ch. 236, Wis. Stats.
2. The provisions of Eau Claire County Code Title 18, Subtitle III-Subdivision Control
3. Any officially adopted municipal codes, plans, ETJ agreements or maps of the Town or any portion thereof.
4. The rules of the Eau Claire County Highway Committee relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts a County trunk highway or connecting street.
5. The rules of the State Highway Commission relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts a State trunk highway or connecting street.

B. NATURAL FEATURES.

1. Preservation. In subdivision plats, care shall be taken to preserve natural, environmentally unique, and historic features which will add attractiveness and value to the remainder of the land being divided (i.e., trees, wetlands, water courses, views, historic structures).
2. Planting or Earthen Screens. For subdivision plats, the Town may require planting, earthen berms or buffering easements along zoning district lines as buffer strips separating agricultural zoning districts from residential, commercial or industrial land uses or residential zoning districts from commercial or industrial land uses; as buffer zones along railroad rights-of-way or for any such use as may be deemed appropriate and consistent with the total development of the community.

C. STREET ARRANGEMENT. These standards shall apply to subdivision plats:

1. Location Principles. The streets shall be properly located and designed with regard to:
 - (a) Existing and planned streets.
 - (b) Topographic conditions.
 - (c) Public convenience and safety including facilitating fire protection.
 - (d) The proposed uses of land to be served by the streets.
 - (e) Anticipated traffic volumes.
 - (f) Further subdivision possibilities with suitable access to abutting properties.
 - (g) Any other principles as may be deemed significant to protect the public interest by the Town.
2. Arrangement.
 - (a) All streets shall be properly integrated with any existing and proposed system of thoroughfares and dedicated rights-of-way.
 - (b) All thoroughfares shall be properly related to special traffic generators, such as industries, business districts, schools, churches and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
 - (c) Minor streets shall be laid out to conform as much as possible to the topography, permit efficient drainage and stormwater systems and to require the minimum number of streets necessary to provide convenient and safe access to property.
 - (d) Proposed streets shall be extended to the boundary lines of the tract to be subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
 - (e) The use of cul-de-sacs in street layouts shall be limited to portions of developments which due to unusual shape, size, location or topography may better be served by cul-de-sacs than by continuous streets. A layout making unrestricted use of cul-de-sacs or courts will not be acceptable. A cul-de-sac shall not be longer than 1,000 feet measured on its centerline unless, by reason of topography or other circumstances beyond the control of the Developer the Board, upon the recommendation of the Administrator, finds a greater length to be justifiable. The diameter of a cul-de-sac turn around, measured as the outside right-of-way, shall not be less than 120'.
3. Intersections.
 - (a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of 2 new streets at an angle of less than 70° shall not be acceptable.
 - (b) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street.

- (c) The location of the intersection shall provide for adequate sight distance with regard to the intersecting street.
 - (d) Where the grade of any street at the approach of an intersection exceeds 7%, a leveling area shall be provided having not greater than 4% grade a distance of 25' measured from the nearest right-of-way line of the intersecting street.
 - (e) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the Developer shall cut such ground and/or vegetation, including trees, in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance.
4. Width. Town streets shall have a right-of-way width of sixty-six (66) feet. The Town has the option of requiring greater right-of-way widths for arterial or collector roads or roads designed to serve industrial or commercial areas. The pavement width shall be no less than twenty-two (22) feet and may be greater based on street classification.
 5. Private streets may be allowed only in planned unit developments and must be approved by the Board at the time of final plat approval. Private roads must meet Town road standards.
 6. Construction Standards. Refer to Town Street Construction Standards 4-2.0505

D. **STORMWATER DRAINAGE FACILITIES.** The Developer shall design, construct, install and maintain the stormwater drainage facilities on the subject property in accordance with Chapter 17 of the Eau Claire County Code of Ordinances and will be permitted and approved by the Department of Planning and Development, Land Conservation Division.

1. A detailed stormwater plan depicting and labeling all elements of stormwater drainage structures shall be submitted.
2. The Developer will inspect and maintain the stormwater facilities as provided in the Town's conditional approval of the Preliminary Plat, for a minimum of 5 years after the post construction inspection and permit termination by Eau Claire County Land Conservation Division and until the Developer has initially sold 50% of the Lots, after which time it will be maintained by the Town.

E. **RECREATIONAL TRAILS.** A subdivision design incorporating multi-use recreational trails is highly encouraged for transportation and recreational opportunities. Unless ruled exempt by the Board, a trail shall be required if the subdivision plat abuts:

1. The STH 93 recreational trail.

2. An adjoining subdivision in which an existing trail provides for connectivity to the subject plat.
3. Public lands in which an existing trail provides for connectivity to the subject plat.
4. Planned trails. If a preliminary plat is submitted without recreational trails, the Administrator shall facilitate a needs assessment for potential incorporation into the plat. If it is deemed that trails are recommended by the Plan Commission, the design and construction shall be the responsibility of the Developer. The Developer and Town may apply for applicable grants or other funding sources to assist with engineering and construction costs. The trails and associated amenities shall be constructed of low maintenance materials as approved by the Administrator. Once the Administrator accepts the trails, the Town will maintain the trail as a public improvement. If it is deemed trails are not required, the Developer may choose to design and construct trails for the use and enjoyment of those in the subdivision to be maintained by the Homeowner's Association (HOA).

