

Ordinances

TOWN OF STILES

OCONTO COUNTY, WISCONSIN

THE CODE OF ORDINANCES OF THE TOWN OF STILES

(Unofficial version)

ORDINANCE NO. 2001-1

The Town Board of the Town of Stiles does hereby ordain as follows:

WHEREAS, the Town of Stiles has in the past adopted certain ordinances, including one entitled, "A Burning Ordinance Dated April 28, 1975" (hereafter the ABURNING ORDINANCE@), Ordinance No. 101 dated January 4, 1979, Ordinance No. 104 dated May 23, 1990, Ordinance No. 105 dated December 24, 1991, Ordinance No. 106 dated August 25, 1993, an ordinance entitled, "A Regulation of Junk Yards@" dated February 8, 1989, an ordinance entitled, "A Ordinance No. 2" dated April 9, 1979, Ordinance No. 1 dated July, 1977, and Ordinance No. 2 entitled, "A An Ordinance Regulating Mobile Home Parks in the Town of Stiles@" dated July 29, 1975 (hereafter collectively referred as the APRIOR ORDINANCES@);

WHEREAS, the Board desires to codify all the PRIOR ORDINANCES in a single comprehensive ordinance and to amend each of those ordinances as hereafter provided;

NOW, THEREFORE, the Town Board does hereby adopt the following ordinance:

CHAPTER 1 - SPEED LIMITS ON CERTAIN TOWN ROADS

1. Speed limits on Stiles Road shall be established as follows:
 - A. All Town roads shall have a set speed limit as set by the Wisconsin State Statutes unless specified hereafter.

CHAPTER 2 - PARKING

1. Parking prohibited on Landing Lane.
 - A. No person shall at any time park or leave standing any vehicle upon either side of Landing Lane from Van Lanen Road west to the landowner=s property line, provided however a person may temporarily and for the purpose of and while actually engaged in loading and unloading or in receiving or discharging passengers or property, park the vehicle on such road, provided that by doing so the person does not create an obstruction or hazard to traffic and does not leave the vehicle

unattended.

- B. Any person violating this provision shall be fined not less than \$20.00 nor more than \$200.00 plus the cost of towing the vehicle away and storage of the vehicle, until claimed by the owner.

CHAPTER 3 - SNOWMOBILE ROUTES

- 1. Van Lanen Road is hereby designated as a snowmobile route during the snowmobile season which shall begin on November 1 of each year and shall end on April 1 of each year.
 - A. That portion of Van Lanen Road commencing at the south end of the Old Stiles Bridge and ending at the intersection of Timberline Road and Van Lanen Road shall be designated as this snowmobile route.
 - B. The Town of Stiles does not by execution of this ordinance relinquish its rights to regulate snowmobile operation on Van Lanen Road as allowed by law.

CHAPTER 4 - FIRE PROTECTION

- 1. Liability for fire protection charges.
 - A. Property owners of real estate within the Town of Stiles shall be responsible for fire protection charges incurred by the Town whenever fire calls are made to the property owner's property within the Town of Stiles.
 - B. Each property owner shall be liable for the actual costs of each such call up to a limit of \$300.00.
 - C. Any responsible property owner shall be billed for the costs incurred by the Town and such bill shall be due and payable to the Town not more than sixty (60) days from the date of the billing. Thereafter that bill shall bear interest at the rate of one and one-half (1 2%) percent per month compounded monthly and shall constitute a lien on any real estate owned by that property owner in the Township of Stiles.

CHAPTER 5 - TOWN ROAD CONSTRUCTION & ACCEPTANCE STANDARDS

- 1. Regulating Town Roads.
 - A. No road shall be deeded to the Town which shall not meet the standards

as to size, construction, and other standards as are set forth on the Road Construction Standards listed below:

1. Minimum of four (4) rod right of way as per Wisconsin State Statutes.
 2. Any road ending in a dead end must have a cul-de-sac configuration with a minimum radius of seventy-five (75) feet.
 3. All top soil removed and subbase material laid down as specified by Town Board.
 4. The base course shall be a minimum of eight (8) inches of 3/4" crushed stone and compacted in full depth. The stone shall be covered with an application of bituminous paved surface, of which the bituminous material shall be compacted to three (3) inches thick and twenty-two (22) feet wide.
 5. The road bed shall be a minimum of twenty-eight (28) feet wide with proper drainage as specified by Town Board.
 6. The gradation of the roadway stone and the application of bituminous paved surface shall conform to Wisconsin Department of Transportation, Division of Highways specifications.
2. Regulating Access Roads, Streets, and Driveways.
- A. Any new access road, street, or driveway or any existing entrance to property with building improvements and appurtenant and contiguous to **all** roads in the Town of Stiles shall meet the following requirements as listed below:
1. Be constructed with six (6) inches of 3/4" crushed rock placed under a new galvanized corrugated metal pipe minimum twenty-eight (28) feet long with attached end walls.
 2. The diameter of the pipe shall be determined by decision of the Town Board.
 3. 3/4" crushed rock shall be placed over the pipe so the driveway is even and at the same level as the adjacent road bed.

4. All driveways shall meet the following specifications:

C Minimum road surface widthB12 feet

C Minimum width clearanceB20 feet

C Minimum height clearance from trees, wires, and other obstructionsB14 feet

5. All driveway markers and landscaping structures must be placed so not to interfere with snow plowing, grass cutting, and other road work or emergency vehicles.

6. An exemption may be permitted in certain instances such as ledge rock or too close to the surface as determined by the Town Board.

7. In all cases the Town Board shall make the final decision.

B. A culvert permit is required for which a fee is charged.

C. A culvert permit is valid for forty-five (45) days from date culvert permit is issued. Upon expiration date, a new permit must be applied for.

D. Any person violating this ordinance shall be subject to a forfeiture of not less than \$250.00 nor more than \$400.00 plus the costs of prosecution.

3. The Road Construction Standards and Access Roads, Streets, Driveways and Culvert Standards may, from time to time, be changed by a vote of the Town Board.

4. The right-of-way for all roads in the Town of Stiles shall be four (4) rods, sixty-six (66) feet, unless the abutting property owners can show properly recorded documentation indicating a different road right-of-way.

