

RESOLUTION #2026-06

TOWN OF SOMERSET

ST. CROIX COUNTY, WISCONSIN

A RESOLUTION REQUIRING THE RECORDING OF AN AFFIDAVIT AND RESTRICTIVE COVENANT FOR ACCESSORY STRUCTURES

WHEREAS, the Town of Somerset regulates building permits and construction through Chapter 10 of the Town of Somerset Code of Ordinances, including regulations governing accessory structures; and

WHEREAS, the Town Board finds it necessary and appropriate to ensure that accessory structures approved within the Town are used only for purposes permitted under Chapter 10 and are not used as habitable buildings or for living or sleeping purposes; and

WHEREAS, the Town Board has determined that requiring the execution and recording of an affidavit and restrictive covenant running with the land, as a condition of issuing a Building Permit for an accessory structure, is an effective means of providing notice to current and future property owners and enforcing compliance with Town regulations; and

WHEREAS, the Town Board desires to require the use of a standardized Affidavit and Restrictive Covenant form, as approved by the Town, which shall be maintained on file in the office of the Town Clerk and may be updated from time to time without amendment to this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Somerset, St. Croix County, Wisconsin, as follows:

1. Affidavit and Restrictive Covenant Required.

As a condition of the issuance of any Building Permit for an accessory structure, the owner of the subject property shall execute an Affidavit and Restrictive Covenant, in a form approved by the Town and on file in the office of the Town Clerk, certifying that the accessory structure shall not be used for sleeping, habitation or living purposes at any time.

2. Recording Requirement.

The executed Affidavit and Restrictive Covenant shall be recorded with the Office of the St. Croix County Register of Deeds prior to, or concurrently with, the issuance of the Building Permit, unless otherwise approved by the Town.

3. Covenant Running with the Land.

The Affidavit and Restrictive Covenant shall constitute a restrictive covenant running with the land and shall be binding upon the owner, and all grantees, successors, heirs, and assigns of the property.

4. Effect of Violation.

Any use of an accessory structure in violation of the Affidavit and Restrictive Covenant or Chapter 10 of the Town of Somerset Code of Ordinances shall render the Building Permit null and void and shall constitute a violation subject to enforcement under applicable Town ordinances and state law.

5. Form Maintenance and Approval.

The Town Clerk is authorized to maintain the Affidavit and Restrictive Covenant form on file and to provide the current approved version to applicants. Minor administrative or non-substantive revisions to the form may be made as approved by the Town Board or its designee, provided such revisions remain consistent with Chapter 10 and this resolution.

6. Administrative Authority.

The Town Chair, Town Clerk, Building Inspector, and other designated Town officials are authorized to administer and enforce this resolution as part of the building permit review and approval process.

7. Effective Date.

This resolution shall take effect immediately upon adoption and publication as provided by law, and shall apply to all accessory structures with the exception of garden sheds under 120 square feet submitted on or after the effective date.

Adopted this 8 day of July, 2026.

Town of Somerset

St. Croix County, Wisconsin

David Plummer

SOMERSET TOWN CHAIRPERSON

I hereby certify that the foregoing resolution was duly adopted on the 8th day of July 2026.

Jeri Koester Jeri Koester, Town Clerk