

**TOWN OF STANTON LAND DIVISION ORDINANCE
ST. CROIX COUNTY, WISCONSIN
2009 - 1**

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1. PURPOSE

A. The purpose of this Ordinance is to regulate and control land divisions within the Town of Stanton in order to:

- 1) Promote the public health, safety, general welfare, esthetics and environmental quality;
- 2) Promote well-designed and orderly layout and use of land;
- 3) Prevent the overcrowding of land;
- 4) Lessen congestion in the streets and highways
- 5) Provide for adequate light and air;
- 6) Facilitate adequate provision for water, sewer and other public requirements;
- 7) Provide for proper ingress and egress;
- 8) Promote proper monumenting of land subdivided and conveyed by accurate legal description; and
- 9) Implement the goals, objectives and policies of the Town of Stanton Comprehensive Plan adopted March 9, 2006.

2. EFFECTIVE DATE, AUTHORITY, JURISDICTION

A. Effective Date

- 1) This Ordinance shall be effective upon publication 2009. This Ordinance shall repeal and replace in its entirety the Town’s Subdivision Ordinance as previously approved, effective June 13, 1996 and December 7, 1976.

B. Authority

- 1) This Ordinance is adopted under the statutory authority granted pursuant to the Village Powers of the Town of Stanton, to Wisconsin Statutes §§60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45.
- 2) Any amendments, repeals or recreations of the Wisconsin State Statutes relating to this Ordinance are incorporated into this Ordinance by reference as of the effective date of the amendment, repeal or recreation.

C. Jurisdiction

- 1) This Ordinance applies to all divisions of land which occur or are proposed to occur in the Town of Stanton, St. Croix County, Wisconsin, and contains standards for selected aspects of land division.
- 2) Land in the Town is also under the jurisdiction of the St. Croix County Land Division Ordinance. The County ordinance is more comprehensive in character and addresses aspects of land division that are not addressed in this Ordinance. Land divisions shall comply with both ordinances.
- 3) The Town Board may disapprove any applications that have not had review and action by appropriate agencies.
- 4) The approving authority under this Ordinance shall be the Town Board of the Town of Stanton, after receiving the recommendation of the Town of Stanton Plan Commission.
- 5) Approval by the Town Board shall be required prior to the subdivision of a lot, parcel or tract of land in the Town of Stanton where the act of division creates one or more new lots or parcels of 35 acres or less in area unless the subdivision activity falls under one or more exemptions listed in Wisconsin Statutes §§236.03 (2) or 236.45 (2)(a)(1-3).

3. APPROVAL & EXEMPTIONS

A. Subdivision Approval

- 1) A subdivision can be created by the following means:
 - a. Recording a certified survey map or plat at the St. Croix County Register of Deeds Office.
 - b. Recording any other document or instrument that creates a parcel not previously created pursuant to this ordinance or its predecessor.
 - c. Foreclosure of a mortgage or a land contract if the foreclosure creates and/or conveys a parcel not previously created pursuant to this ordinance or its predecessor. This subsection is not to be construed as endorsing a policy encouraging rezoning or subdividing of a parcel as a prerequisite to obtaining a mortgage when inconsistent or incompatible with surrounding zoning or uses.

B. Exemptions

- 1) This ordinance, relative to land divisions of less than five parcels, does not apply to:
 - a. The creation of parcels for purposes of executing terms of a will or court order. The Town Board shall periodically request local courts to order parties to obtain

advisory review of land divisions created by will or court order for compliance with this ordinance prior to the issuance of a court order.

