

Chapter 86 SUBDIVISIONS*

***Cross references:** Buildings and building regulations, ch. 14; floods, ch. 38; mobile homes, ch. 54; planning, ch. 66; streets, sidewalks and other public places, ch. 82; utilities, ch. 98; vegetation, ch. 102; zoning, ch. 106.

State law references: Platting lands generally, Wis. Stats. § 236.01 et seq.

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ARTICLE III. REQUIRED IMPROVEMENTS

Sec. 86-161. Payment, general standards and additional conditions.

- (a) *Payment.* The improvements prescribed in this chapter are required as a condition of approval of a land division. The required improvements described in this chapter shall be installed, furnished and financed at the sole expense of the subdivider unless otherwise specified in this section or in the developer's agreement. However, in the case of required improvements in a commercial, institutional or industrial area, the cost of such

improvements may, at the sole discretion of the common council, be financed through special assessments.

- (b) *General standards.* The following required improvements in this chapter shall be installed in accordance with the engineering standards and specifications which have been adopted by the common council. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the city engineer.
- (c) *Additional conditions.* As further conditions of approval, the common council shall require any or all of the following:
 - (1) The subdivider make and install any public improvements reasonably necessary or that the subdivider execute a surety bond or provide other security to ensure that he will make those improvements within a reasonable time.
 - (2) As a condition for accepting the dedication of public streets, alleys or other ways, or for permitting private streets, alleys or other public ways to be placed on the official map, designated facilities shall have been previously provided without cost to the municipality, but which are constructed according to municipal specifications and under municipal inspection, such as, without limitation because of enumeration, sewerage, water mains and laterals, grading and improvements of streets, alleys, sidewalks and other public ways, street lighting, street trees or other facilities designated by the common council, or that a specified portion of such costs be paid in advance as provided in Wis. Stats. § 66.54(3).
 - (3) The subdivider is responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the plat or the certified survey map, fall within the public right-of-way.
 - (4) The subdivider shall dedicate easements for the purpose of ensuring the unobstructed flow of solar energy across adjacent lots in the subdivision of land.

(Ord. No. 98-12, § I(86-1-50), 5-8-1998)

Sec. 86-162. Agreement providing for proper installation.

- (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, developer agreement, with the city requiring the subdivider to furnish and construct such improvements in accordance with this article, with plans and specifications and usual contract conditions, which shall include provision for an onsite inspection of construction by the city engineer.
- (b) *Financial guarantees.*
 - (1) The agreement shall require the subdivider to furnish a performance bond or a letter of credit, in a form acceptable to the city. The penal amount of the bond or the letter of credit shall be equal to the city engineer's estimate of the city's total cost of the project.
 - (2) On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the letter of credit or bond shall be reduced in a sum equal to

the estimated cost of the improvements so completed prior to acceptance of the plat only. If the required improvements are not complete within the specified period, all amounts held under performance bond shall be turned over or application shall be made to the lending institutions providing the letter of credit for the payment then delivered to the city and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The common council at its option, may extend the security period for additional periods not to exceed one year each period.

- (3) The time for completion of the work and the several parts thereof shall be determined by the common council upon recommendation of the city engineer after consultation with the subdivider. The completion date shall be a component of the contract.
- (4) The subdivider shall pay the city for all costs incurred by the city for review and inspection of the subdivision. This would include review and preparation, at the common council's discretion, of plans and specifications by the city engineer and city attorney, as well as other costs of a similar nature.

(Ord. No. 98-12, § I(86-1-51), 5-8-1998; Ord. No. OR00-08, § I, 4-24-2000)

Sec. 86-163. Construction plans; city review; inspections.

- (a) *Engineering reports, construction plans and specifications.* As required by section 86-51, engineering reports, plans and proposed specifications shall be submitted simultaneously 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 city engineer and the ordinances of the city shall be prepared at the subdivider's expense by a professional engineer who is registered in the state, and such plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the city engineer for his approval and for his estimate of the total cost of the required improvements. Upon approval, they shall become a part of the contract required. Simultaneously with the filing of the final plat with the city clerk/treasurer, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:
 - (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (3) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (4) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - (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 city's erosion control chapter.