5. Any operator of a motor vehicle who must fill in a drainage ditch for the purposes of crossing that ditch shall be required to obtain a temporary ditch culvert permit which shall include a beginning and an ending date which date may be extended for one (1) additional equal period without any additional deposit. Such culvert permit shall be issued by the Town Chair or the Town Clerk of the Town upon the following conditions:

A. Such person shall place a temporary culvert in a ditch of

adequate size and construction to assure the free flow of water through the culvert during the period of time that the ditch is filled;

- B. Such person shall post a deposit in the amount of Two Hundred and 00/100 (\$200.00) Dollars at the time of the issuance of such permit which deposit shall be held until such person has removed the obstruction from the ditch and returned the ditch to its previous condition by the date specified in the culvert permit;
- C. Immediately upon conclusion of the need for covering or obstructing the ditch such person shall remove the culvert and any other material placed into the ditch and shall restore the ditch to its condition prior to blocking the ditch by the date specified in the culvert permit;
- D. Any person violating this Ordinance by filling a culvert without a culvert permit shall be fined Five Hundred and 00/100 (\$500.00) Dollars plus the cost of prosecution and in addition shall be assessed the cost of restoring the ditch to its condition prior to any such obstruction. Any person failing to remove the culvert by the date stated in the culvert permit shall forfeit the culvert deposit.

6. Loggers, contractors and others who have a temporary need to fill in culverts or make other changes adjacent to road surfaces to accommodate their operations may, upon payment of an application fee of Fifty and 00/100 (\$50.00) Dollars and the posting of a bond or other security to cover the cost of restoration, obtain a permit to permit such temporary alteration. Any alteration shall be made in a safe matter and subject to such conditions as the Town Board shall direct. The failure to restore the road or adjacent areas to the pre-permit condition shall be a violation of this Ordinance and the permit owner shall forfeit an amount equal to Five Hundred and 00/100 (\$500.00) Dollars, plus the actual cost of restoration of the road and adjacent structures, plus the actual cost of prosecution.

CHAPTER 6 - MOBILE HOMES

- 1. All mobile homes in the Town are regulated as set forth in the Oconto County Zoning Ordinance.
- 2. No person shall establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased, rented or controlled by him, a mobile home park within the Town of Stiles, Oconto County, Wisconsin without first securing a license from the Town Board of the Town of Stiles. Such license shall expire one year after issuance and must be renewed annually. The application for a license or the renewal of a license for a mobile home park shall be obtained from the Stiles Town Clerk.
- 3. Prior to the issuing of any license or permit for a mobile home park, the developer

shall submit three (3) copies of the Mobile Home Park Plan to the Town of Stiles Planning Commission and the Stiles Town Board. The plan shall be approved in writing by the Stiles Town Board prior to submission to the Oconto Zoning Office.

4. All mobile home parks established in the Town, prior to the effective date of this ordinance, will be assessed a \$50.00 annual fee. Mobile home parks established after the effective date of this ordinance will be assessed a \$300.00 annual fee.
5. All mobile home parks shall be regulated as set forth in the Oconto County Zoning Ordinance, and shall further comply with mobile home regulations as set forth in the Wisconsin Statutes.
6. All mobile home parks must maintain an on site office with proper display of all permits.
7. Each day shall be considered a separate violation, and any person, firm or corporation violating this ordinance shall be subject to a forfeiture of not less than \$200.00 nor more than \$500.00 per day, plus the cost of prosecution.

CHAPTER 7 - REGULATION OF JUNK YARDS

1. The ordinance of the Town Board dated February 8, 1989 entitled, ARegulation of Junk Yards@ is hereby ratified and confirmed as if set forth in full with the exception of the following revisions:
 - A. Permit fee shall be \$250.00.
 - B. Fine fee shall be not less than \$200.00 nor more than \$500.00.

CHAPTER 8 - SOLID WASTE DISPOSAL ORDINANCE

1. All solid waste going into the compactor must be in Town of Stiles bags as issued by the Town of Stiles.
2. Exceptions can be made with approval of the attendant on duty.

CHAPTER 9 - COMPREHENSIVE ZONING ORDINANCE

1. The Oconto County Comprehensive Zoning Ordinance adopted by the Town Board of the Town of Stiles on October 7, 1970 and ratified by the Town Board of the Town of Stiles on the 8th day of May, 1990; provided however that the changes made in the Oconto County Comprehensive Zoning Ordinance from time

to time by the County Board of Oconto County shall be automatically adopted and incorporated in the Town of Stiles Zoning Ordinance as of the date that the same become effective in the Oconto County Comprehensive Zoning Ordinance unless the Town Board of the Town of Stiles has elected by Resolution to opt out in whole or in part of any such change.

CHAPTER 10 - APPOINTMENT OF ALTERNATE MEMBERS OF THE BOARD OF REVIEW

1. Pursuant to Wisconsin Law the Town Board may by majority vote provide for the appointment of alternate members to serve on the Town Board of Review in the event that a standing Board of Review member is removed or unable to serve for any reason. This appointment shall be made from time to time as required.

CHAPTER 11 - CONFIDENTIALITY, EXPENSES PROVIDED TO ASSESSOR FOR ASSESSMENT PURPOSES

1. Any information required or permitted to be provided to the assessor for purposes of establishing the valuation of property for assessment purposes by the income method of valuation shall be maintained in confidence by the assessor and shall not be a public record open to inspection or copying as provided under Chapter 19 of the Wisconsin Statutes.
2. An officer may disclose such information under the following circumstances:
 - A. To the assessor in the ordinary performance of the assessor's duties;
 - B. To members of the Board of Review when such information is needed to decide upon a contested assessment;
 - C. To an officer complying with a Court Order;
 - D. To the person who provided the information;
 - E. To such other person or body who has a right to review such information as provided by law.

CHAPTER 12 - TOWN JUDGE MUNICIPAL ORDINANCE

WHEREAS, the Town Board of the Town of Stiles has specific statutory authority, powers, and duties pursuant to Wisconsin Statute Sections 60.36, 60.37, 755.01 to provide for the election or appointment of a Municipal Judge and to provide for the operation and

maintenance of the Court, including employees of the Court.

The Town Board has by the adoption of this Ordinance confirmed the statutory authority, powers, and duties provided for in Wisconsin Statutes Chapters 60 and 755 and has established, pursuant to those Statutes, to provide for the operation and maintenance of the Municipal Court System to provide for the appointment of a Municipal Judge.

