

TOWN OF ONALASKA
La Crosse County, Wisconsin
An Ordinance Amending the Code of the Town of Onalaska
Amending Chapter 46 Subdivisions,
Amending Sections 46-1 entitled "Purpose," 46-5 entitled "Building Permits," 46-35 entitled
"Preapplication consultation," 46-36 entitled "Preliminary plat review and approval," 46-45
entitled "Final plat review and approval," 46-46 entitled "Replat procedure," 46-49 entitled
"Final plat," 46-79 entitled "Required improvements," 46-81 entitled "Development agreement,"
& 46-82 entitled "Construction plans; inspections."

The Town Board of the Town of Onalaska do ordain as follows:

Section 1: Chapter 46 Subdivisions, Sections 46-1 entitled "Purpose," 46-5 entitled "Building Permits," 46-35 entitled "Preapplication consultation," 46-36 entitled "Preliminary plat review and approval," 46-45 entitled "Final plat review and approval," 46-46 entitled "Replat procedure," 46-49 entitled "Final plat," 46-79 entitled "Required improvements," 46-81 entitled "Development agreement," & 46-82 entitled "Construction plans; inspections." are hereby amended with deleted language ~~stricken~~ and new language underlined to provide as follows:

Sec. 46-1. Purpose.

(a) The purpose of this chapter is to ~~promote the public health, safety and general welfare. The regulations are designed to:~~

- (1) ~~Lessen congestion in the streets and highways~~Promote the public health, safety and general welfare of the community;
- (2) Further the orderly layout and use of land;
- (3) ~~Prevent the overcrowding of land and avoid undue concentration of population~~Ensure that land is developed in a manner that supports healthy, livable communities;
- (4) ~~Provide for proper ingress and egress~~Foster the development of a range of housing types;
- (5) ~~Enforce the goals and policies set forth in the town comprehensive plan~~Advance complete streets that prioritize safety, comfort, and accessibility for pedestrians, cyclists, transit riders, and motorists alike;
- (6) ~~Secure safety from fire, panic, and other dangers~~Provide for adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;
- (7) ~~Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land~~Facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements;

~~(8) To promote proper monumenting of land subdivided and conveyancing by accurate legal description~~Encourage development patterns that provide safe and convenient transportation choices for a variety of users;

~~(9) Facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements~~Provide for proper ingress and egress;

~~(10) Facilitate the further division of large tracts of land into smaller parcels~~Promote proper monumenting of land subdivided and conveyancing by accurate legal description.

(11) Secure safety from fire, panic, and other dangers; and

(12) Facilitate the further resubdivision of larger tracts into smaller parcels of land.

(b).The regulations are made with the reasonable consideration of, but not limited to:

(1) The present character of the town and its environs, with the objectives of conserving the value of the land and improvements placed thereon;

(2) Providing the most appropriate environment for human habitation;

(3) Providing for the most appropriate use of land in the town.

(c) Wis. Stat. ch. 236, and as it is amended from time to time, is hereby incorporated into this ordinance by reference as if fully set forth herein.

Sec. 46-5. Building permits.

(a) The town shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, minor subdivision or replat originally submitted to the town on or after the effective date of the ordinance from which this chapter is derived until the applicant has complied with all of the provisions and requirements of all applicable regulationsthis chapter.

(b) Public improvements reasonably necessary for a project or a phase of a project are considered to be substantially completed upon the installation of the asphalt or concrete binder course on roads to be dedicated or, if the required public improvements do not include a road to be dedicated, at the time that 90 percent of the public improvements by cost are completed.

(c) Upon such substantial completion, any outstanding local building permits for home sites on the plat that are related to, and dependent upon, substantial completion meet the requirements of applicable building codes, zoning ordinances, and other municipal regulations shall be released and may not be withheld solely because of the status of public improvements.

(d) The Town Board shall, upon a subdivider's request, issue a permit to commence construction of a foundation or any other noncombustible structure before substantial completion of a public improvement if all public improvements related to public safety are complete and the applicable security requirement has been met. The subdivider may not commence work on a building until

the governing body of the town or municipality approves or issues a permit for the construction of the building.