- b. Leases for terms not to exceed ten years, easements or mortgages.
- c. The sale or exchange of parcels of land between owners of adjoining property if:
 - (1) Additional lots are not thereby created;
 - (2) The parcels resulting are not reduced below the minimum lot length, width and area dimensions required by this ordinance or other applicable laws or regulations; and
 - (3) A certified survey map or plat is recorded to document and identify the modified parcels.
 - a) This certified survey map is not subject to the review process or any applicable fees associated with a minor subdivision, but must be reviewed by the Town Board for conformance with this exemption.
 - b) Where resulting parcels will remain at more than 35 acres and an affidavit is recorded to properly adjoin the land being transferred to the original parcel, the Town Board may waive the certified survey map requirement.
- 2) The following are exempt from this ordinance:
 - a. Cemetery plats made under Wisconsin Statutes §157.02.
 - b. Assessors' plats made under Wisconsin Statutes §70.27.
- 3) The document, plat or survey map shall identify the specific exemption claimed. Anyone using an exemption described in this section shall be subject to prosecution under this ordinance if the Town Board subsequently determines that the exemption was not available.

4. DEFINITIONS OF TERMS

A. Interpretation

- 1) For the purpose of administering and enforcing this Ordinance, the terms or words used herein shall be interpreted as follows:
 - a. Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.
 - b. The word "shall" is mandatory, not permissive.
 - c. All distances, unless otherwise specified shall be measured horizontally.
 - d. All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.
 - e. All definitions other than those referenced below shall be as defined in the St. Croix County Land Division Ordinance Chapter 13 or as the normal definition found in a standard dictionary.

B. Definitions

- 1) Certified Survey Map (C.S.M.): A map showing division of land prepared in accordance with Wisconsin Statutes §236.34 and this Ordinance.

- 2) **Cul-de-sac:** Road closed at one end with a turn-around, not platted for extension instead dead-ends.
- 3) **Development Right:** The right of a property owner to construct one or more residential dwelling units.
- 4) **Dwelling Unit:** A self-contained living unit consisting of sleeping quarters, bathroom(s) and kitchen, more than one of which may be located on one lot, parcel or building site.
- 5) **Loop:** Short, one-way through road that turns back and connects to the originating road.
- 6) **Lot:** A parcel of land numbered in sequence with other parcels shown on a certified survey map or plat.
- 7) **Major Subdivision:** A subdivision resulting in the creation of three or more lots from a parcel that existed 5 years prior to the date of the application.
- 8) **Minor Subdivision:** A subdivision resulting in the creation of two or less lots from a parcel that existed 5 years prior to the date of application.
- 9) **Ordinary High Water Mark:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.
- 10) **Parcel:** Contiguous land under single ownership, not separated by public roads or railroad rights-of-way. Creation of private or public roads after April 19, 1991, does not create separate parcels eligible for treatment under the minor subdivision provisions of this Ordinance.
- 11) **Plat:** A map showing subdivision of land prepared in accordance with Wisconsin Statutes §236 and this Ordinance.
- 12) **Subdivision:** A division of a lot, parcel or tract of land by the owner or the owner's agent for the purpose of transfer of ownership or building development where the act of division creates or results in one or more parcels or building sites of less than 35 acres in area.
- 13) **Stormwater Runoff:** Occurs when precipitation from rain or snowmelt flows over the ground causing erosion by washing away soil, flooding or pollution from picking up debris or chemicals. The runoff may remove topsoil, damage crops, cause residential flooding, or carry pollutants directly into lakes, streams, rivers or wetlands. Impervious surfaces such as frozen ground, driveways, roofs, streets and other hard-surfaced areas contribute to or cause stormwater runoff by preventing precipitation from naturally soaking into the ground.

5. PROCEDURE FOR TOWN REVIEW OF SUBDIVISIONS

A. Compliance

- 1) Subdivision proposals shall be located, designed and constructed in a manner that supports compatibility between agricultural and non-agricultural development, that protects the public safety, health and general welfare and that takes into account the

economical and efficient provision of public services, consistent with the purpose of this Ordinance.

- 2) The Town Board may impose standards and conditions upon its approval intended to accomplish these objectives.
- 3) All such conditions shall be stated in writing and given to the applicant and shall be based upon requiring compliance with the standards of this Ordinance, other Town ordinances, St. Croix County ordinances, and/or Chapter 236 of the Wisconsin Statutes.