- (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 city officials.
- (b) *Action by the city engineer.* The city engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this chapter and other pertinent city ordinances and design standards recommended by the city engineer, utility commission, the WDNR and other reviewing agencies and approved by the common council. If the city engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications, or both, accordingly. When the plans and specifications are corrected, the city engineer shall approve the plans and specifications for transmittal to the common council. The common council shall approve the plans and specifications before the improvements are installed and construction commenced.
- (c) *Other requirements.*
- (1) *Approval by engineer.* Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work, shall be subject to the approval of the city engineer.
 - (2) *Governmental units.* Governmental units, to which these bond and contract provisions apply, may file, in lieu of such contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
 - (3) *Survey monuments.* Before final approval of any plat within the city limits, the subdivider shall install survey monuments placed in accordance with the requirements of Wis. Stats. § 236.15, and as may be required by the city engineer. After construction of the plat has been completed, all survey monuments must be marked and raised to the surface if the monument is buried more than six inches. All survey monuments shall be marked with steel T-shaped fenceposts.
 - (4) *Other approving agencies.* Submission to other required approving agencies is required (i.e. WDNR, East Central Wisconsin Regional Plan Commission, etc.).
- (d) *Construction and inspection.*
- (1) Prior to starting any of the work covered by the plans approved in this section, written authorization to start the work shall be obtained from the city engineer upon receipt of all necessary permits and in accordance with the construction methods of this chapter. Building permits shall not be issued 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 preliminary plat by the common council, unless good cause can be shown for the common council to grant an extension.
 - (3) During the course of construction, the city engineer shall make, or cause to be made, such inspections as the common council deems necessary to ensure compliance with the plans and specifications as approved. The owner shall pay

the actual cost incurred by the city for such inspections. This fee shall be the actual cost to the city of inspectors, engineers and other parties necessary to ensure satisfactory work.

- (e) *Record plans.* After completion of all public improvements and prior to final acceptance of such improvements, the subdivider shall make or cause to be made three copies of record plans showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the city engineer shall require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in the state. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond ensuring their completion. The developer shall provide an AutoCAD disk copy of the plans to the city.

(Ord. No. 98-12, § 1(86-1-52), 5-8-1998)

Sec. 86-164. Street improvements.

The subdivider shall construct streets, roads and alleys as outlined on the approved plans based on requirements of this chapter:

- (1) *General considerations.* The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (2) *Construction standards.* Construction of all streets shall conform to the current standards as established by the common council and this chapter, and shall be subject to approval of the city engineer before acceptance.
- (3) *Conformance to official map.* The arrangement, width, grade and location of all streets shall conform to the official map.
- (4) *Street construction.* After sanitary sewer, storm sewer, water and other necessary utilities have been installed, the subdivider shall construct and dedicate, as part of the subdivision, streets and curbs and gutters. All streets and alleys in new subdivisions shall be constructed as prescribed by city specifications at the cost of the developer. Street grades shall be inspected prior to the city accepting the roadway. The city shall designate the inspector.
- (5) *Completion of street and sidewalk construction.*
 - a. No building permit shall be issued for the construction of any residential dwelling until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required.
 - b. The common council may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., concrete, asphalt). The issuance of a waiver shall be at the discretion of the common council.
 - c. The subdivider requesting a waiver shall do so in writing, presenting such

information and documentation as required by the common council. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

- d. The developer is responsible for 100 percent of the cost to have an onsite inspector, selected by the city, to observe the construction and installment of all infrastructure.

(Ord. No. 98-12, § I(86-1-53), 5-8-1998; Ord. No. OR00-08, § I, 4-24-2000)

Sec. 86-165. Curbs and gutters.

After the installation of all utility and stormwater drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the common council on file with the city clerk/treasurer. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

- (1) Curbs and gutters shall be installed along any street upon order of the common council according to the city's specifications. Curbs and gutters in a new subdivision will be installed by the city and assessed to the property owner pursuant to Wis. Stats. § 66.60.
- (2) Curbs and gutters installed along all streets in the subdivision, shall be built according to city specifications.