Sec. 46-35. Preapplication consultation.

Before filing a preliminary plat or certified survey map, the subdivider ~~is encouraged~~ has the opportunity for an information meeting regarding subdivision requirements to consult with the plan commission or any staff or subcommittee ~~it that the town may designate for advice regarding general subdivision requirements.~~ The subdivider may obtain information on meeting dates, agenda deadlines and filing requirements from the town clerk. The subdivider may also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This ~~consultation meeting~~ is neither formal nor mandatory but is intended to inform the subdivider of the purposes and objectives of these regulations, the other ordinances and planning rules of the town and to otherwise assist the subdivider in planning the development. In so doing, the subdivider and ~~plan commission~~ town may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider ~~will~~ is likely to gain a better understanding of the subsequent required procedures. The town shall charge no fee for this preliminary ~~consultation meeting.~~ Conceptual reviews and opinions provided under this section are not binding on either the town or the subdivider.

Sec. 46-36. Preliminary plat review and approval.

(1) Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and application. The subdivider shall submit 14 copies of the preliminary plat and accompanying application materials, prepared in accordance with this chapter. The subdivider shall file copies of the plat and the application with the town clerk at least 30 days prior to the meeting of the plan commission at which action is desired. The town clerk shall submit copies of the preliminary plat to the plan commission, town planner, town engineer, and town attorney for review.

(2) The preliminary plat shall be clearly marked "preliminary plat" and shall be in sufficient detail to determine whether the final plat will meet layout requirements. The town shall not reject a preliminary plat on the basis that the plans and reports are not yet final. Within 90 days the town board, or its designee, shall take action to approve, approve conditionally, or reject the preliminary plat and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the town to act within the 90 days, or extension thereof, constitutes an approval of the preliminary plat.

(3) If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval. 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. The final plat may, if permitted by the town, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time.

(4) A professional engineer, a planner, or another 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 recommendation shall be made a part of the record of the

proceeding at which the final plat is being considered and are not required to be submitted in writing.

(5) The subdivider or subdivider's agent shall submit to the plan commission an electronic copy of the final plat or a copy of the final plat that is capable of legible reproduction. The town shall approve or reject the final plat within 60 days of its submission, unless the time is extended by agreement with the subdivider or subdivider's agent. When the town determines to approve the plat, it shall give at least 10 days' prior written notice of its intention to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of such proposed plat but failure to give such notice shall not invalidate any such plat. If a plat is rejected, the reasons therefor shall be stated in the minutes of the meeting and a copy thereof or a written statement of the reasons shall be supplied to the subdivider or subdivider's agent. If the town fails to act within 60 days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the town clerk.

(6) The approval of the town may be based on the copy submitted under par. (5) but the approval must be inscribed on the recordable plat document. Before inscribing its approval, the town shall require the subdivider or subdivider's agent to certify the respects in which the recordable plat document differs from the copy, if any. The town must approve all modifications in the final plat before it gives final approval to the plat. The town shall inscribe its final approval on a plat only after the affixing of the certificate by the Department of Administration pursuant to Wis. Stat. § 236.12 (3).

Sec. 46-45. Final plat review and approval.

(a) The subdivider shall file 14 copies of the final plat. The following additional items shall be filed with the final plat:

(1) A certified abstract of title or title insurance commitment current to within one week prior to filing, showing title or control in the owner or the subdivider. The town attorney may require further title evidence as deemed necessary.

(2) Six copies of the final plans and specifications of public improvements required by this chapter.

(b) The town clerk shall refer the final plat to the town engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or title insurance commitment may be referred to the town attorney for examination and report. The town clerk shall also refer the final plans and specifications of public improvements to the town engineer for review. The recommendations of the plan commission and town engineer shall be made within 30 days of the filing of the final plat. The town engineer shall examine the plat and final plans and specifications of public improvements for technical details and, if found satisfactory, shall so certify in writing to the plan commission. If the plat or the plans and specifications are unsatisfactory, the town engineer shall return them to the subdivider and so advise the plan commission.

(c) Although the town shall not require that public improvements be installed or accepted as a condition of submitting, reviewing, approving, or recording of a preliminary or final plat the town

may require as a condition of approval that public improvements be installed within a reasonable time after the plat is approved.