1. The term of office of the Municipal Judge shall commence on the date of appointment by the Town Board and shall continue until that appointment shall be terminated. The Municipal Judge shall be appointed by a majority of the Town Board members.
2. The Municipal Judge of the Town of Stiles shall file the appropriate oath and bond as required by this Ordinance and by Wisconsin Statute Section 755.03.
3. The compensation for the Municipal Judge shall be set from time to time by the Town Board and may not be decreased during the term of that Municipal Judge's service. No compensation shall be paid until the Municipal Judge has filed the appropriate oath and bond as required by law. The compensation for the Municipal Judge shall be paid monthly or as needed.
4. The Town of Stiles and other municipalities have entered into an agreement to share the services of the Municipal Court Judge. This agreement shall not create a single Court with single jurisdiction between the various municipalities.
5. The Municipal Court of the Town of Stiles shall have exclusive jurisdiction in the Town of Stiles over any action in which the Town of Stiles Ordinances to impose forfeitures for violation of Town Ordinances unless such action has been transferred pursuant to Wisconsin Statute Section 800.04(1) or 800.05(3) to a Court of Review. Municipal Court shall have no authority to grant equitable relief.
6. The Municipal Judge created by this Ordinance is authorized to issue inspection warrants pursuant to Wisconsin Statute Section 66.122 and 66.125 and may order the payment of restitution for violation of Ordinances pursuant to Wisconsin Statute Sections 934.24 and 943.50. Such restitution shall be provided under law.
7. The Municipal Court shall be open at such days and times as are established by Resolution of the Town Board and agreement between the Town Board and the Municipal Judge.
8. The Municipal Judge shall keep the office of Municipal Judge in the Town Hall of the Town of Stiles.

9. The Municipal Judge may employ such additional employees as the Municipal Judge and the Town Board shall from time to time agree.

CHAPTER 13 - TOWN OF STILES PLANNING COMMISSION ORDINANCE

The Town of Stiles Planning Commission Ordinance No. 109 dated November 1, 1999 is hereby ratified and confirmed as if set forth in full.

CHAPTER 14 - LAND DIVISION ORDINANCE

The Land Division Ordinance regulating lot sizes dated February 15, 2000 is hereby ratified and confirmed as if set forth in full.

CHAPTER 15 - CLAIM REFUNDS ORDINANCE

Ordinance No. 108 entitled, AAlternative Claim Procedure for Refunds and Tax Payments in Excess of Tax Bill Amounts@ is hereby ratified and confirmed as if set forth in full.

CHAPTER 16- SIGNS

This ordinance is entitled the Town of Stiles Regulation of Off-premise and On-premise Billboards/Signs.

Authority

The Town Board of the Town of Stiles has the specific statutory authority, powers and duties, pursuant to the specific sections noted in this ordinance under Sec 62.23 Wis. Stats. to "Enact and enforce an ordinance, and provide a forfeiture for a violation of the ordinance that regulates the maintenance and construction of billboards/signs, and other similar structures on premises abutting on highways in the town that are maintained by the town or by the county in which the town is located so as to promote the safety of public travel on the highway.

Purpose

The purpose of this ordinance is as follows: To establish minimum standards with respect to Off-premise and On-premise Billboards/Signs. It is intended that this Ordinance be used to regulate and provide for safe structures that do not interfere or distract with any driver's operation of a motor vehicle on highways located in the Town of Stiles, to provide for properly located structures which meet the uniform standards for construction and maintenance, and to provide for properly maintained structures which do not endanger the safety of local residents. In order to promote the safety of public travel on highways as defined in 340.01(22), Wis. Stats., this Ordinance establishes regulations for continuing use of Off-premise and On-premise Billboards/Signs on lands abutting roadways within the Town of Stiles and those

highways which the Town of Stiles is the maintaining authority as defined in Wisconsin Statutes '62.23.

Definitions

1. Off-premise Billboard/Sign: A sign used to advertise goods or services of establishments, companies, or organizations located off-premises. Off-premise Billboards/Signs shall mean all permanent freestanding Billboards/Signs consisting of Single Sided, Back to Back and V-type Billboards/Signs erected on property other than where the business advertised is located, the service advertised is rendered, or the product advertised is merchandized as principal product in a permanent building.

2. On-premise Signs shall mean all signs which direct attention to a business, commodity, service, items or entertainment sold, offered or conducted on the same premises that the signs are located.

3. Back to Back Billboard/Sign shall mean an Off-premise Billboard/Sign consisting of two sign facings oriented in opposite directions with not more than one face per sign facing.

4. Freestanding Billboard/Sign shall mean an Off-premise Billboard/Sign erected on a freestanding framework supported and affixed by one or more uprights or braces in or upon the ground.

5. V-type Billboard/Sign shall mean an Off-premise Billboard/Sign structure which consists of no more than two facings placed at angles to each other oriented in different directions and not exceeding 10 feet apart at the nearest point to each other and 20 feet apart at the farthest point to each other as measured from face to face.

6. Commercial/Industrial Premises: Any property on which there is located one or more permanent structures devoted to a conforming legal commercial or industrial activity or on which a commercial or industrial activity is actually conducted whether or not a permanent structure is located thereon.

Adoption of Ordinance

The Town Board of the Town of Stiles has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance license, registration and permit ordinances to regulate and control, by ordinance:

General Provisions

No Off-premise or On-premise Billboard/Sign of any type is permitted unless specifically exempted by this ordinance or permitted by this ordinance.

Permitted Areas for Off-premise Billboards/Signs

All Off-premise Billboards/Signs must be located only on those legally existing commercial/industrial premises where such use is permitted as defined within this ordinance.

Commercial/industrial areas are defined as any property on which there is located one or more permanent structures devoted to a conforming legal commercial or industrial activity or on which a commercial or industrial activity is actually conducted whether or not a permanent structure is located thereon.

Size of Off-premise Billboards/Signs (Large)

(1) The maximum area of any one face of an Off-premise Billboard/Sign (Large) shall not exceed 300 square feet excluding the base or apron trim supports or other structural elements.

(2) Size includes Back to Back or V-type Billboards/Signs with not more than one face to each facing and such structure should be considered as one Off-premise Billboard/Sign.

Spacing of Off-premise Billboards/Signs (Large)

(1) No Large Off-premise Billboard/Sign may be established within 10,000 feet of any other Large Off-premise Billboard/Sign or 3,000 ft of any Small Off-premise Billboard/Sign.

(2) The minimum distance between Large Off-premise Billboards/Signs shall be measured from the center of each sign regardless of the side of the highway the structures are located on.

(3) There shall be a 100 foot minimum distance requirement between Large Off-premise Billboards/Signs and On-premise Billboards/ Signs.

Size of Off-premise Billboards/Signs (Small)

(1) The maximum area of any one face of an Off-premise Billboard/Sign (Small) shall not exceed 72 square feet excluding the base or apron trim supports or other structural elements.

(2) Size includes Back to Back or V-type Billboards/Signs with not more than one face to each facing and such structure should be considered as one Off-premise Billboard/Sign.