(Ord. No. 98-12, § I(86-1-54), 5-8-1998)

Sec. 86-166. Sidewalks.

- (a) Sidewalks are required for all streets within the city. The common council may also require sidewalks for platted areas which the common council determines will significantly increase traffic volume. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the city engineer.
- (b) In addition, wider than standard sidewalks may be required by the common council in the vicinity of schools, commercial areas (Main Street) and other places of public assemblage, and the common council may require the construction of sidewalks in locations other than required under the preceding provisions of this chapter if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.
- (c) Every newly constructed sidewalk, or sidewalk that is in need of complete replacement, hereafter constructed or replaced on all city streets, other than Main Street, shall have a width of 4 1/2 feet and shall have a grade one inch higher than the adjacent curb on the curbside of the sidewalk and pitched one-quarter inch minimum to one-half inch maximum for each foot of sidewalk. All such sidewalks shall be constructed eight inches from the adjacent lot line. In the case of a laydown (rollover) type curb, the pitch shall be one-half of an inch per foot from the curb in the parkway to the sidewalk with a three-inch minimum. Existing substandard sidewalks which are in need of replacement shall have the sections replaced at the substandard width. However, if installed at the substandard width, the property owner will not be eligible for the sidewalk credit if an upgrade or reconstruction of the road right-of-way occurs. Only sidewalks that have been installed according to the specifications of this subsection will be eligible for sidewalk credit. The construction of all sidewalks shall be in accordance with plans and specifications

approved by the city engineer. In addition, wider than standard sidewalks may be required by the common council in the vicinity of schools, commercial areas (Main Street) and other places of public assemblage. The common council may require the construction of sidewalks in locations other than required for safe and adequate pedestrian passage.

- (d) No person, whether owner, builder or contractor, shall build any new sidewalks or repair or renew, or cause to be built, repaired or renewed, any existing sidewalk contrary to the provisions of this chapter, unless by petition to the council and having permission therefor granted by the council, or upon the council's own motion, or where such a change in the specifications set forth in this section shall be deemed in the best interest of the city.
- (e) Sidewalks in new subdivisions shall be installed and paid for by the developer or installed by the city and assessed to the property owner pursuant to Wis. Stats. § 66.60, as determined by the council.
- (f) Sidewalks shall not be required in existing permanent cul-de-sacs unless the property owners wish that sidewalks be installed in the area abutting their property. Sidewalks are required in cul-de-sacs of all new developments.

(Ord. No. 98-12, § I(86-1-55), 5-8-1998; Ord. No. 98-17, § I, 7-13-1998)

Sec. 86-167. Sanitary sewer system.

- (a) There shall be provided a sanitary sewer system in conformity with the master plan of sewers, or as required by the utility commission, and as approved by the common council.
- (b) The subdivider shall make adequate sewage disposal systems available to each lot within the subdivision, certified survey map parcel or subdivision.
- (c) Subdivisions and certified survey map parcels shall be served by public sewer facilities. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the city. No land shall be subdivided for residential use where individual lift stations are required for connection to public sewer or where onsite sewage disposal systems are required for the disposal of wastewater. However, onsite sewage disposal systems will be permitted in the extraterritorial area where land is being divided for the construction of housing for members of families of active farmers or for employees of active farmers, unless authorized by the common council.
- (d) The common council shall require the installation of sewer laterals to the street lot line. All utilities, including laterals, laterals defined to include water mains, sanitary sewer mains, and storm sewers, shall be installed to the property line. The subdivider's responsibility to install water main, sewer main and storm main laterals to the property line shall apply to each platted lot in their subdivision.
- (e) The subdivider shall assume the cost of installing all sanitary sewers, eight inches in diameter or less in size, including the bringing of the sanitary sewer from where it exists to the subdivision or minor land division in question, as well as providing all sanitary sewer work within the subdivision or minor land division. If greater than eight-inch diameter sewers are required to handle the contemplated sewage flows, the costs of such larger sewers shall be paid by the city. The subdivider shall pay the entire cost of sanitary laterals. The developer's costs associated with the construction of lift stations

and force mains will be determined by the utility commission.

