

TOWN OF ELBA, DODGE COUNTY, WISCONSIN
LAND DIVISION ORDINANCE

STATE OF WISCONSIN

Town of Elba

Dodge County

SECTION 1 – TITLE/PURPOSE

The Title of this Ordinance is the Town of Elba Land Division Ordinance. The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Elba, Dodge County, Wisconsin, in order to accomplish all of the following purposes:

- A. Promoting the public health, safety, and general welfare of the Town.
- B. Supplementing County, State, and Federal land division controls to implement any Town Comprehensive plan, master plan, or other land use plans.
- C. Promoting the planned and orderly layout and use of the land in the Town.
- D. Encouraging the most appropriate use of the land throughout the Town.
- E. Minimizing the public impact resulting from the division of large tracts into smaller parcels of land in the Town.
- F. Facilitating the adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements in the Town.
- G. Providing the best possible environment for human habitation in the Town.
- H. Enforcing the goals and policies set forth in any Town Comprehensive Plan, master plan, or other land use plans.
- I. Ensuring that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town.
- J. Realizing goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town.
- K. Securing safety from fire, flooding, and other dangers in the Town.
- L. Avoiding the inefficient and uneconomical extension of governmental services in the Town.
- M. Conserving the value of prime agricultural soils in the Town.
- N. Providing for the conservation of the agriculturally important lands in the Town of Elba by minimizing conflicting land uses.
- O. Promoting the rural and agricultural character, scenic vistas, and natural beauty of the Town.

- P. Regulate the development of condominium projects.
- Q. Insure accurate legal descriptions.
- R. Providing for administration and enforcement of this Ordinance by the Town Board.

SECTION 2 – AUTHORITY

This Ordinance was adopted under the major authority granted pursuant to the Village Powers of the Town of Elba, to ss. 60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45, Wis. Stats. This Ordinance was adopted by the Town Board after its receipt of a formal written recommendation of this Ordinance dated _____, 20____ from the Town Planning Agency under ss. 61.35, 62.23 and 236.45 (2), Wis. Stats, which for the Town of Elba is the Town of Elba Plan Commission.

SECTION 3 - ADOPTION OF ORDINANCE

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain land divisions and certified surveys in the Town of Elba. Pursuant to s. 236.45 (4), Wis. stats., a public hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a class 2 notice, under ch. 985, Wis. Stats.

SECTION 4 – DEFINITIONS

In this Ordinance, the following definitions shall apply:

- A. Agricultural Use as provided in s. 91.01 (1), Wis. Stats., means beekeeping; commercial feed lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming' placing land in federal programs in return for payments in kind' owning land, at least thirty five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk conservation reserve program under 7 USC 1446(d); and vegetable raising.
- B. Certified survey or Certified Survey Map means a certified survey with the map of a minor land division prepared in accordance with sec. 236.34, Wis. Stats., and in full compliance with the applicable provisions of this Ordinance. A Certified Survey Map has the same legal force and effect as a land division plat. All minor land divisions require a Certified Survey Map by a registered land surveyor.
- C. Cluster development means development from a land division in which dwellings and other buildings are grouped densely on only a portion of a development parcel, in contrast to conventional practice, which distributes development evenly across the entirety of a parcel, in order to accomplish any of the following:
 - 1. Preserve by deed restriction, including conservation easement, restrictive covenant and development rights transfers the majority of the land division parcel for present or future agricultural use or conservation; and
 - 2. Create, maintain, or expand protective barriers contiguous with lakes, wetlands, and other natural resources in the Town of Elba.

- D. Condominium means property subject to a condominium declaration established under the authority of the condominium laws of the State of Wisconsin.
- E. Conservation Easement as provided in s. 700.40, Wis. Stats., means a holder's nonpossessory interest in real property imposing any limitation or affirmative obligation the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in s. 157.70 (1) (b), Wis. Stats., or preserving the historical, architectural, archaeological or cultural aspects of real property.
- F. Conservation Subdivision means a housing development from land division in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.
- G. Deed Restriction means a restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.
- H. Developer's Agreement means an agreement by which the local municipality and/or County and the subdivider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developer's agreement. The developer's agreement shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the Town and/or the County.
- I. Final Plat means a map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger parcels into lots and used in conveying these lots.
- J. Land Divider means any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that the land is being divided or is proposed to be divided, resulting in a land division.
- K. Land Division
- A. The transfer of title to less than the entire legal interest in an entire contiguous area of land which, before such transfer, was owned by the same legal entity;
 - B. The transfer of title to the entire legal interest in an entire contiguous area of land, which before such transfer, was owned by the same legal entity, and transfer of title results in different legal entities owning separate areas of the contiguous area of land;
 - C. The change of the form of ownership (for example, joint tenancy, tenancy in common, marital property, or survivorship marital property) in a contiguous area of land, owned by the same legal entity, and the form of ownership is not changed identically for the entire contiguous area of land;
 - D. The transfer of a condominium unit when the property described as that condominium unit is less than the entire legal interest in an entire contiguous area of land and all structures located thereon, which, before such transfer, was owned by the same legal entity;
 - E. The recording of a certified survey map with the register of deeds, except when the land described by the certified survey map is already an existing legally created lot.