B. Submittals

- 1) The subdivider shall submit ten copies of the certified survey map or plat and accompanying materials in the same form and same time frame as submitted to St. Croix County for the Town of Stanton Plan Commission and Town Board, see the St. Croix County Land Division Ordinance, Chapter 13, §§13.2 and 13.5.
- 2) All applicants shall pay review fees as set by the Town Board, see §12 of this Ordinance.

C. Review Process

- 1) The applicant is strongly encouraged to initiate the review process with both the Town of Stanton and St. Croix County simultaneously to make changes in a timely manner, meet deadlines and prevent conflicting information or maps from being provided to either agency. See the St. Croix County Land Division Ordinance Chapter 13, §§13.2 and 13.5. If applicable the City of New Richmond should also be included in the review process.
- 2) The Town of Stanton Plan Commission shall make a recommendation to the Town Board after review of the application and certified survey map or plat.
- 3) The Plan Commission recommendation shall be submitted to the St. Croix County Planning and Zoning Department.
- 4) Based on the recommendation of the Plan Commission the Town Board may require the applicant to provide both a preliminary certified survey map or plat and a final certified survey map or plat for recommendation and approval. This will allow the Town Board to inspect and approve required improvements such as drainage easements, stormwater ponds or roads before granting final plat approval. In this situation the Town Board shall follow the process outlined in the St. Croix County Land Division Ordinance, Chapter 13, §13.5 for review and decision on the preliminary and final plats.
- 5) The Town Board shall approve, conditionally approve, or reject the certified survey map or plat within 90 days of its submission. Failure of the Town Board to act within 90 days or any agreed upon extension of that period constitutes approval of the application. Upon written request by the applicant, the Town Chair shall execute a certificate to that effect on the face of the certified survey map or plat, except as provided in paragraphs 9), 10) and 11) below. If the approval process consists of preliminary and final phases, the Plan Commission and Town Board shall have 90 days to make a decision on each phase.

- 6) Action by the Town Board may be postponed past a 90-day limit by written agreement between the Town Board and the subdivider, or upon determination by the Town Board that additional information is required.
- 7) The St. Croix County Planning and Zoning Department shall be notified of the decision to postpone and the reason.
- 8) Postponements shall not constitute approval.
- 9) Upon submittal of the certified survey map or plat, the Town Board shall conduct a first inspection of road paving, if applicable. Road paving shall be approved prior to certifying approval of the certified survey map or plat.
- 10) The Town Board may approve conditionally if the road paving is not complete but shall not certify the approval as provided in paragraph 12) below.
- 11) When the Town Board determines to reject a subdivision application, it shall place a written statement of the reasons for the rejection in the minutes of the meeting at which the decision was made and shall supply the applicant with a copy of the minutes or a written statement of the reasons contained therein within 15 days of the action. The St. Croix County Planning and Zoning Department shall be notified of decision to reject and the reasons.
- 12) If the subdivision by certified survey map or plat is approved, the Town Board Chair will certify the approval on the final certified survey map or plat upon the request of the applicant.
- 13) A preliminary and/or final certified survey map or plat with approval certified by the Town Board Chair shall be sent to the St. Croix County Planning and Zoning Department.

D. Appeal

- 1) Any person aggrieved by the decision of the Town Board to reject a subdivision application may appeal the rejection to the courts as provided in the Wisconsin Statutes §236.13(5).

6. STANDARDS FOR SUBDIVIDING LAND

A. Suitability

- 1) No land shall be subdivided that is held unsuitable for its proposed use by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or septic system capabilities, or any other feature or circumstance likely to result in the imposition of unreasonable costs to remedy severe or avoidable problems or to be harmful to the health, safety or general welfare of the present or future residents of the Town.
- 2) No land shall be subdivided which because of its soil characteristics, aggregate acreage, proximity to other farms or other pertinent characteristics, has a high value for continued farm use. To promote the orderly use of land, preserve the character of agricultural areas of the town and encourage the use of land most appropriate to the essential nature of the land itself, land divisions shall be prohibited from intruding on agricultural lands totally or predominantly identified by the Natural Resource

Conservation Service as Class I through III, or Class IV where there is a strong irrigation potential or where there is a history of farming or where the site is accessible for farming.