- (f) The subdivider shall install sanitary sewers in accordance with this chapter, the state standard specifications and specifications of the city engineer where it is determined that the proposed subdivision or minor land division lies within a public sanitary sewer service area. All new developments within the city must connect onto the city sanitary system prior to the issuance of an occupancy permit. The city shall be held harmless for any damages or costs incurred to disconnect and abandon any onsite sanitary sewer disposal system then in place and any costs associated with connection to the public sewer mains.
- (g) At the discretion of the common council, the developer shall hire their own contractors to do the work for water, sewerage and streets, with the costs to be paid by the developer as specified in this article.

(Ord. No. 98-12, § 1(86-1-56), 5-8-1998)

Sec. 86-168. Water supply facilities.

- (a) The common council shall require the installation of water laterals to the property line.
- (b) The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the common council and city engineer.
- (c) The subdivider shall assume the cost of installing all water mains, water laterals within the proposed subdivision or minor land division, except for the added cost of installing water mains greater than eight inches in diameter. The city will pay the difference between the eight-inch standard size and the larger pipe diameter. The industrial developer pays for all costs up to and including eight-inch pipe. The developer's cost associated with the development of separate high pressure zone (water booster station), installation and engineering shall be determined by the utility commission.
- (d) The city pays for hydrants and valves. The subdivider shall be responsible for the cost of installation of fire hydrants as part of the city's water distribution system. The actual type, method of construction and installation of the hydrants shall comply with city specifications.

(Ord. No. 98-12, § 1(86-1-57), 5-8-1998)

Sec. 86-169. Stormwater drainage facilities.

- (a) Pursuant to section 86-200, the subdivider shall provide stormwater drainage facilities adequate to serve the subdivision or minor land division which may include curb and gutter, catchbasins and inlets, storm sewers, road ditches, open channels and water retention structures and settling basins, as may be required.
- (b) All costs and expenses, including engineering and installation and connection of the storm system, shall be borne by the owners and/or the developers. The owners and/or developers shall indemnify the city council from any loss or damage that may directly or indirectly be occasioned by the installation of the storm system. Storm sewers are to be of adequate size and grade to hydraulically accommodate the ten-year storm. Culverts shall be designed to accommodate the ten-year storm and shall be sized so that the

25-year frequency storms do not cause flooding of the adjacent roadway. Upon the approval of the city engineer, stormwater swales and ditches may be sized for from 25-year to 100-year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all stormwater drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the common council, upon the recommendation of the city engineer. Storm sewers oversized to handle runoff from off-site properties will be installed by the subdivider. However, the cost of oversizing such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed subdivision or minor land division is to the total drainage area to be served by such larger sewer, and the excess cost either borne by the city or assessed against the total tributary drainage area. All costs and expenses, excluding engineering and installation, relating to the connection to the storm sewer system, shall be paid one-half by the developer and one-half by the city. The developer shall pay the cost of engineering and installation. The developer shall indemnify the city council for any loss or damage that may directly or indirectly be occasioned by the installation of the storm system.

- (c) Unpaved road ditches and street gutters may be permitted by the common council and shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four feet per second on soils having a severe or very severe erosion hazard and in excess of six feet per second on soils having moderate, slight or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes or other energy-dissipating devices.
- (d) Drainage facilities shall include water retention/detention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all stormwater drains and sewers and other cross section, invert and erosion control paving check dams, flumes or other energy-dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the city engineer.
- (e) All new development/subdivisions shall be designed with, and have installed, a storm system properly sized to handle that development's/subdivision's surface water drainage.
 - (1) Each right-of-way shall have a storm sewer sized properly to handle all unpolluted drainage for that area.
 - (2) Each lot and or building shall have an independent storm sewer drain connected to the storm system in the right-of-way. An exception may be made by the city were the sump pump hookup is deemed unnecessary by the city, upon review of the master drainage, which will be incorporated into final plat.
 - (3) All buildings in new developments/subdivisions shall make connection with the appropriate storm sewer drain for removal of sources of unpolluted surface runoff or groundwater. Such sources include, but are not limited to, foundation drains, areaway drains and sump pumps.
- (f) Existing buildings shall comply with the following requirements:
 - (1) Owners shall connect their surface water sources to the storm system installed by the city within 60 days of the city providing a lateral for such storm system

which extends to the owner's lot and services such lot.

