

**ORDINANCE NUMBER 4.01**

**AN ORDINANCE OF THE TOWN OF BRIGHAM**

**TO ESTABLISH PROCEDURES AND REGULATIONS FOR**

**SUBDIVISIONS AND LAND DIVISION**

**SECTION A Authority.**

These regulations are adopted under the authority granted by § 236.45 of the Wisconsin Statutes.

**SECTION B Purpose and Intent.**

The purpose of this ordinance is to promote the public health, safety and general welfare of the Town, and to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, energy and communications facilities, surface drainage, schools, parks, playgrounds and other public requirements; to facilitate the further re-subdivision of larger parcels into smaller parcels of land.

**SECTION C Definitions.**

For the purposes of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory.

**1 Board:** The Town of Brigham Town Board.

**2 Certified Survey Map:** A map of land division, not a subdivision, prepared in accordance with § 236.34 Wisconsin Stats., and in full compliance with the applicable provisions of this ordinance where the act of division creates four or fewer parcels of 40 acres or less. A certified survey map has the same legal force and effect as a subdivision plat.

**3 Contiguous:** For the purposes of this ordinance, this shall refer to property that is adjoined by a minimum of 50 feet of shared boundary. A river or road, unless owned by another party, does not constitute a break in contiguity.

**4 Comprehensive Plan:** A plan for guiding and shaping the growth or development of the Town of Brigham, which has been adopted by the Town of Brigham, and whose preparation is authorized by the Wis. Stats §66.1001. The Town of Brigham Comprehensive Plan was originally adopted May 14, 2008.

**5 Development:** Any manmade improvements to a property that may require a permit, such as the construction of a driveway, building, structure, pond, grading/filling or modifications to any such existing improvements, including a land division.

**6 Development Plan:** A general site analysis for a land division or subdivision and its environs identifying and analyzing the natural and cultural features of the area.

**7 Extraterritorial Plat Approval Jurisdiction:** The unincorporated area within one and one-half (1½) miles of the village, if said village has a subdivision ordinance or official map.

**8 Land Division:** Any division of a parcel of land where the act of division creates a lot, parcel or building site of less than 40 contiguous acres.

**9 Lot:** A parcel of land occupied by or designed to provide space necessary for one main building and its accessory buildings or uses that abuts by ownership or legal easement a publicly dedicated road. A lot shall be created by a subdivision plat, or certified survey map. A tax parcel shall not be considered a lot. No land included in any road or railroad right-of-way shall be included when computing the area for minimum lot sizes where said right-of-way has been deeded to a separate identity. Unless previously deeded or dedicated, no road, easement, railroad right-of-way, river, stream or water body shall constitute a break in contiguity.

**10 Official Map:** A map indicating the location, width, extent of existing and proposed streets, highways, parks and playgrounds adopted by the Town of Brigham in accordance with § 62.23 Wisconsin Statutes.

**11 Parcel:** see Lot.

**12 Parent Property:** A contiguous parcel of land, legally defined, at the time of the original adoption of the Town of Brigham's Comprehensive plan, May 14, 2008. A parent property shall be that tract of land as described in a deed recorded with the Iowa County Register of Deeds.

A parent property may be any size and will continue to be referred to as a parent property regardless of land divisions, subdivisions, and divisions of land that create smaller units by sale, CSM, or other legal means. The parent property is tracked as a property rather than by the owner(s) of the parent property at a particular time.

**13 Preliminary CSM (Certified Survey Map):** As written, certified survey maps apply to parcels of 40 acres or less. This would mean that the sale of a parcel of land defined by the Northwest Ordinance of 1787 definitions (say, the "northwest ¼ of the northeast ¼ of Section 3) cannot be conveyed without a certified survey map.

**14 Plan Commission:** The Town of Brigham Plan Commission.

**15 Plat:** A map of a subdivision.

**16 Replat:** The changing of the boundaries of a recorded subdivision plat or any part thereof.

**17 Shoreland Area:** All lands lying within one thousand (1,000) feet of the ordinary high water mark, high water elevation of navigable lakes, ponds, or flowages, or within one thousand (1,000) feet of the high water mark of glacial potholes; all lands lying within three hundred (300) feet of the normal, high water mark of navigable streams, or within the flood plain thereof, whichever distance is greater. For the purposes of this ordinance, the term “navigable waters” applies to all nonintermittent streams and bodies of water indicated on the 7.5 minute series of the United States Geological Survey Quadrangles, and any other rivers, streams, lakes, ponds or flowages designated as navigable by the Wisconsin Department of Natural Resources.