- 3) The Town Board in applying the provisions of this section shall identify in writing the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and shall then afford the subdivider an additional opportunity to present evidence regarding such suitability. Thereafter, the Town Board may affirm, modify or withdraw its determination of unsuitability to allow subdivision.

B. Design Standards for all Subdivisions

- 1) This Ordinance contains standards for selected aspects of land divisions. The St. Croix County Land Division Ordinance, Chapter 13, is comprehensive in character and addresses more features of land division than are addressed by this ordinance. Where the standards of this Ordinance are more restrictive than standards in the St. Croix County Ordinance, this Ordinance's more restrictive standards shall apply. Where the St. Croix County Ordinance is more restrictive or where the St. Croix County Ordinance sets standards for aspects of land divisions which are not addressed by standards of this Ordinance, the St. Croix County Ordinance shall apply.
- 2) Land in the Town of Stanton, zoned Exclusive Agriculture under the St. Croix County Zoning Ordinance, shall have a density allocation of one residential development right for every quarter-quarter section of land as depicted by the Public Land Survey System or every 40 acres owned.
- 3) All subdivisions shall be done by minor subdivision as defined in **§4. Definitions B.6)** of this Ordinance.
- 4) Major Subdivisions shall not be allowed as defined in **§4. Definitions B.5)** of this Ordinance.
- 5) The size, shape and orientation of all lots shall be appropriate to the uses intended.
- 6) All setbacks for buildings, structures or improvements shall be consistent with the Town of Stanton Driveway Ordinance and the St. Croix County Zoning Ordinance Chapter 17.
- 7) Minimum lot size shall be two acres. Maximum lot size shall be 3.9 acres.
- 8) Each lot created by the subdivision of land shall have frontage on and usable access to an existing public road or to a town-approved new public road.
- 9) New public roads shall only be allowed when lots are grouped together over time and accomplish the following:
 - a. To reduce the proliferation of driveways onto existing roads;
 - b. To allow the grouping of minor subdivision lots over time in a manner that improves the layout and functionality of the lots;
 - c. To discourage scattered development;
 - d. To preserve larger tracts of agricultural land;
 - e. To protect natural resources; and
 - f. To reduce the visibility of development.

- 10) New public roads shall not be designed to end in a cul-de-sac or other dead-end unless no other alternative is possible as determined by the Town Board. A loop road shall be considered as an alternative before allowing a cul-de-sac.
- 11) To protect and preserve shorelines and their related environmentally sensitive areas and thereby maintain surface and ground water quality and protect fishing resources, lots created in the shoreland or floodplain shall have setbacks from the Ordinary High Water Mark consistent with the St. Croix County Zoning Ordinance, Chapter 17. These setbacks shall be shown on certified survey maps or plats for minor subdivisions.
- 12) Based on recommendation from the Plan Commission, the Town Board shall determine whether a storm water management plan and/or drainage easements shall be required to manage stormwater runoff. An engineer shall be hired to assist with the analysis of the need for, type and size for a storm water management plan and/or drainage easement. The plan and/or easement shall meet the standards of the St. Croix County Land Division Ordinance, Chapter 13, §§13.7 E. and F. The engineer's analysis shall be provided to the Plan Commission and Town Board for review. All costs and expenses incurred regarding the hiring of such engineer shall be borne by the subdivider. The cost of any curb and gutter required shall also be borne by the subdivider.