Spacing of Off-premise Billboards/Signs (Small)

(1) No Small Off-premise Billboard/Sign may be established within 3,000 feet of any other Off- premise Billboard/Sign (Large or Small).

(2) The minimum distance between Small Off-premise Billboards/Signs shall be measured from the center of each sign regardless of the side of the highway the structures are located on.

(3) There shall be a 100 foot minimum distance requirement between Small Off-premise Billboards/Signs and On-premise Billboards/Signs.

Permitted Areas for On-Premise Billboards/Signs

On-premise Billboards/Signs shall mean all signs which direct attention to a business, commodity, service, items or entertainment sold, offered or conducted on the same premises that the signs are located. All On-premise Billboards/Signs must be located only on those legally existing premises where such use is permitted as defined within this ordinance.

Size of On-premise Billboards/Signs

(1) The maximum area of any one face of an On-premise Billboard/Sign located in a General Commercial, Restricted Commercial, Industrial, or Light Industrial District shall not exceed 128 square feet excluding the base or apron trim supports or other structural elements.

(2) The maximum area of any one face of an On-premise Billboard/Sign located in any other zoned district shall not exceed 64 square feet excluding the base or apron trim supports or other structural elements.

(3) Size includes Back to Back or V-type Billboards/Signs with not more than one face to each facing and such structure should be considered as one On-premise Billboard/Sign.

Spacing of On-premise Billboards/Signs

(1) No On-premise Billboard/Sign may be established within 100 feet of any other On-premise Billboard/Sign.

(2) There shall be a 100 foot minimum distance requirement between Off-premise Billboards/Signs (Large or Small) and On-premise Billboards/Signs.

Height Requirements for all Billboards/Signs

(1) All Billboards/Signs shall maintain a minimum clearance of 10 feet measured from the ground level to the base of the sign to the bottom of the sign face.

(2) All Billboards/Signs shall have a maximum height not to exceed 35 feet above natural grade level.

Setback Requirements for Off-premise and On-premise Billboards/Signs

Off-premise Billboards/Signs and On-premise Billboards/Signs shall meet the standards and other requirements of the Oconto County Sign Ordinance. Refer to Section 14.2700 of the Oconto County Ordinance for setback requirements.

Lighting, Maintenance, and Removal for Off-premise and On-premise Billboards/Signs

Off-premise Billboards/Signs and On-premise Billboards/Signs shall meet the standards and other requirements of the Oconto County Sign Ordinance. Refer to Section 14.2700 of the Oconto County Ordinance for requirements.

Application for Off-premise Billboards/Signs and On-premise Billboards/Signs

All Off-premise Billboards/Signs and On-premise Billboards/Signs must be authorized with an application. An application to construct shall be made in writing to the Town Board on a form prepared by the Town of Stiles. The fee shall be \$35.00. When the Town Board finds that "extraordinary hardship" or "practical difficulties" may result from strict application of the provisions of the ordinance, it may approve variances so that substantial justice may be done and the public interest secured. Such variances shall not have the effect of nullifying the intent and purpose of the Billboard/Sign Ordinance and the Board shall not approve the variance unless it makes the findings based upon the evidence presented to it at a public hearing.

Enforcement

(1) Before the initial application issued under this Ordinance is denied the permittee shall have an opportunity to be heard before the Town Board.

(2) Any person or persons, firm company or corporation, or other legal entity, owner, occupant or other user of an Off-premise or On-premise Billboard, who violates, disobeys, omits, neglects or refuses to comply with or resists enforcement of any of the provisions of this Ordinance shall be subject to a forfeiture of not less than \$25.00 nor more than \$200.00 and costs. Each day that a violation is permitted to exist shall constitute a separate offense. Compliance herewith may be enforced by the injunctive order by a court of competent jurisdiction. It shall be necessary to prosecute for forfeiture before resorting to injunctive proceedings.

CHAPTER 17 - SLOW-NO-WAKE AREA ORDINANCE

Section I. **Applicability and Enforcement**

- A. The provisions of this Ordinance shall apply to the waters of Machickanee Flowage.
- B. This chapter shall be enforced by the officers of the County of Oconto.

Section II. **Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III. **State Boating and Safety Laws Adopted**

State boating laws as found in 30.50 to 30.71, Wisconsin Statutes, are adopted by reference.

Section IV. **Definitions**

- A. ASlow-No-Wake@ means that speed at which a boat moves as slowly as possible while still maintaining steering control.

Section V. **Controlled Area**

No person shall operate a boat faster than Slow-No-Wake in the waters of the Machickanee Flowage beginning at its inception and ending at the eastern end of Birchwood Shores Lane at what has been known as a Ahandicap@ small watercraft landing.

Section VI. **Posting Requirements**

The Town of Stiles (or County of Oconto) shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the Town (or County) pursuant to the requirements of NR 5.15 Wisconsin Administrative Code.

Section VII. **Penalties**

Wisconsin State boating penalties as found in Wisconsin Statutes 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, as hereby adopted by reference and all references to fines amended to forfeitures

and all references to imprisonment deleted.

Section VIII. **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town (County) would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any persons or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX. **Effective Date**

This section will become effective upon passage and the day after publication.

CHAPTER 18 – SUBDIVISION ORDINANCE

Article I

General Provisions

1.1 Title

This Subdivision Ordinance shall be known, referred to, or cited as the SUBDIVISION ORDINANCE, TOWN OF STILES, OCONTO COUNTY, WISCONSIN.

1.2 Authority

These regulations are adopted under the authority granted by Secs. 60.22(3), 61.34(1), and 236.45 of the Wisconsin Statutes. The Board of Supervisors of the Town of Stiles, Oconto County, Wisconsin, does ordain as follows.

1.3 Purpose and Intent

This Ordinance is intended to regulate the division of land within the Town of Stiles in order to promote the public health, safety, aesthetics and general welfare of the community.

1. Promote planned and orderly layout and appropriate use of land.
2. Supplement Oconto County land division, zoning, and use controls to help implement the Town of Stiles 2015 Comprehensive Plan and other town codes and ordinances.
3. Strengthen local control of land use decisions and maintain the ability and right to control town destiny.
4. Obtain the wise use, conservation, and protection of the town's soil water, wetland,

woodland, farmland, and wildlife resources.

5. Lessen congestion and prevent overcrowding of lands, streets, and highways.
6. Secure safety from fire, panic, flooding, water pollution, disease, and other hazards.
7. Ensure that further development and division of lands are consistent with the Town of Stiles 2015 Comprehensive Plan and development standards set forth in plans, codes, and ordinances adopted by the Town Board.
8. Facilitate adequate housing, transportation, water, sewerage, drainage, schools, parks, and other public facilities.
9. Promote the rural nature of residential and commercial development, and agricultural uses.
10. Recognize the public need for recreation and open space.
11. Preserve natural vegetation and cover and promote the rural character and natural beauty of the town.