- L. Lot means a contiguous and continuous quantity of land in possession of, owned by, or recorded as property of the same claimant, person, persons, or company and having frontage on a public street, occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other space provisions of this Code. For subdivision purposes, tax parcel identification numbers shall not be used in defining a lot.
- M. Lot Area means the area contained within the exterior boundaries of a lot excluding public roads and land under navigable bodies of water.
- N. Major Subdivision means the division of a lot, outlot, parcel, or tract of land by the owner thereof, or his agent for the purpose of transfer of ownership or building development where the act of division creates 5 or more parcels or building sites initially or by successive division within a period of 5 years, whether done by the original owner or a successor owner.
- O. Minor Land Division means the division of land by the owner or subdivider resulting in the creation of not more than 4 parcels or building sites.
- P. Natural resource means air, land, water, groundwater, drinking water supplies, wildlife, fish, biota, and other such resources, belonging to, managed by, appertaining to, or otherwise controlled by the United States, State of Wisconsin, or the town.
- Q. Navigable Waters means all natural inland lakes and all streams, ponds, sloughs, flowages, and other waters which are navigable under the laws of this state. Under Section 144.26(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, Shoreland Ordinances required under Section 59.971, Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:
- Such lands are not adjacent to a natural navigable stream or river;
 - Those parts of such drainage ditches adjacent to such lands were nonnavigable streams before ditching or had no previous stream history; and
 - Such lands are maintained in nonstructural agricultural use.
- Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Company, Inc., v. Wisconsin Department of Natural Resources, 70 Wis. 2d. 936 (1975)]. A stream that is navigable by skiff or canoe during normal spring highwater is navigable in fact under the laws of this state, though it may be dry during other seasons.
- R. Outlot means a parcel of land other than a lot or block so designated on a land division plat or Certified Survey Map.
- S. Parcel means a contiguous and continuous quantity of land in possession of, owned by, or recorded as property of the same claimant, person, persons, or company and having frontage on a public street, occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other space provisions of this Ordinance. For subdivision purposes, tax parcel identification numbers shall not be used in defining a lot.

- T. Property Ownership means a contiguous and continuous quantity of land in possession of, owned by, or recorded as property of the same claimant, person, persons, or company and having frontage on a public road and sufficient in size to meet the lot width, lot frontage, and lot area requirements of this Ordinance. Tax parcel identification numbers shall not be used in defining property ownership. Public roads and navigable bodies of water shall be considered property dividers.
- U. Replat means the process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- V. Road means any public road, street, highway, walkway, drainageway, or part thereof.
- W. Restrictive Covenant means a deed restriction on the use of the land usually set forth in the deed. A restrictive covenant runs with the land and is binding upon subsequent owners of the property.
- X. Sketch Plan means a conceptual layout of a proposed development on a topographic map, which is submitted for formal review.
- Y. Town means the Town of Elba, Dodge County, Wisconsin.
- Z. Town Board means the Board of supervisors for the Town of Elba, Dodge County, Wisconsin and includes designees of the board authorized to act for the board.
- AA. Town Clerk means the clerk of the Town of Elba, Dodge County, Wisconsin.
- BB. Town Comprehensive Plan means a Comprehensive Plan adopted by the Town Board of the Town of Elba under §66.1001 Wis Stats.
- CC. Town Plan Commission means the Town of Elba Plan Commission appointed by the Town Chair of the Town of Elba, Dodge County, Wisconsin.
- DD. Wetland means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophilic vegetation and which have soils indicative of wet conditions, including lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high water table.
- EE. Wis. Stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION 5 – EXEMPTIONS

- A. The provisions of this Ordinance, as it applies to land divisions of tracts of land in the Town of Elba into less than 5 parcels, shall not apply to any of the following:
1. Transfers in interest in land by will or pursuant to court order.
 2. Leases for a term of not more than 10 years, mortgages, or easements.
 3. The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and if the lots resulting are not reduced below the minimum lot size requirement.

B. All of the following specific uses and activities are exempt from this ordinance:

1. Cemetery plats made under s. 157.07, Wis. stats.
2. Assessor's plats made under s. 70.27, Wis. stats.

SECTION 6 – COVERAGE/COMPLIANCE

- A. This Ordinance applies to all lands in the Town of Elba. The Town Board shall be responsible to administer this Ordinance unless it designates by Resolution such other authority.
- B. No person, unless exempt under this Ordinance, shall divide or create a land division of any land in the Town of Elba subject to the requirements of this Ordinance and no land division, including any Cluster Development, Conservation Subdivision, a Major Subdivision, a Certified Survey Map, Condominium Plat, Replat or Minor Land Division, shall be entitled to be recorded in the Office of the Register of Deeds for Dodge County unless the final land division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:
1. All requirements of this Ordinance; when provisions of this Ordinance impose greater restrictions than paragraphs 2. through 9. below, it is intended that the provisions of this Ordinance shall apply.
 2. Chapter 236, Wis. stats.
 3. The Town of Elba Comprehensive Plan adopted under s. 66.1001, Wis. stats., or other Town Land Use Plan or any component thereof.
 4. The applicable Town of Elba, County of Dodge zoning regulations, building code, sanitary code, erosion control regulations, and other land division regulations.
 5. State Department of Natural Resources administrative rules on wetlands, shorelands, sewers, septic systems, and pollution abatement.
 6. All applicable State and local sanitary codes.
 7. All State Department of Transportation and County of Dodge Highway Department Administrative rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting road or street.
 8. All applicable extraterritorial, comprehensive, and master plans, extraterritorial zoning or plat review ordinances, or official maps adopted pursuant to sec. 62.23, stats., and any other applicable Town of Elba, Dodge, County, or extraterritorial authority ordinances and regulations.
- C. All Land Division Applications, including preliminary and final plats and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by Resolution.
- D. No land shall be divided or any land division occur if any parcel, lot, or out lot created to be by the land division is smaller than the required minimum lot size.