Sec. 46-46. Replat procedure.

(a) Except when an assessor's plat is ordered pursuant to Wis. Stats. § 70.27(1), when it is proposed to replat a recorded subdivision, or part thereof, so as to alter areas dedicated to the public, the subdivider or person wishing to replat shall vacate or alter the recorded plat and provide notice of the same as provided in Wis. Stats. §§ 236.40 through 236.445 or 66.1003, as applicable. The subdivider, or person wishing to replat, shall then proceed as specified in this article for preliminary plats.

(b) The town clerk shall schedule a public hearing before the plan commission when a preliminary plat of a replat of lands within the town is filed, and shall mail notices of the proposed replat and public hearing to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 1,000 feet of the exterior boundaries of the proposed replat.

(c) Minor subdivision procedure.

(1) When a subdivider proposes a minor subdivision, the owner or subdivider shall subdivide by use of a certified survey map, prepared in accordance with Wis. Stats. § 236.34 and this chapter.

(2) Submission and review. The subdivider ~~is encouraged to first consult~~ has the opportunity for an informal meeting with the plan commission, strategic planning group or any staff or subcommittee the plan commission may designate regarding the requirements for certified surveys before submission of the final map. Following ~~consultation~~ the informal meeting, if any, 14 copies of the final map in the form of a certified survey map shall be submitted to the town. The certified survey shall be reviewed, approved or disapproved by the town board pursuant to the procedures used for preliminary plats in this article, including notice and hearing requirements.

Sec. 46-49. Final plat.

(a) A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stats. § 236.20 and this chapter.

(b) A final plat that has the approvals required under Wis. Stat. § 236.10, or that is deemed approved under Wis. Stat. § 236.11, is entitled to be recorded. The town board shall make a certificate to that effect on the face of the plat no later than 10 days after the subdivider submits the plat with all required certificates and affidavits.

~~Sec. 46-79. Required improvements.~~

~~The improvements prescribed in this chapter are required as a condition of approval of any land division. The required improvements described in this chapter shall be installed, furnished, and financed at the sole expense of the subdivider. In the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the town board, be financed through special assessments.~~

Sec. 46-81. Development agreement.

(a) Contract. Prior to installation of any required improvements ~~and prior to approval of the final plat~~, the subdivider shall enter into a written contract with the town requiring the subdivider to furnish and construct the improvements at the subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include a provision for inspection of construction details by the town engineer. The subdivider may construct the project in such phases as the town board approves, which approval shall not be unreasonably withheld. If construction in phases is permitted, the amount of any bond or other security required in this article shall be limited to the phase of the project currently being constructed. No security shall be required to be provided sooner than reasonably necessary before commencement of the installation of improvements.

(b) Financial guarantees.

(1) ~~As a further condition of approval, the~~ The town requires that the subdivider makes and installs any public improvements reasonably necessary ~~or~~ and that the subdivider provide security to ensure that he or she will make those improvements within a reasonable time. The security provided at the commencement of a project shall be an amount that is equal to 120 percent of the estimated total cost to complete the required public improvements. It is the subdivider's option whether to execute a performance bond or whether to provide a letter of credit to satisfy the security requirement.
~~[Due to these changes, could choose to not allow security any more.]~~

(2) If the required improvements are not completed within the specified period, all amounts held under security shall be turned over and delivered to the town and applied to the cost of the required improvements. Any balance remaining after completion of such improvements shall be returned to the owner or subdivider, if any.

(3) The time for completion of the work and the several parts thereof shall be determined by the town board upon recommendation of the town engineer and after consultation with the subdivider. The completion date shall form part of the contract.

(4) If the subdivider's project will be constructed in phases, the amount of security required by the town shall be limited to the phase of the project that is currently being constructed.

(5) The town requires the subdivider to provide the security for 14 months after the date the public improvements for which the security is provided are substantially completed and upon substantial completion of the public improvements, the amount of the security the subdivider is required to provide shall be no more than an amount equal to the total cost to complete any uncompleted public improvements plus 10 percent of the total cost of the completed public improvements.