**18 Street:** A public way or right-of-way for vehicular or pedestrian and vehicular traffic.

(a) Arterial Streets and Highways. Streets which provide for rapid movement of concentrated volumes of traffic over relatively long distances between activity areas. Includes all Federal highways other than the interstate highway, all state and county highways, and designated township roads.

(b) Local Streets. Streets designed for low speeds and volumes, which provide access from low traffic generating areas to collector and arterial streets.

**19 Subdivider:** A person, firm, corporation and/or their designated agent initiating the creation of a land division or subdivision.

**20 Subdivision:** The division of a lot, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of less than 40 acres each or less in area or where the act of division creates five (5) or more parcels or building sites of less than 40 acres each or less in area by successive division within a five-year period.

**21 Town Board:** The Town of Brigham Town Board.

## **GENERAL PROVISIONS**

### **SECTION D Compliance with Ordinances, Statutes, Regulations and Plans.**

Any person, firm or corporation dividing land which results in a subdivision or a land division shall prepare a subdivision plat, certified survey map, or plat of survey in accordance with the requirements of this ordinance and applicable state statutes.

**Four splits in Five Years: The Town of Brigham allows up to four (4) land divisions per parent property (as defined May 14, 2008) every five years (during a five-year period), which would create new parcels, lots or tracts of land that are less than 40 acres. If a division of property creates parcels of 40 acres or more, they do not count as splits; however, the total number of splits on the original parent property still remains four in five years.**

**Example A: If a 160-acre parcel (parent property as of May 14, 2008) is divided into four 40-acre parcels, no land splits have occurred. However, the parent property is still the original 160 acres and the total number of splits allowed in a five year period in those four 40-acre parcels is four. If one 40-acre parcel uses all four splits, the other three will not be allowed any splits for five years, regardless of who owns them.**

**Example B: If a 40-acre parcel (parent property as of May 14, 2008) is split into four ten-acre parcels, four land divisions have occurred and no more splits can occur in any of those 10-acre parcels for the next five years.**

## **SECTION E Dedication of Lands for Streets and Public Ways.**

Whenever a parcel of land to be divided or sold as a subdivision or as a land division contains all or in part, a street, drainage way, or other public way, which has been designated in a master plan defined in this ordinance, or an official map adopted under Section 62.23 of the Wisconsin Statutes, said street or public way may be required to be platted and dedicated in the location and width indicated unless otherwise provided herein. Any street created for the purposes of this Section shall be made a part of a plat or certified survey, and dedicated to the public for street purposes. However, the dedication of street right-of-way shall not create a commitment by the Town Board to construct, improve or maintain any roadbed placed upon said right-of-way. Acceptance of any street, road or highway for maintenance purposes shall require compliance with the design and construction standards of this ordinance and those of the applicable highway maintenance authority. The width of any dedicated street shall be sixty-six (66) feet, unless a wider right-of-way is requested by the appropriate highway authority, in which case, the wider right-of-way shall be dedicated. Rights-of-way less than sixty-six (66) feet wide are prohibited, except as approved in writing by the Town Board upon their finding that a wider right-of-way is unnecessary or impractical to achieve.

## **SECTION F Exceptions.**

The provisions of this ordinance shall not apply to transfer of interests in land by will or pursuant to court order; leases for a term not to exceed ten (10) years, mortgages or easements; or the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance, the county zoning ordinance or other applicable laws or ordinances.

## **PROCEDURES**

### **SECTION G Pre-Application Procedure.**

Prior to filing an application for approval of a certified survey or subdivision plat, the sub-divider and/or his agent shall consult with the Town Board for advice and assistance for the purpose of reviewing the procedures and requirements of this ordinance and other ordinances, and any plans or data which may affect the proposed development.