F. COMMUNITY WASTEWATER SYSTEM. All subdivision plats with greater than 20 residential lots shall install a community wastewater system to cover at least 85% of lots in said subdivision unless, by reason of evidence, the Board finds an exemption or amendment justifiable.

A Community Septic System includes both the wastewater treatment facility and the collection system and shall adhere the following:

1. Regulatory compliance shall be obtained as required by Wisconsin Statutes and Eau Claire County Ordinance.
2. Construction of the community wastewater system shall be the responsibility of the Developer.
3. The owner of the community septic system shall be the Developer until such time that ownership is transferred to a HOA. The owner of the septic system shall be responsible for all cost of permitting, operating, maintaining, repairing, and replacing the septic system, as needed.
2. 4. There shall be a HOA consisting of the owners of all of the applicable lots in the subdivision. The HOA shall contract with an approved and reputable company to provide a framework for the operation, management, routine maintenance and capital replacement of the septic system and related costs. These anticipated costs shall be scheduled, and a monthly homeowner fee to be assessed by the HOA. The fees shall be paid to said company and they shall establish a fund for such purpose. The company shall prepare and submit an annual report on the septic system to both the homeowners and the Town.

The Developer shall provide for a "backstop" to the HOA as the entity responsible for maintenance and upkeep, such that in the event of a lapse in HOA responsibilities, the backstop entity will carry out those duties. These requirements shall be specified in the Development Agreement and Declaration of Covenants and Restrictions.

5. Unpaid Homeowner Fee: A record of any unpaid fees of the homeowners for the cost of compliance with the above paragraph shall be delivered to the Clerk no later than October 1 of each year. The Town may pay those fees and impose the cost thereof, along with borrowing and administrative costs, upon the lots for which the fees are unpaid, as a special charge to be part of the tax bill issued that same year for each such property.
6. The Town does not own, operate or maintain community wastewater systems.

G. EASEMENTS IN SUBDIVISIONS. Easements across lots or centered on rear or side lot lines shall be designed for named utilities or their licensees where necessary and shall be at least ten feet (10') wide. Electric and telephone lines shall be planned along rear lot lines wherever possible. Where a subdivision or other division is traversed by a water course, drainage way, channel or street, there shall be provided a storm water easement or drainage right-of-way not less than twenty feet (20') in width, conforming substantially with the lines of such water courses.

H. LOT SIZE AND DENSITY. Lot size and density shall be commensurate with the adopted plans of Eau Claire County and the Town of Washington. Lot dimensions will be determined by Eau Claire County.

I. STREET NAMES. No street names shall be used which will duplicate or be confused with the name of an existing street within the Town. Streets that are extensions, or obviously are in alignment with existing named streets, must bear the names of those streets. Street names must be consistent with the Eau Claire County Uniform Addressing Grid System (Ordinance # 4-95) and approved by the Town and County.

4-4.0500 LOT OWNER RESPONSIBILITIES. All subdivision improvements which are not dedicated to the public and accepted by the Board shall be maintained by the owners of all lots in the subdivision. The subdivider shall provide an enforceable means to accomplish this, which may include a Homeowners' Association, and shall provide for the assignment of responsibility for such maintenance and the creation of liens against all lots in the subdivision for unpaid assessments. The means chosen shall not impose any responsibility on the Town, but shall permit the Town, at the expense of the lot owners, to enforce performance of the responsibilities and payment thereof.

4-4.0600 CONSTRUCTION COMMENCEMENT. No construction or installation of improvements shall commence in a proposed subdivision until:

- A. The preliminary plat and development agreement is approved by the Board.
- B. The performance guarantee has been submitted to the Town as determined by the Administrator.
- C. The following plans and accompanying construction specifications shall be submitted
 1. Grading plan
 2. Street plans and profiles showing existing and proposed grades, soil conditions, elevations and cross sections of required improvements
 3. Storm water management plans and profiles showing the location, grades, sizes, cross sections, elevations and materials of required facilities.
 4. Erosion Control Plan
 5. Additional special plans or information as required

4-4.0700 APPEALS. Any person aggrieved by an objection to a plat or CSM or failure to approve a plat or CSM may appeal to the Board within 30 days of notification of the rejection of the plat or CSM. The appeal shall be considered in accordance with Section 236.13 (5), Wisconsin Statutes.

4-4.0800 FEES. A filing fee shall be required when a CSM with a public dedication, preliminary plat, and final plat is submitted for Town approval. The fees are listed in the Fee Schedule in Appendix A

4-4.0900 VIOLATIONS AND PENALTIES. Any person who builds upon, divides, conveys, records or monuments in violation of or fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$250.00 plus the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each violation and each day a violation exists or continues shall constitute a separate offense. In addition, the remedies authorized by Sections 236.30, 236.31 and 235.32, Wisconsin Statutes, shall be available to the Town.