1.4 Disclaimer

Multiple Jurisdictions. All persons reviewing the provisions of this Ordinance should be aware that the Town of Stiles is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions or development. The Town of Stiles cannot make any representations on behalf of any other government body. This Ordinance shall by reference include subsequent updates and amendments of any applicable ordinances. No land division may be made unless all required approvals have been given.

Binding Acts. No statement or actions by any official employee, agent, or Plan Commission of the Town of Stiles should be construed or taken as a binding act of the Town except a resolution, motion, or ordinance that has been adopted by the Town of Stiles Town Board at a lawfully conducted Town Board meeting. This includes, but is not limited to, interpretation of this Ordinance.

Compliance Assurance. The Town of Stiles expressly states that it has no responsibility whatsoever for assuring that land and/or buildings sold in the town are in compliance with any ordinances, regulations, or rules. The Town also assumes no responsibility for the suitability of any property whose land division has been approved by the Town Board.

1.5 Applicability

The provisions of this Subdivision Ordinance shall apply to divisions of land in the Town of Stiles as follows:

1. The creation of at least three (3) but not more than five (5) parcels or lots 1.5 acres or more in size shall comply with the requirements of Article 2, Design Standards,

Dedications, and Improvements; Article 3, Minor Land Divisions; Chapter 13, Oconto County Land Division Ordinance; the Town of Stiles Land Division Ordinance Regulating Lot Sizes; and all other applicable terms of this Ordinance.

2. The creation of five (5) or more parcels or lots which are 1.5 acres or more in size either through a single division or successive divisions either by the same or subsequent owner(s) within a period of five (5) years shall comply with the provisions of Article 2, Design Standards, Dedications, and Improvements; Article 4, Major Land Divisions; Chapter 13, Oconto County Land Division Ordinance; the Town of Stiles Land Division Ordinance Regulating Lot Sizes; and all other applicable terms of this Ordinance.

3. The regulations of this Article shall not apply to:

A. Sale or exchange of land between owners of adjoining property, provided additional lots are not created and provided any new lot configurations meet applicable zoning or other regulations.

B. Creation or realignment of an easement.

C. Creation or realignment of a public right-of-way by a public agency.

D. Purchase, transfer, or development of space within an industrial or commercial building.

E. Carrying out an order of any court or dividing land as a result of an operation of law.

F. Creation of a lien, mortgage, deed of trust, or any other security instrument.

G. Creation of a security or unit of interest in any investment trust regulated under the laws of Wisconsin or any other interest in an investment entity.

H. Conveying an interest in oil, gas, minerals, or building materials, that is severed from the surface ownership of real property.

1.6 Abrogation and Greater Restrictions

This Ordinance shall not repeal, abrogate, annul, impair, or interfere with existing easements, covenants, agreements, rules, regulations, or permits previously adopted or issued pursuant to laws. However, where this Subdivision Ordinance imposes greater restrictions, this Ordinance shall govern.

All other ordinances or resolutions or parts thereof of the Town of Stiles inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.7 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Stiles and shall

not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

1.8 Severability

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.9 Compliance

No person, firm, or corporation shall divide any land located within the jurisdictional limits of this Ordinance, which results in a major land division, minor land division, or a plat as defined herein and no such division or replat shall be entitled to record and no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance.

1.10 Effective Date

This Ordinance shall become effective upon adoption by the Town Board and publication in the Town's official newspaper.

1.11 Development Agreements

In connection with any major land division approval or with minor land divisions as deemed necessary, the Town Board shall be authorized to enter into a Development Agreement with the applicant/developer. Development Agreements may include provisions clarifying duties to construct specific improvements; the phasing of construction; restrictive covenants; the timing; location and financing of infrastructure; reimbursement for oversized infrastructure; vesting of property rights for periods of not more than ten (10) years; assurances that adequate public facilities (including roads water, sewer, fire protection, and emergency medical services) will be available as they are needed to serve the development; and mitigation of anticipated impacts of the development on the general public or the environment.

1.12 Cooperative Exercise

Any city, village, town, county, or regional planning commission or plan commission may, pursuant to Wis. Stat. Section 66.30, agree with any other city, village, town, county, or regional planning commission or plan commission for the cooperative exercise of the authority to approve or review plats.

Article 2

Design Standards, Dedications, and Improvements

2.1 Minimum Standards

Any division of land in the Town of Stiles which does not comply with the following regulations shall not be recognized by the Town Board and no permits, including any building permits, shall

be authorized by the Town Board for any division not in compliance with this Ordinance.

All lots created and applicable under terms specified in Section 1.5 shall adhere to the following provisions:

1. Any land division, respective to both minimum lot size and proposed use, shall be in conformance with the Town of Stiles 2015 Comprehensive Plan and the Town of Stiles Land Division Ordinance Regulating Lot Sizes.
2. Development shall not be located within designated Environmentally Sensitive Areas (ESAs) as generally located on the Environmental Corridors Map #2.17 (pg. 32 of the Town of Stiles 2015 Comprehensive Plan and Wisconsin Wetland Inventory Maps-May 9, 10, and 11, 1989, Oconto County). ESAs are hereby defined as:
 - A. Floodplains
 - B. Wetlands
 - C. Navigable waterways
 - D. Shorelands (75 foot building setback from navigable waterways as defined in the Oconto County Shoreland Zoning Ordinance)
 - E. 12% Slopes or Greater
3. Any Environmentally Sensitive Areas located within the parameters of a major or minor land division shall be located and mapped on the dividing instrument.
4. The subdivider shall provide a copy of restrictive covenants, if any, to the Plan Commission and Town Board as a condition of preliminary approval.

2.2 Fees

All minor and major land division applications shall be accompanied by an application review fee established by the Town Board as set forth in the Town of Stiles Fee Schedule. Fees shall be levied to defray the cost of review and administration.

2.3 Design Layout

Minimum lot size. In all instances where land located within the Town of Stiles is to be divided, the following shall apply as minimum lot sizes:

1. If the land is located in the Town Stiles Joint Planning District Overlay area, the minimum lot size shall be 1.5 acres, and
2. If the land is located north of State Highway 22, the minimum lot size shall be five (5) acres, and
3. If the land is located south of State Highway 22, the minimum lot size shall be three

(3) acres.