### **SECTION H Development Plan.**

**1** A development plan, when required, shall address the broader issues of development and land use in and around any proposed subdivision. The purpose of this plan is to be an opportunity to identify any issues that may be involved with a proposed development prior to a significant investment by an applicant. It is not intended that a surveyor or engineer need be employed to create this plan. The data used to prepare the development plan may be obtained from readily available sources (i.e., U.S.G.S., N.R.C.S., A.T.C.P., DNR, etc.), rather than from detailed field investigations. However, the developer is expected to prepare a comprehensive presentation of the information required. At a minimum, the area to be included in a development plan shall include all contiguous lands owned, leased, optioned or otherwise under the control of the developer, plus those adjacent areas specified in this section. The following data shall be presented and analyzed in a development plan:

(a) Geographical information: Boundaries of the developer's property, and boundaries of the proposed subdivision, if different; ownership and location of all adjacent properties (excluding public rights-of-ways and streams less than three hundred (300) feet wide); location and name of all public rights-of-way and publicly owned lands within one thousand (1,000) feet of any property boundary; location, size and ownership of all public utilities within three hundred (300) feet of the property.

(b) Natural features: Soil conditions, including wet areas and rock outcrops; general topography and delineation of all areas with slopes over ten percent (10%); location and names of all streams, lakes and flood plains within one thousand (1,000) feet of the property;

(c) Cultural features: Existing zoning of the property and all contiguous properties; all existing easements on the property; the boundary of any unit of government within one thousand (1,000) feet of the property; location of any airport, solid waste disposal site, sewage treatment facility, water treatment plant, school, cemetery, or other significant cultural feature within one thousand (1,000) feet of the property.

(d) Development proposal: Approximate density and type of development; proposed land use(s); approximate lot sizes (minimum, maximum and average); approximate location and size of all streets, public dedications and utilities proposed; proposed filling, grading, lagooning, dredging and/or flood proofing; anticipated timing of the development; where appropriate, the developer may wish to obtain and attach the comments of affected agencies, groups and/or individuals.

(e) Form of presentation: The methods used by the developer to prepare and present the development plan shall be governed by the Town Board's need for a clear, concise description of the proposed development. At a minimum, each presentation must include a scaled aerial photograph of the affected property and all plot plans identifying proposed development must be scaled.

## **SECTION I Development Plan Procedure.**

**1** A development plan is to be used for the purpose of generating information and to allow analysis of major developmental proposals that involve a Certified Survey Map or subdivision. The general physical and cultural characteristics of the land on which development is proposed should be ascertained by the subdivider/developer and the Plan Commission before major resource commitments are made.

**2** A development plan shall be required of all subdivisions and for all land divisions involving new development unless specifically waived by the Town Board.

**3** A required development plan shall be submitted at least thirty (30) days prior to the submission of a preliminary or final plat or certified survey map. Within the first ten (10) working days after submission of the development plan, the Plan Commission may request additional relevant information or clarification of the submitted information. The aforementioned thirty-(30) day period may, at the Plan Commission's option, be extended from the date of receipt of the requested supplemental information. A reproducible developmental plan shall be submitted to the Town Board. At a minimum, the review and comment procedure shall consist of:

(a) Preparation of a written report addressing any issues relevant to the development proposal and including any recommendations deemed appropriate. Copies of the report shall be forwarded

to the subdivider and any town wherein the proposed development is located, and any village or city adjacent to the proposed subdivision or development for opportunity to comment.

(b) All parties notified and any other interested parties may review and comment in writing on any development plan submitted and/or the report. All written comments shall be forwarded to the Plan Commission, and all parties who received the report and any other parties commenting on said report shall be notified in writing of any public meeting at which the Plan Commission will consider or discuss the proposed development plan.

(c) After reviewing the development proposal and the resulting reports and comments, the Plan Commission shall report its findings concerning the suitability and appropriateness of the development proposal to the subdivider, any town within which the proposal is located, and any adjacent village and city. The Plan Commission's report shall not constitute approval or denial, nor shall it preclude submission of preliminary or final plats by the subdivider

(d) The Plan Commission shall recommend approval or rejection of the development proposal to the Town Board. The Town Board, taking the Plan Commission's recommendation under consideration, makes the final determination on the approval or rejection of the development proposal.