- E. Any parcel in the Town of Elba, which shall be divided by a land division regardless of the lot size or number of lots created, which is located wholly or partially within a Floodplain District, shall require, at minimum, a Certified Survey Map to be recorded in the Dodge County Register of Deeds Office with approval by the Town Board or its designee under this Ordinance prior to recording.
- F. Any parcel in the Town of Elba, which shall be divided and cause a land division regardless of the lot, outlot, or parcel size or number of lots, outlots, or parcels created, shall comply with §59.692, §281.31, §236.45 Wis Stats, Chapter 703 Wis Stats, and any appropriate State Administrative Code provisions.
- G. All visible structures, encroachments, fences, navigable waters, and public streets and public roads shall be shown to scale on any Certified Survey Map from any land division to be recorded.
- H. Any outlots created on a Certified Survey Map shall be accompanied with a statement of purpose or use of the outlot.
- I. No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout parcels, lots, or outlots, or create plats or maps on any land in the Town of Elba in violation of this Ordinance or the Wisconsin Statutes.
- J. No person shall request, nor be issued by the Town Board, a driveway permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town of Elba, except land subject to a land division that was of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met by the land divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance.
- K. All land division approvals required by the State Department of Administration or its successor Department for specific land divisions, including any Major Subdivisions, Minor Land Divisions, or Certified Surveys shall be obtained prior to final approval by the Town Board or its designees.
- L. All land division, plats, or Certified Survey Maps, upon receipt of final approval by the Town Board or its designees, shall be recorded in the Office of the Register of Deeds at the cost of the land divider. Final plat approval shall comply for recording with §236.21 and §236.25 Wis Stats.
- M. No persons shall make, record, or replat of any land division, except as provided under §70.27(1) Wis Stats if it alters acres dedicated to the public without proper Court action to vacate such plat, map, or part thereof.
- N. A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats, or any amendments or expansions thereof. The land divider shall comply in all respects with the requirements of §703.11 Wis Stats and the following:
 - 1. Density: Adequate open space should be provided so that the average density and intensity of land use shall be no greater than that permitted for the Town of Elba and/or zoning district in which it is located.

2. Submittal: The land divider shall submit the proposed site plan, use, and location, existing and proposed structures, neighboring land and water uses, parking areas, driveway locations, highway access, traffic circulation, drainage, waste disposal, water supply systems, and the effects the proposed uses, structures, improvements, and operation have upon the area, including flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat.

3. Review and Approval: The Town of Elba shall approve the plat provided the proposed uses and structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environmental corridor, wetlands, floodplain, shoreland cover, drainage, street and highway system, or park and open space element of the Town of Elba Comprehensive Plan.

- O. Where other governing authorities, including the State, the County, or any extraterritorial municipal body has the major or ordinance authority to approve or to object to any proposed land division and the requirements are conflicting, the land divider and the land division shall comply with the most restrictive requirements.

SECTION 7 – SPECIFIC COMPLIANCE PROVISIONS

- A. All parcels, lots, or outlots that will be proposed to be divided for land division purposes under this Ordinance that are bisected or divided by a public road, public street, public trail, or a navigable water shall be divided along these natural or constructed features.
- B. No land shall be issued a land division approval if the Town Board of the Town of Elba determines that any proposed land division plat, or Certified Survey Map will materially interfere with existing agricultural uses or will conflict with other goals, objective, and policies as set forth in the Town Comprehensive Plan, master plan, or other land use plan. In addition, the land division approval must be determined to be, by the Town Board, consistent with the Town Comprehensive Plan, if any, and if any other land division plat approval or Certified Survey Map approval to the land applies, the most restrictive requirements to the land apply. The land division minimum lot size requirements in this Ordinance apply rather than any other applicable municipal zoning regulations related to minimum lot sizes.
- C. No land shall be issued a land division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of Elba.
- D. No land shall be issued a land division approval if it is held unsuitable by the Town Board for its proposed use for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town of Elba governmental services, or any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town, or likely to cause a public nuisance in the Town of Elba. The Town Plan Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability.
- E. No person shall be issued any land division approval by the Town Board until the appropriate application fees have been paid to the Town Clerk.

- F. No person shall be issued any land division approval by the Town of Elba who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town.
- G. No person shall sell any parcel of land, lot, or outlot in the Town of Elba if it abuts on a road which has not been accepted as a public road unless the seller informs the land purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town of Elba or the County of Dodge.
- H. No person shall be issued a final land division approval by the Town Board until the land divider makes or installs all public improvements deemed necessary by the Town Board or until the land divider executes a surety bond or other security acceptable to the Town Board to insure that the land divider will make these public improvements within a time established by the Town Board. The subdivider may construct the project in such phases as the Town approves, which approval may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of any surety bond or other security required by the Town shall be limited to the phase of the project that is currently being constructed. The Town may not require that the subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.

SECTION 8 – CLUSTER DEVELOPMENT

In order to further the goals and policies of the Town Comprehensive Plan, assuming all other provisions of this ordinance are met, the Town Board will favor plans for land divisions that provide for a cluster development or conservation subdivision. At the discretion of the Town Board, deed restrictions, including restrictive covenants, or conservation easements, or both, may be required for such plans that include the cluster development or conservation subdivision.