C. Road Standards

- 1) All roads which are proposed to be reconstructed, upgraded, or built and dedicated to the public shall meet the design and construction standards of the St. Croix County Land Division Ordinance or the Town of Stanton standards for town roads, as may be established from time to time. Town roads shall have right of way width and grade characteristics that meet statutory requirements and qualify the road for receipt of state highway funds pursuant to Wisconsin Statutes §§86.30 - 86.31 and any other applicable portions of the Wisconsin Statutes.
- 2) All designated public roads shall be offered for dedication to the Town.
- 3) Before a proposed public road can be accepted by the Town, such road shall be paved with hot mix blacktopping material, according to standards provided by the Town and of a type and quality equivalent to the hot mix blacktopping material in use by the Town of Stanton.
- 4) A schedule for road construction and paving shall be submitted to the Town Board and approved with or without modifications. The construction and paving schedule shall be an enforceable condition of the Town's preliminary approval of the subdivision by certified survey map or plat.
- 5) The first inspection of paving and material shall be approved by the Town Board prior to its acceptance of the road and the Town Board Chair certification of the final certified survey map or plat.
- 6) The Town shall specify the standards for signage, lighting, culverts, posts, guard rails and curb and gutter along roads if required. The cost of such lights, signs, culverts, posts, rails or curb and gutter shall be paid by the subdivider.

- 7) The road is accepted when the final certified survey map or plat is approved and recorded.

7. ROAD PAVING FINANCIAL ASSURANCE

A. Assurance Standards

- 1) As a condition of road acceptance, the developer shall provide a paving assurance to the Town.
- 2) The assurance shall be an irrevocable Letter of Credit or Bond from an Federal Deposit Insurance Corporation insured bank or lending institution acceptable to the Town.
- 3) The amount shall be 75% of the verified paving costs and the assurance shall be good for one year following approval of the final certified survey map or plat by the Town Board.

B. Release Process

- 1) Final inspection of the paving shall occur within one year of the final approval of the certified survey map or plat and acceptance of the road.
- 2) Release of the assurance shall occur after final paving inspection and approval by the Town.
- 3) If the paving is rejected the responsible party will correct the condition or the Town may utilize the financial assurance to complete the corrective action.
- 4) If the Town takes no action to approve or reject the paving within one year of the acceptance of the road, the paving shall be deemed to have been approved and the responsible party shall be released from the paving assurance.

8. ENGINEER'S APPROVAL

- A. The adequacy of all proposed public improvements in the nature of roads, storm water management, erosion control, storm sewer system, and the proper design, construction and installation thereof, including any necessary maintenance plans, may be subject to the review and approval of a professional engineer, if necessary, hired for that purpose by the Town of Stanton.
- B. All costs and expenses incurred in the hiring of such engineer by the Town Board shall be paid by the subdivider. The Town Board may require payment of a reasonable advance deposit against the costs and expenses of the Town's hiring an engineer.

9. EASEMENTS

- A. The Town Board may require an easement of a width deemed adequate for the proposed use to be laid out within the proposed subdivision for an existing or future use such as electric power; communication facilities; storm sewer; sanitary sewer; roads; trails; and gas, water or other utility lines.
- B. When such easements are specifically located in the area being subdivided, they shall be placed so as not to interfere unreasonably with the use and enjoyment of the property for residential or other purposes. Generally that will mean within setbacks along the property lines.

C. All easements shall be noted on the final plat filed by reference to the intended use.

10. ISSUANCE OF BUILDING PERMITS

A. No building permit for any lot shall be issued by the Town of Stanton until all improvements required by §§ 6. **Standards for Subdividing Land**, 7. **Road Paving Financial Assurance**, 8. **Engineer's Approval** and 9. **Easements** of this ordinance have been completed in compliance with the requirements herein.

B. No building permits shall be issued concerning any lot created in violation of any requirement of this Ordinance.

11. WAIVER

A. Purpose

- 1) If a subdivider can clearly demonstrate that one or more unique conditions affecting the land to be divided make the literal application of one or more of the design standards impracticable or unduly burdensome, the Town of Stanton Board may waive such standards as may be reasonable, provided that the waiver is not contrary to the general intent and purposes of this ordinance and the health, safety, general welfare and aesthetics of the neighborhood.