A. Notwithstanding the foregoing, the Ordinance insofar as it may apply to divisions of land into less than five (5) parcels, shall not apply to:

1. Transfers of interests in land by will or pursuant to order; or
2. Leases for a term not to exceed ten (10) years, mortgages or easements; or
3. 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 applicable laws or ordinances; or
4. The combination of adjacent parcels in common ownership to create a lot less than the minimum required size; or
5. Such other divisions exempted by such ordinances.

Any division of land in the Town of Stiles which does not comply with these regulations shall not be recognized by the Town and no permits, including any building permits, shall be authorized by the Town Board for any division not in compliance with this Ordinance.

Location of Development Area. The physical development area shall be designed to minimize disturbance or encroachment upon designated Environmentally Sensitive Areas as defined in Section 2.1 of this Ordinance.

Open Space Preservation Area. Open space shall be located to maximize the protection of Environmentally Sensitive Areas as designated by this Ordinance. Primary protection consideration shall be given to maximizing protection of: 1) floodplains, 2) wetlands, 3) navigable waterways, 4) shorelands, and 5) 12% slopes or greater

The open space should be designed as a large, single contiguous and interconnected block with logical, straightforward boundaries. Long, thin strips of conservation land should be avoided unless the conservation feature is linear (streams, tree lines) or unless such configuration is necessary to connect with other features, or to create open space corridors or trails that will link to other parcels.

Lands not used for lots and streets shall be dedicated in perpetuity to open space or recreation by: 1) conveyance in common to each lot owner via a homeowner's association or similar donee, 2) conveyance in fee simple of an equal undivided interest in common to each lot owner, or 3) a recognized land trust or conservancy organization. The maintenance and ownership of the open space area will require agreement that the Town Board shall, on an annual basis, be kept apprized of the association's membership and maintenance obligations until such time as all lots are sold. In all cases, the Town Board, on advice of its municipal attorney, may levy an assessment for the cost of any maintenance not taken care of by an association to the satisfaction of the Town Board. The manner of assuring maintenance and assessing such cost shall be determined prior to final plat approval and shall be included in the title of each property.

2.4 Roads

The arrangement, character, extent, width grade, and location of all roads shall conform to all applicable road plans and standards officially adopted by the Town of Stiles from time to time

(Code of Ordinance of the Town of Stiles, Chapter 5) and Oconto County (Oconto County Land Division Ordinance, Chapter 13). In the event of conditions set forth in Section 1.11, the Town of Stiles may enter into a Development Agreement with the applicant.

The developer shall grade the roadbeds to subgrade, install storm water drainage improvements, and make provision for final completion as required by the Town. All roads must be constructed to subbase and final grading must be completed prior to selling any of the lots. In addition, the developer must submit a performance bond for road completion equal to 125% of the estimated cost of completion.

2.5 Construction Plans

Major land divisions creating five (5) or more lots shall include construction plans designed, submitted, and installed in compliance this Ordinance, with Section 5, Design Standards, Oconto County Land Division Ordinance, and with any terms and conditions set forth in a Development Agreement between the Town and the applicant. The subdivider shall also construct storm water management and erosion control facilities, which are adequate to serve the land division and/or development which do not adversely affect adjacent lands outside the major land division. The construction plans shall include the following:

1. *Street Plans and Profiles.* The Town Board shall require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. Plans and profiles shall be reviewed and approved by the Town Board and the town engineer. The Town will also have final approval on street names.
2. *Grading Plan.* Grading plans for lots or other areas in the proposed development shall be prepared and submitted for review and approval prior to the commencement of grading and construction. Grading (both subgrade and final grade), topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel 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. No such activities shall be permitted on lands to be dedicated or held for public acquisition without the written consent of the Town Board.
3. *Drainage and Erosion Control.* Storm water drainage and erosion control plans shall be prepared and submitted along with other grading and road construction plans and shall indicate how surface water runoff is to be accommodated on the development and on downstream properties. This provision can be combined with the Grading Plan if applicable.
4. *Soil and Water Conservation.* If the Town Board determines from review of the preliminary plat that the soil, slope, vegetation, or drainage characteristics of the site require substantial cutting, clearing, grading, and other earthmoving operations in developing the subdivision or otherwise entail an erosion hazard, it may require the subdivider to provide storm water management plans and soil erosion and

sedimentation control plans and specifications. The Town Board may also request a review of such plans by the Oconto County Land Conservation Department.

5. *Commencement of Construction.* All plans and profiles set forth above shall be prepared in accordance with the provisions of this Ordinance and any other appropriate ordinance or standards in force in the Town of Stiles. All elevations shall be based upon Mean Sea Level Datum, and shall be subject to review by the town engineer. No construction of any kind may commence until the preliminary plat has been approved by all agencies; the plans for roads, ditches, erosion and sediment control, and lot grading have been reviewed and recommended by the Plan Commission and approved by the Town Board; and a Development Agreement has been executed between the Town and the developer.

6. *Covenants.* The Town shall require submission of a draft of protective covenants whereby the subdivider and the Town intend to regulate land use in the proposed subdivision. Such covenants shall be attached to each property deed at the time of sale.

7. *Affidavit.* The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.

Article 3

Minor Land Divisions

3.1 Certified Survey Map Required

Land divisions which create at least three (3) but not more than five (5) parcels or lots 1.5 acres or more in size are considered minor land divisions requiring approval under this section (also see Section 2.3). Approval of a Certified Survey Map (CSM) shall be required.

3.2 Procedure – Certified Survey Map

A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes, the standards set forth in this Subdivision Ordinance, and provisions set forth in the Oconto County Land Division Ordinance. Any improvements necessary for proper use of the subject parcels shall be required as specified by this Ordinance.

The subdivider shall submit to the Plan Commission Secretary five (5) copies of a CSM 15 days preceding the date of a scheduled Plan Commission meeting at which review of the minor land division is desired. The applicant shall also provide information on the lot(s) wastewater disposal capability.

The subdivider shall submit to the Town Clerk five (5) copies of a CSM and any required application fees 15 days preceding the date of a scheduled Plan Commission meeting at which review of the minor land division is desired.

The CSM shall be reviewed by the Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, and plans which affect it. The Plan Commission shall recommend approval, conditional approval (with provisions stated), or rejection, unless an extended review time is requested. All recommendations and findings will be transmitted along with a copy of the CSM to the Town Board.

The Town Board shall approve, approve conditionally (with provisions stated), or reject the CSM within 75 days from the date of filing of the CSM unless the time is extended by agreement with the subdivider. If the CSM is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the applicant. If the CSM is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original CSM and return the CSM to the subdivider along with any additional provisions or recommendations.