## **SECTION J Preliminary Plat Procedure for Subdivision.**

**1** A preliminary plat shall be required for all subdivisions. A preliminary plat is required if the division of a lot, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates, will create, or has created, five or more parcels within a five-year period. Proposal of a preliminary plat shall require a public hearing before the Plan Commission for review and action. No final plat shall be approved prior to the approval of required preliminary plat. The application for approval of a preliminary plat shall include all data required by this ordinance accompanied by one (1) reproducible and ten (10) copies of the proposed preliminary plat.

**2** The preliminary plat shall include the entire contiguous area owned or controlled by the subdivider unless a development plan has been filed, in which case, only that portion of the area designated for development in the development plan need be included.

**3** The Plan Commission shall, within 45 days of the submission of the preliminary plat, hold a public hearing to review it. The public hearing shall be scheduled before the Plan Commission with notices of said hearing sent by regular mail 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 two hundred (200) feet of the exterior boundaries of the proposed replat.

**4** The Plan Commission shall, within 60 days of the submission of the preliminary plat, submit a recommendation to the Town Board for its approval, conditional approval, or rejection.

**5** The Town Board shall, within 90 days of the submission of the preliminary plat, either approve it, conditionally approve it, or reject it.

#### **SECTION K Final Plat Procedure for Subdivision.**

Provided that all preliminary procedures have been completed, the subdivider shall submit one (1) reproducible and ten (10) copies of the final plat. If the final plat meets the requirements of this ordinance, and other applicable statutes and ordinances, the Plan Commission shall approve the final plat of the subdivision within thirty (30) days from the date submitted and after review at a public hearing. Town Board approval shall occur within sixty (60) days from the date submitted and prior to final county approval, where applicable.

#### **SECTION L Replat for Subdivision.**

**1** When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided by Sections 236.40 through 236.44, Wisconsin Statutes. A public hearing shall be scheduled before the Plan Commission with notices of said hearing sent by regular mail 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 two hundred (200) feet of the exterior boundaries of the proposed replat.

**2** Any proposed replat involving up to four lots only may present a proposed Certified Survey Map prepared by a surveyor meeting the requirements of Chapter 236 of Wisconsin Statutes.

**3** Any proposed replat involving more than four lots shall follow the process described in Sections M and N of this ordinance.

#### **SECTION M Land Division Certified Survey Map Procedure.**

**1** No person, firm or corporation shall divide any land located within the Town of Brigham which shall result in a land division, as defined under Section C of this ordinance, without first filing for approval by the Town Board, and subsequently filing with the Town of Brigham Clerk a certified survey map which complies fully with Wis. Stat. Chapter 236.34 and with all applicable requirements contained within this ordinance.



**2** A certified survey map is not required when a land division is proposed that will involve the subsequent lot or lots being acquired by an adjacent property owner, provided the subsequent lot or lots are added into the adjacent property owner's existing property by deed and result in a total of 40 or more contiguous acres.

**3** A certified survey map shall include all lots, parcels or building sites created by the land division and all remnants of the original parcel that meet the applicable zoning requirements and that are less than forty (40) acres in size. A quarter quarter section so described (ex. NW1/4 of the SE1/4) shall, for the purposes of this ordinance, be considered 40 acres and not subject the Certified Survey Map requirement.

**4** The Plan Commission shall, within sixty (60) calendar days, make a recommendation to the Town Board to approve or reject the certified survey map, based on a determination of conformance with the provisions of this ordinance, and all other Town ordinances.

**5** The Town Board shall approve or reject the certified survey map within ninety (90) days of the original submission date. A denial by the Town Board shall be in writing and cite any options that may reverse said denial. A denied certified survey map shall not be executed by the Town of Brigham Clerk nor shall the proposed land division be so.

**6** When a land division is being proposed that requires a land use change (rezoning), it is recommended that the application is made for said land use change hearing prior to the creation of a Certified Survey Map. This determination will likely be made upon review of a development plan. The land use change process will, at a minimum, require a metes and bounds legal description of the proposed lot that, if approved, will subsequently need to be converted to a Certified Survey Map. The intent of this process is to avert the cost of a Certified Survey Map prior to the public hearing on a land use change petition.

**7** The certified survey map shall be prepared by a registered land surveyor at a scale of not more than four hundred (400) feet to one (1) inch. The certified survey map shall comply with the requirements of Wis. Stats. Chapter 236 and include:

(a) The name and address of the individual dividing the lands.