(6) Public improvements reasonably necessary for a project or a phase of a project are considered to be substantially completed at the time the binder coat is installed on roads to be dedicated or, if the required public improvements do not include a road to be dedicated, at the time that 90 percent of the public improvements by cost are completed.

Sec. 46-82. Construction plans; inspections.

(a) Engineering reports, construction plans and specifications. As required by section 46-37, preliminary engineering reports and plans shall be submitted with the filing of the preliminary plat. At the final plat stage, construction plans for the required improvements conforming in all respects with the standards of the town engineer and the ordinances of the town shall be prepared at the subdivider's expense by a professional engineer registered in the state under said engineer's seal. Such plans, together with the quantities of construction items, shall be submitted to the town engineer for approval and for estimation of the total cost of the required improvements; upon approval, they shall become a part of the required contract. Simultaneously with the filing of the final plat with the town clerk, or as soon thereafter as practicable, the subdivider shall furnish copies of the construction plans and specifications for the following public improvements, with a copy sent to the appropriate sanitary district:

(1) Road plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.

(2) If applicable, sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities. Where public sewer is not provided, results of percolation tests and any other information required by the town engineer to ensure each lot can properly dispose of expected wastewater discharges.

(3) Stormwater plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.

(4) If applicable, water main plans and profiles showing the locations, sizes, elevations and materials of required facilities. Where public water is not provided, any information required by the town engineer to ensure each lot has clean drinking water available to it and that the development will have no adverse effects to the groundwater aquifer.

(5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the town's or county's erosion control ordinance, whichever is more stringent.

(6) Planting plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.

(7) Additional special plans or information as required by town officials.

(b) Action by the town engineer. The town engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this chapter and other pertinent town ordinances and design standards recommended by the town engineer and approved by the town board. If the town engineer rejects the plans and specifications, the town engineer shall so notify the subdivider, plan commission and town board including an explanation of the reasons for rejection, and the subdivider shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the town engineer shall approve the plans and specifications for transmittal to the town board. The town

board shall approve the plans and specifications before the improvements are installed and construction commenced.

(c) Construction and inspection.

(1) Prior to starting any of the work covered by the plans approved above, the subdivider shall obtain written authorization to start the work from the town engineer upon receipt of all necessary permits and in accordance with the construction methods of this chapter. ~~The town shall issue no building permits until all improvements required by this chapter are satisfactorily completed.~~

(2) Construction of all improvements required by this chapter shall be completed within two years from the date of approval of the final plat by the town board, unless the subdivider demonstrates good cause for the town board to grant an extension.

(d) Course of construction. During the course of construction, the town engineer shall make such inspections as the town board deems necessary to ensure compliance with the plans and specifications as approved. The subdivider shall pay the actual cost incurred by the town for such inspections. This fee shall be the actual cost to the town of inspectors, engineers, and other parties necessary to ensure satisfactory work.

(e) As-built plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three copies of record plans showing the actual location and construction of all required improvements. In the alternative, the town may require the "as built" plans to be submitted in an electronic form satisfactory to the town engineer. These plans shall bear the signature and seal of a professional engineer registered in the state. The subdivider's presentation of the as built plans shall be a condition of final acceptance of the improvements and release of the financial security assuring their completion. The town shall retain two copies and forward one copy of such record plans to the appropriate sanitary district, if any.

Section 2: If any provision of this Ordinance(s) is invalid or unconstitutional or if the application of this Ordinance(s) to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision(s) or application(s) of this Ordinance(s) that can be given effect without the invalid or unconstitutional provision(s) or application(s).

Section 3: All ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

Section 4: This Ordinance(s) shall be in full force and effect from and after its date of adoption and notice to the public as required by law.

Section 5: Town personnel are hereby authorized and directed to make all changes to the Code of Ordinances necessary to reflect this amendment.

Adopted this 13 day of August, 2026.

TOWN OF ONALASKA

By: Paula Przywojski
Paula Przywojski, Chairperson

ATTEST:

By: Mary Pinehart
Mary Pinehart, Administrator/Clerk-Treasurer

Noticed to the public on: 8/20/2026.