The certified survey map shall be recorded with the County Register of Deeds after the certificates of the Town Board, Oconto County, and the surveyor are placed on the face of the CSM. The subdivider shall record the CSM within sixty (60) days of its approval by the Town Board.

Article 4

Major Land Divisions

4.1 Subdivision Plat Required.

Land divisions which create of five (5) or more parcels or lots which are 1.5 acres or more in size either through a single division or successive divisions either by the same or subsequent owner(s) within a period of five (5) years shall be considered a major land division (also see Section 2.3). The applicant shall submit a preliminary plat of the major land division and shall follow the procedures established in this section.

4.2 Preliminary Consultation

Prior to filing a preliminary plat for approval, the applicant should consult with the Town of Stiles Town Board, the Town of Stiles Plan Commission, and/or the Oconto County Zoning/Solid Waste and Land Use Control Division of the Oconto County Land and Water Resources Department for assistance and to become informed of the purpose and intent of these regulations.

4.3 Procedure - Preliminary Plan

The subdivider of five (5) or more lots shall prepare a preliminary plat and a letter of application describing the intent, timeline, and any other information that will assist the Plan Commission and the Town Board during review. The preliminary plat shall be prepared in accordance with this and any other applicable ordinance. The subdivider shall submit to the Plan Commission Secretary five (5) copies of the plat 15 days preceding the date of a scheduled Plan Commission meeting at which review of the minor land division is desired. The applicant shall also provide information on the lot(s) wastewater disposal capability. The subdivider shall also submit to the Town Clerk five (5) copies of the plat and any required application fees 15 days preceding the date of the scheduled Plan Commission meeting.

The preliminary plat shall be reviewed by the Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, and plans which affect it. The Plan

Commission shall recommend approval, conditional approval (with provisions stated), or rejection, unless an extended review time is requested. All recommendations and findings will be transmitted along with a copy of the plat to the Town Board.

The Town Board shall approve conditionally (with provisions stated), or reject the plat with 75 days from the date of filing of the plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the applicant. If the plat is approved, the Town Board shall cause the Town Clerk to so certify on the face of a copy of the plat and return it to the subdivider along with a letter setting forth the conditions of approval.

Approval or conditional approval of a preliminary plat shall constitute approval of the final plat, if the final plat is submitted within six (6) months of preliminary plat approval and conforms to the preliminary plat layout as indicated in Section 236.11(1)(b) of the Wisconsin Statutes. Preliminary plat approval or conditional approval of the layout submitted shall guide the preparation of the final plat. Construction may not commence until approval has been granted by all appropriate agencies.

4.4 Procedure - Final Plat

The subdivider shall prepare a final plat in accordance with this and other applicable ordinances. If there are no changes to the preliminary plat as submitted and approved in Section 4.3 of this Ordinance, the final plat can be directly submitted to the Town Board for approval. If no changes have occurred, a letter of notification shall be submitted to the Town Clerk for distribution to the Plan Commission. If change(s) to the plat have occurred, the applicant shall proceed as directed below.

The subdivider shall submit to the Plan Commission Secretary and the Town Clerk five (5) copies each of the final plat on or before 15 days prior to the date of a scheduled Plan Commission meeting, at which review of the major land division is desired. The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat, this Ordinance and all ordinances, rules, regulations, or plans which may affect the plat. The Plan Commission shall recommend approval, conditional approval or rejection, unless review time is extended by agreement with the applicant, and shall transmit the final plat along with its recommendation to the Town Board.

The final plat may, with Board permission, constitute only that portion of the approved preliminary plat, which the subdivider proposes to record at the time. Approval of a final plat for a portion of the approved preliminary plat shall extend approval for the remaining portion of the preliminary plat for one (1) year from the date of final plat approval.

The final plat may be rejected if it is not submitted within six (6) months of the date of preliminary plat approval. Approval can not be granted until all formal objections of the objecting agencies are satisfied.

The Town Board shall, within 75 days of the date of filing the final plat with the Clerk, approve

or reject such plat unless the time is extended by agreement with the subdivider. Approval shall constitute acceptance of any dedications of land to the Town of Stiles. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider.

4.5 Recordation

After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Board shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds cannot record the plat unless it is offered within sixty (60) days from the date of last approval and within 24 months of the first approval.

The subdivider shall submit two (2) copies of the final plat to the Town Clerk for filing with the Town Board and Plan Commission.

4.6 Replats

When it is proposed to replat all or any part of a recorded subdivision, if it alters areas dedicated to the public, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.36 through 236.445 of the Wisconsin Statutes. The subdivider or person wishing to replat shall then proceed as specified in this Ordinance.

The Town Clerk shall schedule a public hearing when a preliminary plat of a replat of land is filed, and shall mail notices of the proposed replat and public hearing to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

Article V

Administration and Enforcement

5.1 Administration

The administration and enforcement of the provisions of this Ordinance shall be the responsibility of the Stiles Town Board with advice and recommendation support from the Stiles Plan Commission and any other technical, legal, or policy advisors.

5.2 Variances

Variances. When the Town Board finds that "environmental restrictions" or "practical difficulties" may result from strict compliance with the minimum lot size regulation and/or the

purposes of this Ordinance may be serviced to a greater extent by an alternative proposal, it may approve variances to the minimum lot size Ordinance so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of the minimum lot size regulation; and further provided that the Town Board shall not approve the variances unless it shall make findings based upon the evidence presented to it at a public hearing in each specific case that:

1. The creating of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other properties; and

2. The conditions upon which the request is based are unique to the property for which the variance is sought and are not applicable generally to other properties; and

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this minimum lot size Ordinance is carried out.

5.3 Appeals

Any person aggrieved by an objection to a CSM or plat or failure to approve a CSM or plat may appeal therefrom as provided in Wisconsin Statutes, Sections 236.13(5) and 62.23(7).

5.4 Violations

It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this Subdivision Ordinance or the Wisconsin Statutes; and- no person, firm or corporation shall be issued a building permit, authorizing the building on, or improvement of, any major subdivision, minor land division, or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

5.5 Penalties

Any person, firm, or corporation who fails to comply with the Provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred dollars (\$100) nor more than One Thousand Dollars (\$1,000) and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a

separate offense.

1. Recordation improperly made has penalties provided in Section 236.30 of the Wisconsin Statutes.
2. Conveyance of lots in unrecorded plats has penalties provided in Section 236.31 of the Wisconsin Statutes.
3. Monuments disturbed or not placed have penalties provided in Section 236.32 of the Wisconsin Statutes.
4. Assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered by the Town at the expense of the subdivider when a subdivision is created by successive divisions.