(b) The date of the survey.

(c) A metes and bounds description

(d) The locations, rights-of-way widths and names of existing or proposed streets, alleys or other public ways; easements, and railroad and utility rights-of-way included within to the proposed land division.

(e) The area(s) of the lot(s) described in square feet and acres.

(f) Utility easements and access restrictions, where applicable.

## **DATA SUBMISSION REQUIREMENTS**

### **SECTION N Preliminary Plat.**

**1** The preliminary plat shall be based upon a survey by a registered land surveyor or engineer and shall be drawn at a scale of one hundred (100) feet to one (1) inch, and shall show correctly on its face:

(a) Date, graphic scale and north point.

(b) Name of the proposed subdivision.

(c) Name, address and telephone number of the landowner, subdivider and person to be contacted regarding the plat.

(d) Location of the proposed subdivision by legal description and indication on township map(s).

(e) A scaled drawing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey, and the total acreage encompassed thereby.

(f) Location and names of adjacent subdivisions, parks and cemeteries.

(g) Location, dimensions and names of all existing easements and rights-of-way within the proposed subdivision.

(h) Location, dimensions and names of all proposed streets, rights-of-way and easements within or adjacent to the proposed subdivision.

(i) Location of existing property lines, buildings, drives, within the parcel being subdivided.

(j) Location and approximate high water elevations of all streams and water courses, lakes, marshes and flowages within five hundred (500) feet of the proposed subdivision.

(k) Delineation of flood plain and zoning boundaries within and adjacent to the proposed subdivision.

(l) Contours at vertical intervals of not more than two (2) feet for a slope less than twelve percent (20%) and five (5) feet for a slope of twelve percent (20%) or more.

(m) On-site sewage disposal suitability, including soil suitability, depth to ground water and bedrock, and slope in the form of a soil test filed with an approved by the Town Board for each

proposed lot in compliance with the provisions of Comm 83 and the Iowa County Sanitary Ordinance.

(n) Source and availability of potable water supplies.

(o) Location and approximate dimensions of any sites to be reserved for or dedicated to the public.

(p) Approximate dimensions of all lots, and proposed lot and block numbers.

(q) A draft of any proposed covenants or deed restrictions.

(r) Delineation of all developable area on each lot, including all required setbacks.

#### **SECTION O Final Plat.**

The final plat of the proposed subdivision shall comply with the requirements of Chapter 236 Wis. Stats., and the provisions of this ordinance.

#### **SECTION P Certified Survey Map.**

The certified survey map shall comply with the provisions of § 236.34 Wis. Stats. and the provisions of this ordinance.

### **SUBDIVISION PLAT DESIGN REQUIREMENTS**

#### **SECTION Q Streets.**

**1** The arrangement, character, extent, width, grade, location and construction of all streets shall conform to the standards of the Town of Brigham, and the provisions of this ordinance.

**2** The arrangement of streets in a subdivision shall provide, where possible, for the continuation on appropriate projection of existing or proposed collector and arterial streets.

**3** Local streets shall be laid out so as to discourage their use by through traffic unless determined by the Town Board to be necessary for emergency services.

- 4** Where a subdivision abuts or contains an existing or proposed arterial street, the Town Board may require marginal access streets, reverse frontage lots with screen planting contained in a nonaccess reservation along the rear of the property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 5** The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than that required per Section 6.0 of the Iowa County Zoning Ordinance.
- 6** Where a subdivision borders on or contains a railroad right-of-way, the Town Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land.
- 7** Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.
- 8** Reserve strips controlling access to streets shall be prohibited, except where their control is definitely placed in the Town Board, under conditions approved by said Town Board.
- 9** Cul-de-sacs shall provide a turnaround with a minimum right-of-way radius of sixty (60) feet. The traveled way within the cul-de-sac shall provide a minimum radius of forty (40) feet. Lesser radius may be allowed at the recommendation of the Town Board.
- 10** Dead end streets shall not be permitted without a suitable turnaround.
- 11** In commercial and industrial districts, alleys or other definite and assured provisions shall be made for off-street parking, loading and service access consistent with and adequate for the uses proposed.
- 12** Half streets shall be prohibited, except where necessary for continuity of the street system.
- 13** Street names:
  - (a) The Town Board may disapprove of the name of any street shown on the plat which has already been used elsewhere in the county, or which, because of similarity, may cause confusion.
  - (b) Where a street maintains the same general direction, except for curvilinear changes for short distances, the same name shall continue for the entire length of the street.
  - (c) A name which is assigned to a street which is not presently a through street due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
  - (d) Approval of street names on a preliminary plat will not reserve street name, nor shall it be mandatory for the Town Board to accept it at the time of final platting.