- (2) Where any storm system lateral, extending to and servicing the owner's lot, is presently installed, and such owner shall connect their clear water sources to such storm system lateral within 60 days.
- (g) Any person failing to comply for more than ten days after notice, in writing, of their failure to make the appropriate connection shall be subject to a forfeiture of not less than \$25.00, nor more than \$50.00 for such violation.
- (h) As an alternative to the penalty, the council may cause the necessary connections to be made and the expense of such work shall be assessed as a special tax against the property in question. The owner may then, within 30 days after the completion of the work, file a written option with the city clerk/treasurer stating that he cannot pay such amount in one sum, and asking that it may be levied not to exceed five equal annual installments and that amount shall be collected with interest at the current municipal rate per annum from the completion of the work. The unpaid balance shall be a special tax lien.
- (i) All connections shall comply with the following requirements: Prior to making connections to the city's storm system the owners/developers shall obtain the approval of the manner of the connection from the city engineer. This will include engineering drawings which accurately indicate the size, slope, alignment, materials of the storm system and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling trenches.

(Ord. No. 98-12, § I(86-1-58), 5-8-1998)

Sec. 86-170. Other utilities.

- (a) The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision or certified surveyed land division.
- (b) All new electrical distribution television cables and telephone lines from which lots are individually served shall be underground unless the common council specifically allows overhead poles for the following reasons:
 - (1) Topography, soil, water table, solid rock, boulders or other physical conditions which would make underground installation unreasonable or impractical; or
 - (2) The lots to be served by such facilities can be served directly from existing overhead facilities.
- (c) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the common council and such map shall be filed with the city clerk/treasurer.
- (d) As part of the final plat, all electric power, telephone and cable television utilities shall be located in easements along rear lot lines except as may be approved by a two-thirds majority vote of both the plan commission and the common council.

(Ord. No. 98-12, § I(86-1-59), 5-8-1998)

Sec. 86-171. Streetlamps.

- (a) *Required.* The subdivider shall install streetlamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed, as determined by the city engineer. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the common council upon the recommendation of the city engineer and the utility company. All street lighting will generally be required to be located at or near intersections and at or near fire hydrants. The cost of obtaining and installing the public street lighting shall be the expense of the subdivider.
- (b) *Decorative lighting.* The subdivider may want to install decorative lighting as an option. All costs associated with the initial installation will be paid by the developer. The increased monthly lamp costs would be spread over all lots in the subdivision and billed accordingly on each lot owner's utility bill. The city shall be responsible only for base and regular street lighting costs at intersections and cul-de-sacs, with any excess lighting costs, as requested by the subdivider or property owners, being assessed directly and included as restrictions on the plat prior to it being recorded.
- (c) *Installation requirement.* The common council will not approve the final plat or any certified survey map requiring, in the discretion of the plan commission and the common council, street lighting until such time as such street lighting is fully installed at the cost to the subdivider or certified survey map property owner.

(Ord. No. 98-12, § 1(86-1-60), 5-8-1998)

Sec. 86-172. Street signs.

The subdivider shall be responsible for the installation of street and traffic signs at all intersections within the development. The design and installation shall be as specified by the city engineer and at the developer's cost.

(Ord. No. 98-12, § 1(86-1-61), 5-8-1998)

Sec. 86-173. Erosion control.

- (a) Pursuant to the city's construction site erosion control chapter (building chapter) and the city's standard specifications, the subdivider shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to ensure the minimization of erosion problems.
- (b) The common council may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures.
- (c) Tree cutting and shrubbery clearing shall not exceed 40 percent of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, preserve and improve scenic qualities and, during foliage, substantially screen any development from stream

or lake users.

- (d) Paths and trails in wooded and wetland areas shall not exceed ten feet in width unless otherwise approved by the plan commission, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.
- (e) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile laying, dredging and lagooning shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography.
- (f) Review of the conduct of such cutting, clearing and moving may be requested of the county land and water conservation department, the state district fish and game managers and the state district forester by the city engineer or plan commission as they deem appropriate.