SECTION 9 – APPLICATION AND SKETCH MAP SUBMITTAL

- A. Any land divider who divides or proposes to divide for land division purposes land located in the Town of Elba that will create a land division, including a Cluster Development, Major Subdivision, Certified Survey Map, Condominium Plat, Minor Land Division, Replat, or revision of an existing land division shall, prior to any submittal of any Preliminary Plat or map information, submit to the Town Clerk a Land Division Application, which may be obtained from the Town Clerk, with the appropriate fee and with all of the following required attachments:
 - 1. The name and address of the owner of the property and the land divider.
 - 2. The location and size of the property and the type of land division that is to be requested.
 - 3. The names and addresses of all adjacent landowners.
 - 4. A statement of intended use.
 - 5. The name and address of the surveyor who will be doing the survey work.
 - 6. The present use of the land.

7. The number and size of projected parcels, lots, or outlots upon a final land division.
8. Existing zoning and other land use controls on and adjacent to the proposed land division.
9. The estimated timetable for final development and requested timeline by the land divider for final approvals from the Town of Elba.

- B. With any initial Land Division Application the land divider shall submit to the Town Clerk a sketch map at a scale of 1 inch= 200 feet or other appropriate scale. More than one attached sheet may be used but no sheet may be larger than 8 1/2 x 14 inches. Each submission shall include all contiguously owned land except the sketch map need not show more than 20 times the area of the intended certified survey. The sketch map shall show all of the following:
1. A north arrow, the date, the scale, and a reference to a section corner.
 2. The approximate dimensions and areas of the parcels, lots, outlots, and easements.
 3. The location and type of existing and proposed buildings and structures and uses, including any Cluster Development or Conservation Subdivision areas.
 4. The location of drainage ditches, water wells, sewerage systems, and other features pertinent to the land division.
 5. The location of existing and proposed roads, highways, developments, navigable rivers, trails and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
 6. The location of general land cover types, such as woodlands, wetlands, agricultural, etc.
 7. The location of any slopes of 12% or greater.
 8. The setback of building lines required by any approving agency.
 9. The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public access to navigable water, dedicated areas and utilities on/or adjacent to the land.
- C. The Town Clerk shall review for completion the initial Land Division Application and sketch map for completeness, including payment of applicable application fees. The Town Clerk shall thereafter notify the land divider by mail if the application is determined by the Town Clerk to be incomplete. The Town Clerk shall provide written reasons for any alleged incompleteness of the application with the notification. The Town Clerk shall, within five (5) working days after filing, transmit the copies of any complete Land Division Application and sketch map to the Town Board or the Town Plan Commission if so designated by the Town Board.
- D. The Town Clerk shall send to the land divider, by mail, a notice and agenda of the scheduled date of the Town Board or Town Plan Commission meeting to review and consider the complete application and any preliminary approvals for land division no later than ten (10) days prior to the date of the meeting.
- E. The land divider or the land divider's designee should attend the meeting and present the proposed Land Division, preliminary plat or map documents, and sketch map to the Town Board or Town Plan Commission, if so designated by the Town Board, for its consideration. Failure of the land divider or designee to attend the meeting or provide a complete application may be used as grounds for the Town Board or Town Plan Commission to deny or recommend denial of any requested approvals for the land division.

SECTION 10 – SUBDIVISION PRELIMINARY APPROVAL, CONDITIONAL APPROVAL, REJECTION

- A. Prior to the submittal of the Major Subdivision Preliminary Plat or other Preliminary plat document, the land divider shall have submitted the Land Division Application noted in Section 9. The Major Subdivision Preliminary Plat, sketch map, and other relevant document information, including the Land Division Application, shall be reviewed by the Town Board or Town Plan Commission for conformance and consistency with §236.11 Wis Stats, §236.12 Wis Stats, and this Ordinance, any Town Comprehensive Plan, any land use plan, or master plan and all other applicable Town of Elba Ordinances, rules, regulations, and plans. The Town Plan Commission may also review applicable County, State, and Federal laws, ordinances, rules, regulations, and plans for consistency and conformity that may affect the proposed Major Subdivision.
- B. A Major Subdivision Preliminary Plat shall be required for all proposed Major Subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a map scale of not more than one hundred (100) feet to the inch and shall show correctly and completely on its face the following information:
 - 1. Title or name under which the proposed major subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
 - 2. Property location of the proposed major subdivision by: government lot, quarter-section, township, range, County, and State;
 - 3. A sketch showing the general location of the major subdivision within the U.S. Public Land Survey section;
 - 4. Date, Graphic Scale, and North Arrow;
 - 5. Names, addresses, and telephone numbers of the owner, land divider, and land surveyor preparing the plat;
 - 6. The entire area contiguous to the proposed plat owned or controlled by the land divider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Board may waive this requirement where it is deemed unnecessary to fulfill the purposes and intent of the Ordinance and severe hardship would result from the strict application;
 - 7. Exact length and bearing of the exterior boundaries of the proposed Major Subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
 - 8. Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the found surface is less than 10%, and of not more than five (5) feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). Draining patterns and watershed boundaries shall be delineated to help determine peak runoff for specified storm events;
 - 9. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum;

10. Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100 year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of records;
11. Location, right-of-way, width, and names of all existing roads, highways, alleys, trails, or other public ways, easements, railroad and utility right-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto;
12. Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929 datum);
13. Location and names of any adjacent Major Subdivisions, Minor Land Divisions, Certified Survey lots, unplatted and unsurveyed parcels, outlots, lots, parks, and cemeteries, and owners of record of abutting unplatted and unsurveyed lands;
14. Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve lands shall be indicated by their direction and distance from the nearest exterior boundary or the plat and their size, and invert elevations;
15. Locations of all existing property boundary lines, structures, drives, lakes, streams, navigable waters, and watercourses, wetlands, rock outcrops, wooded area, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;
16. Location, width, and names of all proposed streets, roads, highways, and public rights-of-way such as alleys and easements;
17. Approximate dimensions of all lots, outlots, and parcels together with proposed lot, outlots, parcels, and block numbers;
18. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, neighborhood park, drainageways, trails, or other public uses or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring platting; if these parcels are outlots on the development proposal, the ownership and purpose shall be stated on the face of the plat;
19. Approximate radii of all curves;
20. Existing zoning on and adjacent to the proposed Major Subdivision;
21. Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed Major Subdivision in relation to the access;
22. Any proposed lake and stream improvements or relocation;
23. Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service;

24. Location of soil boring tests, where required by Section ILHR 85.06 of the Wisconsin Administrative Code, made to a depth of at least six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat;
25. All environmental corridors and isolated natural areas as mapped by State, regional, or local agencies.
26. All Department of Natural Resources designated wetlands, and any field verified wetlands designated by a public agency.
27. The surveyor or engineer preparing the Major Subdivision Preliminary Plat shall certify on the face of the plat it is a correct representation of the proposed Major Subdivision and physical features and that he has fully complies with the provisions of this Ordinance;
28. The Town of Elba, after determining from a review of the Preliminary Plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the Major Subdivision or otherwise entail an erosion and stormwater hazard, may require the land divider to provide erosion and sediment control and stormwater management plans;
29. The Town Board shall require submission of a draft of protective covenants, where a covenant is proposed whereby the land divider intends to regulate land use in the proposed Major subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and approval of the Town of Elba attorney as to form;
30. Easements shall be shown and shall be limited to utility easements, drainage easements, conservation easements, access easements, and service easements. Easements shall not be used for conveyance of streets, pedestrian right-of-way, parks, or school lands, or other public lands requiring dedication. On all drainage easements it shall state on the face of the document that the Town Board shall own title and bear responsibility for maintenance of the easement. The Town Board shall have the authority to assess the costs of maintaining those easements to all benefiting landowners in the development;
31. Any wildlife habitat areas in addition to threatened or endangered species;
32. A detailed statement as to whether and how the proposed development is consistent with the Town of Elba Comprehensive Plan;
33. A traffic impact study based upon Institute of Traffic Engineers standards if required by the Town of Elba. The study shall be transmitted for review and comment by the Town Plan Commission prior to action on the Major Subdivision preliminary plat;
34. The school district in which the development is located should be noted on the face of the preliminary plat;
35. Characteristics of vegetation;
36. Historic and cultural features;
37. Scenic vistas.

- C. Unless the timeline is extended by agreement with the land divider, the Town Board or the Town Plan Commission, if so designated, shall, within ninety (90) days of the date of receipt by the Town Clerk of a complete proposed Preliminary Plat, deem the Major Subdivision Preliminary Plat complete, grant preliminary approval of, grant conditional approval of, or reject the Major Subdivision plat as proposed. One (1) copy of the Major Subdivision Preliminary Plat shall thereupon be returned to the land divider with the date and action endorsed thereon. If approved conditionally or rejected, the conditions for approval or reasons for rejection shall be stated in the minutes of the meeting and a letter setting forth the conditions of approval or the reasons for rejection shall be sent to the land divider. Reasons for conditional approval or rejection may include nonconformance or inconsistency with this Ordinance, the Town Comprehensive Plan, Master Plan, or other Land Use Plan, nonconformance or inconsistency with Town of Elba Ordinances, rules, regulations, or plans, and nonconformance with applicable County, municipal, State, or Federal laws, ordinances, rules, regulations, or plans. One copy of the Major Subdivision Preliminary Plat shall be filed with the Town Clerk for the Town of Elba records.
- D. In the event of a rejection of the proposed Major Subdivision Preliminary Plat by the Town Board, the Town Board or Town Plan Commission shall recite in writing the particular facts upon which it bases its conclusion for rejection, including incompleteness of Land Division Application or that the land is not suitable for the proposed land division. The Town Plan Commission shall afford the land divider an opportunity to review any Town Board's decision of unsuitability and present evidence refuting the determination, if so desired. Thereafter, the Town Plan Commission may recommend that the Town Board affirm, modify, or withdraw its prior determination of unsuitability. The Town Board may affirm, modify, or override the Town Plan Commission decision or recommendation. The Town Board shall recite in writing findings for any decision to modify or override the Town Plan Commission's decision or recommendation.
- E. If either the Town Board or the Town Plan Commission denies two consecutive Major Subdivision Preliminary Plats for the same parcel, no subsequent re-application for a Major Subdivision approval of that parcel will be accepted, received, or considered by the Town Board or Town Plan Commission within 3 months of the second denial.
- F. The Town Board may delegate by Resolution its proposed Major Subdivision preliminary plat approval to the Town Plan Commission for all or part of the approval.
- G. Approval of the preliminary or final plat shall be conditioned upon compliance with the ordinance that is in effect when the subdivider submits a preliminary plat, or a final plat if no preliminary plat is submitted.