**14** A statement by the Town affected that an acceptable developer's agreement has been approved by said Town.

### **SECTION R Utility Easements.**

**1** Easements across lots or along rear or side lot lines shall be provided for utilities where necessary and shall be at least six (6) feet wide on each side of lot lines, and shall be designated as "Utility Easement" on the plat or certified survey map.

**2** Prior to approval of any final plat, the subdivider shall provide the Town Board with written statements from the utility companies, which will serve the proposed subdivision. The statements shall address the adequacy and location of all utility easements.

### **SECTION S Setbacks.**

Where the lots abut navigable waters, building setback lines for all buildings and structures, except piers, marinas, boathouses and similar uses, shall be shown on the plat and shall not be less than seventy-five (75) feet from the ordinary high water line. All other setbacks for development shall comply with the provisions of the Iowa County Zoning, Sanitary and other land use ordinances.

### **SECTION T Blocks.**

**1** The length, width, and shape of blocks shall be suited to the planned use of the land, zoning requirements, needs for convenient access, control and safety of street traffic, and limitations and opportunities of topography. Block lengths in residential areas shall not, as a general rule, be less than six hundred (600) feet in length between street lines, unless dictated by exceptional topography or other limiting factors of good design.

**2** Blocks shall have sufficient widths to provide two (2) tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.

**3** Pedestrian ways or cross walks may be required, as deemed appropriate by the Town Board.

### **SECTION U Lots.**

**1** No lot shall be less than five (5) acres in size.

- 2** The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- 3** Every lot or parcel shall front or abut a public street. A minimum frontage of fifty (50) feet shall be maintained for all lots, and the lot width measured at the right of way line of the public road fronted line shall conform to the requirements of the Iowa County Zoning Ordinance, Section 9.
- 4** Additional width may be required on corner lots to permit adequate building setbacks from side streets.
- 5** The use of long, narrow strips of land to provide access to buildable lot areas is prohibited, unless the use of them is unavoidable as determined by the Town Board.

## **REQUIRED IMPROVEMENTS**

### **SECTION V Survey Monuments.**

The subdivider shall install survey monuments in accordance with the requirements of Section 236.15, Wisconsin Statutes.

### **SECTION W Private Water and Sewage Disposal Facilities.**

- 1** The subdivider shall assure the suitability and availability of private water and sewage disposal facilities on all lots at the time of subdivision.
- 2** Private water and sewage disposal facilities shall comply with all applicable state statutes, Iowa County ordinances, and Town of Brigham ordinances.

### **SECTION X Grading and Surfacing.**

All streets shall be graded and surfaced in accordance with the plans, specifications and requirements of the Town.

### **SECTION Y Storm Water Management and Erosion Control.**

The subdivider shall fully comply with the requirements of the Town Erosion Control and Stormwater Management Ordinance 4.02.

## **VARIANCES AND FEES**

### **SECTION Z Variances.**

Where the Town of Brigham Board finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done; provided that public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of these regulations. The process shall follow the public hearing process as outlined in Section 10 of the Iowa County Zoning Ordinance.

### **SECTION AA Violations and Penalties.**

Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be subject to penalties and forfeitures as provided in §§ 236.30, 236.31, 236.32, 236.335 and 236.35 Wis. Stats, as well as forfeitures pursuant to Ordinance 1.04, as amended from time to time.

This Ordinance shall take effect upon passage by a majority vote of the members of the Town Board and publication as required by law.

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Brigham on the 6th day of October, 2009.

## **TOWN OF BRIGHAM**

Otis Nelson, Town Chairperson

Jerry Davis, Town Supervisor

Doug Reeson, Town Supervisor

ATTEST:

Audrey Rue, Town Clerk

VOTE:

Ayes: 3 Posted: 10.28.2009

Noes: 0 Adopted: 10.6.2009