(Ord. No. 98-12, § I(86-1-62), 5-8-1998)

Sec. 86-174. Partition fences.

When the land included in a subdivision plat or certified survey map abuts upon or is adjacent to land used for grazing purposes, the subdivider shall erect (at the request of the adjacent property owner), keep and maintain (his portion under state law) partition fences, satisfying the requirements of the state statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for grazing purposes, shall be included upon the face of the final plat or certified survey map.

(Ord. No. 98-12, § I(86-1-63), 5-8-1998)

Sec. 86-175. Easements.

- (a) *Utility easements.* The common council, on the recommendation of appropriate departments and agencies serving the city, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and force mains, lift stations or other utility lines. It is the intent of this chapter to protect all established easements so as to ensure proper grade, ensure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) *Drainage easements.* Where a subdivision is traversed by a watercourse, drainageway, channel or stream:
 - (1) There shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this section.
 - (2) The watercourse, drainageway, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be ensured and the same

provided with a stormwater easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this section.

- (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such watercourse shall be of a minimum width established at the high water mark or, in the absence of such specification, not less than 30 feet. If, in the opinion of the city engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a 100-year frequency storm. If the drainage easement is located in an established floodway area, the entire floodplain area shall be included within the drainage easement.
 - (4) Rear lot line drainage, authorized by section 86-169(c), shall be established and constructed at the time of subdivision development and will be a requirement for final plat approval.
- (c) *Easement locations.* Such easements shall be at least 12 feet wide, or wider where recommended by the city engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished to the plan commission and common council that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

(Ord. No. 98-12, § I(86-1-64), 5-8-1998)

Sec. 86-176. Bicycle paths and trails.

When required by the common council, the subdivider shall install required bicycle paths and trails in accordance with the plans and specifications approved by the city. The subdivider shall assume the entire cost of such bicycle paths and trails, except in the case of dual bicycle paths and streets. The added cost for streets wider than those required in order to accommodate bicycle paths and trails shall be the responsibility of the municipality charged with the maintenance of proposed facility. If the subdivider wishes to install dual-lane facilities, which may be required by the city, then the total cost of such improvements shall be borne by the divider.

(Ord. No. 98-12, § I(86-1-65), 5-8-1998)

Sec. 86-177. Street trees plan.

- (a) *Submission required.* Prior to recording the final plat, the subdivider may be required to submit a tree and shrub planting plan for parkways, boulevards and cul-de-sacs approved by the city affairs committee. Trees and shrubs shall not be planted in the street terrace area. Trees and shrubs shall be planted at the time and in the manner determined by the common council, with the cost of such plantings to be borne by the subdivider.
- (b) *Deposit required.* Following the approval of the final plat by the common council and prior to the signing of the plat by the mayor and city clerk/treasurer, the subdivider shall deposit

sufficient money in the city clerk/treasurer's office to cover the cost of completing the plantings in conformity with the tree and shrub planting plan. The department of public works will then cause the completion of the plantings during the next season, if not completed by the developer, either spring or fall, following acceptance of the plat's required improvements by the city. The amount of such deposit shall be established by the city, based on anticipated actual costs of furnishing and installing such plantings. All such money deposited in the city clerk/treasurer's office shall be kept in a separate account to be used solely for the purposes set forth in this section.

- (c) *Plan unit developments (PUD's)*. Planned unit developments require the submission of a tree and shrub planting plan.
- (d) *Guarantee*. The developer shall provide a plantings guarantee for one year.

(Ord. No. 98-12, § I(86-1-66), 5-8-1998)

Sec. 86-178. Improvements extended to limit of parcel.

Any and all improvements or utility services required by this chapter for the subdivision and/or minor land division of lands within the city plat approval jurisdiction shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested, unless the owner is excused by the common council, the plan commission or city utilities officials. If the improvements are required to the end of the parcel, the owner shall be required to post bond with the city if such improvements are not made.

(Ord. No. 98-12, § I(86-1-67), 5-8-1998)

Secs. 86-179--86-195. Reserved.