SECTION 11 – FINAL PLAT APPROVAL

- A. A. The Major Subdivision Final Plat shall comply fully with ss. 236.11, 236.12, 236.20, 236.21, and 236.25 Wis. stats, in its Major Subdivision final plat. If the final plat is not submitted within 36 months after the last required approval of the preliminary plat, the Town may refuse to approve the final plat or may extend the time for submission of the final plat. A professional engineer, planner or other person charged with the responsibility to review plats shall provide the Town with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation on approval of the final plat. The conclusions and recommendations shall be made part of the record of the proceedings at which the final plat is being considered and are not required to be submitted in writing.
- B. The Town of Elba requires that an updated abstract of title certified to date of submission, or, at the option of the applicant, a policy of title insurance or a certificate of title from an abstract company for examination in order for the Town Board or its designees to ascertain that all parties in interest have signed the owner's certificate on any plat.

- C. The Town Board may delegate by Resolution its Final Major Subdivision plat approval to the Town Plan Commission.
- D. The Town Board or its designee shall approve or reject the Major Subdivision Final Plat within sixty (60) days of its submission to the Town Clerk unless extension of the time is mutually agreed in writing. Appropriate notices shall be provided as noted in §236.11(2) Wis Stats.

SECTION 12 – CERTIFIED SURVEY MAP

- A. Prior to submittal of any Preliminary map or any Certified Survey Map, the land divider shall have submitted to the Town Clerk the Land Division Application noted in Section Nine (9). A Certified Survey Map prepared by a land surveyor registered in the State of Wisconsin is required for all minor land divisions that create any parcels, lots or outlots and any other land divisions noted in §236.34 Wis Stats. All required Certified Survey Maps shall comply in all respects with §236.10 Wis Stats, s. 236.34, Wis. stats., where applicable, and State survey standards. The Town of Elba shall comply with the ninety (90) day requirement in §236.34 Wis Stats for final approval, final approval on condition, or rejection by the Town Board or its designee, as the approving authority for the final Certified Survey Map.
- B. The Certified Survey Map shall, at minimum, show correctly on its face, in addition to the information required by s. 236.24, Wis. Stats., all of the following:
1. All existing buildings, fences, water courses, wetlands, lakes, navigable waters, ponds, drainage ditches, waste disposal systems, and other features pertinent to the property division, including the location of water wells, dry wells, drain fields, pipes, culverts, and existing easements, public streets, and any adjoining parks, cemeteries, public roads, streets, subdivisions, ponds, streams, lakes, flowages, wetlands, railroad rights of way, and easements, and public roads.
 2. The building envelope and its distance to two property lines, if a building location were required and approved by the Town Board.
 3. The area of parcels, outlots, and lots in acres.
 4. The date of the map.
 5. The graphic scale of the map and north arrow.
 6. The entire area contiguous to the plat owned or controlled by the owner or land divider.
 7. Any floodplain limits.
- C. The Certified Survey Map shall include in its certification, in addition to the information required by s. 236.34, Wis. stats., all of the following:
1. A legal description of the parcel; the surveyor's name, address, and signature; a statement from the surveyor that the surveyor has fully complied with all the provisions of this ordinance.
 2. The owner's name, address, and signature.
 3. Signature lines and dates for approval by the Town Chairperson and Town Clerk.
- D. 1. The Certified Survey Map is entitled to final approval by the Town Board or the Town Plan Commission, if so designated, only if the Certified Survey Map, together with all required information, is submitted within twelve (12) months of the Land Division Application submitted to the Town Clerk and it substantially conforms and is consistent with to all of the following:

- a. The Land Division Application and sketch map as determined complete and the preliminary documents submitted by the land divider.
- b. Any and all conditions of approval established by the Town Board, pursuant to this Ordinance.
- c. The adopted Town Comprehensive Plan or other applicable Town, County, or municipal land use plans and Ordinances, including any Town, County, or other applicable municipal zoning or plat review Ordinances.
- d. All appropriate requirements for Certified Survey Maps and Minor Land Divisions as noted in this Ordinance.

SECTION 13 – DESIGN STANDARDS

A. Lot Design Standards

The size, shape and orientation of lots shall be appropriate for their location and the type of development contemplated. Any Minor Land division or Major Subdivision shall meet the following design standards:

1. Minimum Lot Size and Width
 - a. Lots served with public sanitary sewer shall be a minimum of ten thousand (10,000) square feet with at least eighty (80) feet of width at the building setback line.
 - b. Lots not served with public sanitary sewer shall be a minimum of 1.9 acres with at least one hundred twenty-five (125) feet of width at the building setback line.
2. Side Lot Lines
Side lot lines should normally be at right angles to road lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
3. Depth
Lots should normally have a minimum depth of one hundred fifty (150) feet. Excessive depth in relation to width should be avoided.
4. Waterfronts
Lands lying between the meander line, established in accordance with Section 236.20 (2) (g) of the Wisconsin Statutes, and the water's edge, and any otherwise unplatted lands which lie between a proposed subdivision and the water's edge shall be included as parts of lots, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in Section 236.16 (4) of the Wisconsin Statutes.
5. Access
All lots must abut a public road for at least twenty (20) feet.
6. Driveways
All new driveways shall be installed in accordance with the Town of Elba Driveway Ordinance.
7. Double frontage and reverse frontage lots are prohibited except where necessary to separate development from through traffic or to overcome specific disadvantages of topography and orientation.