B. Application for Waiver

- 1) An application for a waiver of design standards shall be made by the subdivider on a form provided by the Town of Stanton Clerk.
- 2) It shall be filed with the Town of Stanton Clerk at or before filing the preliminary plat or, if the unique condition is discovered later, at the time of discovery.
- 3) The application shall fully state all facts relied upon to support the waiver and shall include drawings, studies, plans, or other information that will aid the Town of Stanton Plan Commission and Board in reviewing the application.
- 4) The Town of Stanton Plan Commission shall hold a public hearing on the application.
- 5) The Town of Stanton Plan Commission will review the waiver application and make its recommendations to the Town of Stanton Board, which will make a final determination on the waiver.

C. Conditions

- 1) The Town of Stanton Plan Commission and Board actions shall comply with the following conditions.
 - a. A waiver shall not violate the general intent and purposes of this ordinance or be detrimental to the health, safety, general welfare or aesthetics of the neighborhood.
 - b. The condition for which a waiver from a design standard is sought must be unique to the property.
 - c. A waiver may not be based on mere inconvenience or financial hardship to the subdivider or a self-created hardship of the subdivider.
 - d. A waiver is necessary for the preservation and enjoyment of substantial property rights possessed by the subdivider.

- e. A waiver shall provide only the minimum relief necessary to alleviate the hardship.

D. Approval Process

- 1) A Class 2 notice shall be published for the hearing.
- 2) Additionally, notification of adjacent landowners by certified return receipt will be required. The landowner/developer shall be responsible for providing all notifications.

E. Decision

- 1) The Town of Stanton Board shall approve, deny, or approve with conditions an application for a waiver within 60 days of filing the application with the Town of Stanton Clerk.
- 2) If a decision is not made within the 60 days, the waiver shall be deemed approved, unless the time for making a decision is extended in good faith.
- 3) The decision shall be in writing and shall explain the reasons for the decision.
 - a. The original decision shall be filed in the Town of Stanton Board's office.
 - b. The Town of Stanton Board shall provide the subdivider a copy of the decision within five business days of the decision.
 - c. A copy of the decision shall be mailed to the subdivider and St. Croix County Planning and Zoning.

12. FEES

A. Standard Fees

- 1) Any person applying for a land division shall pay fees to the Town of Stanton for the cost of administration, review, inspection, advertising, legal review and processing.
- 2) Any person requesting a waiver to the standards of this ordinance shall pay a fee to the Town of Stanton for the cost of the hearing, advertising and processing.
- 3) All fees shall be established by the Stanton Town Board.

B. Extraordinary Fees

- 1) The subdivider shall pay a fee equal to the cost to the Town of Stanton of any extraordinary legal, administrative or fiscal work done in connection with the certified survey map or plat.
- 2) The subdivider may be required to reimburse the Town for the expense of a legal opinion from the Town of Stanton Counsel or outside counsel confirming title or sufficiency of deed restrictions, covenants, conservation easements, condominium instruments, Developer's Agreements or other documents related to the subdivision.
- 3) These fees may also include the cost of obtaining professional work or opinions including, but not limited to, engineers, surveyors, foresters, hydro geologists, landscape architects or land planners.

C. Impact Fees

- 1) If the Town of Stanton enacts an ordinance authorizing impact fees, such fees shall be paid according to state statutes.

13. VIOLATIONS & ENFORCEMENT

A. Violations

- 1) Subdividing a lot, tract or parcel that fails to comply fully with this ordinance or any other Town ordinance regulating land development or fails to comply fully with all conditions imposed by the Town Board during its review and action.
- 2) Offering for sale or selling a lot, tract or parcel in a final plat or certified survey map that has not been approved pursuant to this ordinance.
- 3) Improperly recording or causing to be recorded a final plat or certified survey map or a metes and bounds description of a lot, parcel or tract that does not comply with this ordinance or has not been approved pursuant to this ordinance.
- 4) Offering for sale or selling lots, tracts or parcels in a final plat or certified survey map that has not been recorded unless the offer or contract for sale includes language making the sale contingent upon approval of the final plat or certified survey map, and the sale void if it is not approved.
- 5) Selling land which abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing that the road is not a public road and maintenance is not required to be performed by the County or town.
- 6) Any violation of Wisconsin Statutes Chapter 236 or any applicable State of Wisconsin administrative rules.