5.6 Amendments

The Stiles Town Board may upon recommendation of the Plan Commission amend, supplement or repeal any of these regulations after public notice and hearing and as may be required by Chapter 236 of the Wisconsin Statutes.

Article VI

Definitions

Approval Authority. The Town of Stiles or County of Oconto, jointly or severably

Board. The Town of Stiles Board of Supervisors.

Certified Survey Map (CSM). A map of a minor land division, prepared in accordance with Section 236.34, Wisconsin Statutes, and in full compliance with the applicable provisions of this Ordinance.

Commission. The Town of Stiles Plan Commission.

Comprehensive Plan. The adopted Town of Stiles 2015 Comprehensive Plan, including any subsequent amendments.

Density. Number of dwelling units per acre allowed under the Comprehensive Plan, this Ordinance, and/or the Oconto County Zoning Ordinance and used to calculate the maximum number of residential lots permitted as part of a land division.

Environmentally Sensitive Area (ESAs). A geographic area of the landscape that encompasses valuable and sensitive natural resource features such as lakes, rivers, streams, wetlands, and

floodplains which should be protected from intensive development.

Final Plat. The map or plat which is prepared for recordation by the Oconto County Register of Deeds.

Floodplains. Those lands, including flood fringes, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data are not available, the maximum flood of record.

Improvement, Public. Any sanitary sewer, storm sewer, open channel water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

Land Division or Division of Land. The act or process of dividing land into two or more lots. See also definition for Major Land Division and Minor Land Division.

Lot. Designated parcel, tract, or area of land, 1.5 acres each or more in size, established by plat, land division, or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit.

Lot Area. The area contained within the extent or boundaries of a lot excluding streets, easements, areas dedicated to the public, and land under navigable bodies of water.

Major Land Division. The creation of five (5) or more lots or parcels which are 1.5 acres or more in size by one or successive divisions, whether done by the original owner or a successor owner, within a period of five (5) years.

Minor Land Division. The creation of three (3) but less than five (5) lots or buildings sites which are 1.5 acres or more by one or successive divisions within a period of five (5) years.

Navigable Waters. All natural inland lakes and all streams, ponds, sloughs, flowages, and other waters which are navigable under the laws of this state. Under Section 144.26, Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated there under, Shoreland Ordinances required under Section 59.971, Wisconsin Statutes, and Chapter N-R II 5, Wisconsin Administrative Code, do not apply to lands adjacent to farm ditches if: 1) such lands are not adjacent to a natural navigable stream or river; 2) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and 3) such lands are maintained in nonstructural agricultural use.

Open Space. A tract of land used for agricultural, natural habitat, conservancy, trails and pathways, and/or recreational purposes; also includes the designated conservation area within a planned unit development or conservation subdivision.

Ordinary High Water Mark. The average annual high-water level of a pond, stream, river, lake, flowage, or wetland referred to an established datum plane or where such elevation is not available, the elevation of the line up to which the presence and action of surface water is so

frequent as to leave a distinct mark by erosion, change in or destruction of vegetation, or other easily recognized topographic, geological, or vegetative characteristic.

Preliminary Plat. Preliminary map indicating the proposed manner and layout of streets, lots, blocks, and other salient features of a proposed land division submitted to an approving authority for purposes of preliminary consideration.

Parcel. See "lot" definition.

Replat. The changing of the boundaries of a recorded plat or part thereof.

Shorelands. Those lands lying within one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds, and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

Subdivider. Any person, firm or corporation applicant, or any agent thereof, dividing or proposing to divide land resulting in a major land division, minor land division, or replat.

Subdivision. A division of a lot, parcel or tract of land by the owner thereof, or the owner's agent, for the purpose of transfer of ownership or building development. See major land division.

Town. The Town of Stiles Town Board or the Town of Stiles.

Town Consultant Engineer. As designated from time-to-time by the Town Board. Responds to technical issues as warranted by this Ordinance.

Wetlands. Those lands, which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high-water table. Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Company, Inc., v. Wisconsin Department of Natural Resources, 70 Wis. 2d. 936 (1975)]. A stream that is navigable by skiff or canoe during normal spring highwater is navigable in fact under the laws of this state, though it may be dry during other seasons.

Town of Stiles Fee Schedule

The following fees shall apply:

- 1 Subdivision Application Fee - \$150.
- 2 Lot Fee - \$100 per lot plus all out of pocket and professional fees incurred by the Land Use Plan Commission and the Stiles Town Board.

- 3 Final Plat Approval Fee - \$150 plus all out of pocket and professional fees incurred by the Land Use Plan Commission and the Stiles Town Board for final plat approval.
- 4 Replat Request Fee - \$150 plus all out of pocket and professional fees incurred by the Land Use Plan Commission and the Stiles Town Board for each replat submission.
- 5 Variance Request Fee - \$250 plus any out of pocket and professional fees incurred by the Land Use Plan Commission and the Stiles Town Board for variance request.
- 6 Appeals Fee - \$500 plus any out of pocket and professional fees incurred by the Land Use Plan Commission and the Stiles Town Board for each appeal.

CHAPTER 19 - EFFECTIVE DATE

This Ordinance shall be effective within Ten (10) days after the adoption and publication of this Ordinance.

CHAPTER 20

This Ordinance repeals any and all prior Ordinances in the Town of Stiles not specifically ratified and confirmed in this Ordinance.

CHAPTER 21 - PENALTY PROVISION

Except as otherwise provided in a specific chapter of this Ordinance, any person who violates any chapter of this Ordinance shall pay a forfeiture of not less than Twenty-five and 00/100 (\$25.00) Dollars, nor more than Two Hundred and 00/100 (\$200.00) Dollars, plus the cost of prosecution for each offense. In any case where a party has been ticketed and adjudicated guilty of an Ordinance violation, that party shall be considered to be guilty of a repeat violation if that party is ticketed and convicted of a second violation of that Ordinance within five (5) years of the date of the first conviction. For these purposes, the date of the first conviction and the date of the ticketing of the second conviction shall determine the time period. In that case, the fines normally applicable to that particular Ordinance violation shall be doubled. In like manner, if there are additional offenses within that same five (5) year period the fines in each case shall be doubled from the preceding amount for a third, fourth, fifth violation as the case may be. By way of illustration and not limitation, if the citation provides for a Two Hundred and 00/100 (\$200.00) Dollars violation for first offense, a second offense would be Four Hundred and 00/100 (\$400.00) Dollars, a third offense would be Eight Hundred and 00/100 (\$800.00) Dollars, a fourth offense would be One Thousand Six Hundred and 00/100 (\$1,600.00) Dollars.