C. Road Design Standards.

1. The land divider shall dedicate land for and to improve streets and roads in the Town of Elba as provided herein. Roads shall conform to any applicable official map ordinances in effect in the Town of Elba. Roads shall be located with due regard for topographical conditions, natural features, existing and proposed roads, utilities, land uses, and public convenience and safety.
2. All parcels, outlots, or lots shall have frontage on a public street or public road for a distance of at least 20 feet.
3. Road locations shall be consistent with any applicable Town of Elba road plan or Town of Elba Comprehensive Plan officially adopted by the Town Board.
4. Public roads shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
5. Minor public roads shall be so laid out so as to discourage their use by through traffic.
6. The number of intersections of minor public roads shall be reduced to the practical minimum consistent with circulation needs and safety requirements. Where a land division abuts or contains an existing or proposed arterial highway, the Town Board shall require a frontage road, non-access reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to insure safe, efficient, traffic flow and adequate protection of residential properties.
7. A tangent at least 500 feet long shall be required between reverse curves on arterial and collector public roads.
8. Public roads shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
9. Dedication of half-width roads shall be prohibited, except where it is essential for the reasonable development of the land division in conformity with the other requirements of this ordinance. Where a half road has been dedicated adjacent to a land division, the remaining half of the road shall be dedicated by the land divider of the adjoining land.
10. No public road names shall be used which will duplicate or may be confused with the names of existing roads. Road names shall be subject to the approval of the Town Board.
11. The minimum right-of-way and roadway width of all proposed roads and alleys shall be as specified by the comprehensive plan, comprehensive plan component, or official map, or, if no width is specified therein, the minimum widths shall be as shown in Tables 13-2 and 13-3.

Table 13-2: Urban Road Section - Minimum Widths

Type of Road or Way	R.O.W. Width To Be Reserved	R.O.W. Width To Be Dedicated	Pavement Width (Face of Curb to Face of Curb)
Arterial Road	120 feet	120 feet	Dual 36 feet (24 foot median)
Collector Road	80 feet	80 feet	48 feet
Minor Road (1,000 feet or more)	70 feet	70 feet	40 feet
Minor Road (less than 1,000 feet in length), Cul-de-sacs, and Frontage Roads	60 feet	60 feet	38 feet
Alleys	25 feet	25 feet	20 feet
Pedestrian Way	10 feet	10 feet	5 feet

Table 13-3: Rural Road Section - Minimum Widths

Type of Street or Way	R.O.W. Width To Be Reserved	R.O.W. Width To Be Dedicated	Pavement Width
Arterial Road	120 feet	120 feet	Dual 24 feet, two 5-foot outside shoulders, 4-foot inside shoulders (20 foot median)
Collector Roads	80 feet	80 feet	24 feet, two 5-foot outside shoulders
Minor Roads	66 feet	66 feet	24 feet, two 4-foot outside shoulders

12. Cul-de-sac roads designed to have an end permanently closed shall not exceed 500 feet in length. All cul-de-sac roads designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and a minimum outside curb radius of 50 feet.

D. Road Grades

1. Unless necessitated by exceptional topography subject to the approval of the Town Board, the maximum centerline grade of any road or public way shall not exceed the following:
 - a. Arterial roads and highways: 6 percent.
 - b. Collector roads and highways: 8 percent.
 - c. Minor roads, alleys, and frontage roads: 10 percent.
 - d. Pedestrian ways: 12 percent, unless steps of acceptable design are provided. If the pedestrian way must comply with the Americans with Disabilities Act, the maximum grade shall be no more than 8 percent.
 - e. The grade of any road shall in no case exceed 12 percent or be less than 0.5 percent.
2. Intersections must be approached on all sides by grades not to exceed 4 percent for a distance of at least 50 feet, unless exceptional topography would prohibit these grades.

3. If a proposed road is to enter an arterial and it is deemed a hazardous entrance by the appropriate jurisdiction, the subdivider shall correct the potential hazard through an agreement with the governing body or relocate the proposed entrance to a more suitable location.
4. Road grades shall be established wherever practicable so as to avoid excessive grading, the uncontrolled removal of ground cover and tree growth, and general leveling of the topography.

E. Radii of Curvature

1. When a continuous road centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on the centerline of not less than the following:
 - a. Arterial roads and highways: 500 feet.
 - b. Collector roads and highways: 300 feet.
 - c. Minor roads: 100 feet.
2. A tangent at least 500 feet in length shall be provided between reverse curves on arterial and collector roads.

F. Block Design and Improvements.

1. The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control, and safety of road traffic; and the limitations and opportunities of topography.
2. Blocks in residential areas shall not generally be less than 600 feet nor more than 1500 feet in length unless otherwise dictated by exceptional topography or other limiting factors.
3. Pedestrian ways of not less than 10 feet in width may be required between rear lot lines where deemed necessary by the Town Board to provide safe and convenient pedestrian circulation between individual lots, streams, rivers, lakeshores, parklands, or other public areas, or may be required near the center and entirely across any block over 900 feet in length where deemed necessary by the Town Board to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.
4. Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street parking and loading required by the use contemplated and the area zoning restrictions.
5. All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles.
6. Sewer and water facilities, public road paving, sidewalks, streetlights, and surface water drainage as required by the Town Board of the Town of Elba shall be provided for each lot in accordance with specifications approved by the Town Board.