B. Authority

- 1) Any person, partnership, corporation or other entity that fails to comply with the provisions of this ordinance shall, upon adjudication of violation, be subject to penalties and forfeitures as provided in Wisconsin Statutes §§ 236.30, 236.31, 236.32, 236.335, and 236.35 and this ordinance.
- 2) Any failure to take action on past violations shall not operate as a waiver of the right to take action on present violations.
- 3) Any subdivision or land development activity not in compliance with this Ordinance shall be a violation of this Ordinance regardless of whether knowledge of or intent to violate was present.

C. Enforcement

- 1) The Stanton Town Board may institute any appropriate action or proceeding against violators of this ordinance as provided by law or this ordinance or commence a lawsuit seeking forfeitures and/or injunctive relief.
- 2) In general, the Town of Stanton Board shall use the following, in the order listed, to address violations of this ordinance:
 - a. Issue a notice of violation and order that specifies the corrective action to be taken
 - b. Refer the matter to legal counsel for evaluation and commencement of a lawsuit when the violation merits such action.

- 3) The Town of Stanton Board is not mandated to follow the order of possible action if, in the Town of Stanton Board's discretion, a situation requires different action.
- 4) If the responsible parties fail to correct within the time specified, the Town Board may commence corrective action. Upon completion of those actions the Town Board following Wisconsin Statutes §66.0703 can levy special charges upon benefitting property within the development to recoup the cost of the corrective action.
- 5) In addition, the Town Board may order an assessor's plat pursuant to the provision of Wisconsin Statutes. §70.27 whenever the conditions specified in that section are found to exist.

D. Forfeitures

- 1) Any person, firm or corporation who is adjudicated for violating this ordinance shall pay a forfeiture of not less than \$10 per violation or more than \$1,000 per violation and/or be subject to injunctive relief.
- 2) Each day a violation exists is a separate violation.
- 3) The person adjudicated for violation of this ordinance shall pay court costs and attorney's fees. The remedies provided herein shall not be exclusive of other remedies.

14. ORDINANCE INTERPRETATION

A. Abrogation

- 1) It is not intended that this ordinance repeal, abrogate, annul, impair or interfere with any easements, covenants, deed restrictions, agreements, regulations or permits. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

B. Liberal Construction

- 1) The provisions of this ordinance shall be liberally construed in favor of the Town of Stanton and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town of Stanton. If there is a conflict between this ordinance and any other ordinance of the Town, the provisions of this ordinance shall govern.

C. Severability And Non-Liability

- 1) If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected.
- 2) If any application of this ordinance to a particular parcel or lot of land, building, structure, water or air is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other land, building, structure, water or air not specifically included in said judgment.
- 3) The Town Board and Plan Commission do not guarantee, warrant or represent that only those areas delineated as floodplains on certified survey maps and plats will be subject to periodic inundation. Nor do the Town Board and Plan Commission

guarantee, warrant or present that the soils shown to be unsuitable for a given land use from tests required by this ordinance are the only unsuitable soils on the parcel. The Town Board and Plan Commission assert that there is no liability on the part of the Town of Stanton, its agencies or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon and conformance with this ordinance.

Date of Approval by Town Board: 8-13-09

By: _____

Richard Hesselink, Town Chairman

Walter Andersen, 1st Supervisor

Steve Hoogheem, 2nd Supervisor

ATTEST:

By: _____

Sharon Balcerek, Town Clerk

DATE PUBLISHED: 9-17-09

EFFECTIVE DATE: 9-17-09

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Steve Hoogheem, 2nd Supervisor

ATTEST:

By: 

Sharon Balcerek, Town Clerk

DATE PUBLISHED: 9-17-09

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