SECTION 14 – MINOR LAND DIVISION

Any division of land, other than a Major Subdivision as defined herein, shall be surveyed and a Certified Survey Map shall be prepared and recorded as provided in §236.34 Wis Stats.

- A. Prior to the preparation of the Map, the land divider shall submit the proposed Minor Land Division to the Town Clerk, along with the information as noted in Section Nine (9) for a completeness determination by the Town Clerk. It shall be reviewed by the Plan Commission and/or Town Board for preliminary approval to establish conformity and consistency with surrounding existing or proposed developments; adjacent or future highways; schools; other planned public developments; analysis of soil types; topography; erosion control and storm water management; access to any abutting street or highway conformance with this Ordinance, Chapter 236 Wis Stats, the Town of Elba Comprehensive Plan, Established Road and Highway Width Maps, Official Maps, and generally for the effect the Minor Land Division would have on the development of surrounding property. If any lots, parcels, or outlots to be divided are not served by municipal sanitary sewer, soil borings must be submitted prior to Certified Survey Map approval in accordance with the State Department of Commerce Administrative Rules.
- B. After preliminary Minor Land Division and Certified Survey Map approval has been granted by the Town Board and/or Town Plan Commission the land divider may proceed to have drawn a Certified Survey Map in accordance with §236.34 Wis Stats. The land divider shall be required to dedicate any road right-of-way the Town of Elba or the County deems necessary and shall be required to build the road or highway to the appropriate standards. All other requirements established by this Ordinance, where applicable, shall be complied with by the land divider. The cash escrow or letter of credit and any Developer's Agreement requirements regarding public and private improvements, as set out in this Ordinance, are applicable to Minor Land Divisions and Certified Survey Maps.
- C. Four (4) copies of the final Certified Survey Map and the necessary fees shall be submitted to the Town Board and/or the Town Plan Commission. Within ninety (90) days of the submission to the Town Clerk of the proposed Certified Survey Map, unless the time is extended by the land divider or his or her agent, the Town shall approve, approve on condition or reject the incomplete proposed Certified Survey Map as required in Section 12. If the Minor Land Division and Certified Survey Map are approved, a statement to that effect shall be placed on the Certified Survey Map and signed by the Town Chair and Town Clerk. The approved Certified Survey Map shall then be recorded in the Office of the Register of Deeds.
- D. Prior to request for the Final Land Division approval and as condition of the final approval of the Certified Survey Map, the Town Board and/or Town Plan Commission, the land divider shall seek to obtain a Resolution from the Town Board specifically stating what, if any, public benefit restrictions will or have been placed on the Minor Land Division and Certified Survey Map approval by the Town Board under §236.293 and §236.45 Wis Stats and by any Developer's Agreement and Developer's Schedule. These restrictions may include but are not limited to the submission and approval to the Town Board or the Town Plan Commission of construction plans and a time schedule regarding any and all public and private roads and other improvements and a formal guarantee regarding any and all private and public improvements.
- E. Any Minor Subdivision shall meet the design standards noted in Section 13.

SECTION 15 – EASEMENTS

- A. The Town Board and/or Plan Commission shall require for any land division rear or side outlot, parcel, or lot line utility easements at locations and of widths deemed adequate by the Town Board and/or Plan Commission.

- B. The Town Board and/or Plan Commission shall require that easements or drainageways of widths sufficient to accommodate storm water run-off be provided where a land division area includes a segment or segments of water courses, drainageways, channels, or streams.

SECTION 16 – COSTS OF APPLICATION REVIEW

- A. All Land Division Applications, including preliminary and final plats and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by Resolution.
- B. All reasonable costs incurred by the Town Board or its agents to properly review each Land Division Applicant shall be the responsibility of the land divider who shall timely pay or reimburse the Town of Elba for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town of Elba in reviewing the proposed land division plats and maps. The Town Board may require that all or a portion of the known costs of application approval and variance review be paid in advance.

SECTION 17 – VARIANCES

- A. Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper. Such relief shall be granted without detriment to the public good and without impairing the intent and purpose of this Ordinance or the desirable general development of the Town. A majority vote of the Town Board shall be required to grant any modification of this Ordinance, and the reasons shall be entered in the minutes of the meetings thereof. In granting variances and modifications, the Town Board may require conditions to secure the objectives of this Ordinance.
- B. The requirement of filing and recording the land division plat shall not be waived by the Town Board or Plan Commission.

SECTION 18 – VIOLATIONS

- A. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit not less than \$100, plus any additional applicable costs incurred by the Town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:
 - 1. Recordation improperly made carries penalties as provided in s. 236.30, Wis. stats.
 - 2. Conveyance of lots, outlots, and parcels in unrecorded plats carries penalties as provided in s. 236.31, Wis. stats.
 - 3. Monuments disturbed or not placed carries penalties as provided in s. 236.32, Wis. stats.
- B. No person shall sell land in the Town of Elba in lots unless the lots, parcels, and outlots have been lawfully approved pursuant to the terms of this ordinance or any predecessor procedure. The unlawful sale of unapproved or unauthorized parcels, outlots, or lots is deemed to be a public nuisance, which may be enjoined by a Court of record.

SECTION 19 – EFFECTIVE DATE

This ordinance is effective upon publication. The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, *Wis. Stats.*

Adopted this _____ day of _____ 20__.