

NOTICE
Village of Roberts
Plan Commission Meeting
Thursday, September 18, 2025 @ 6:00 PM
Agenda

The regularly scheduled Village of Roberts Plan Commission meeting will begin at 6:00 PM at the Roberts Village Hall located at 107 E Maple St, Roberts, WI.

Regular Plan Commission Agenda:

1. Call to order.
2. Proper notification.
3. Approval of minutes from August 21, 2025
4. Building permits issued and the Building Inspectors Report.
5. **Public Hearing: For the Annexation Request of Schlön-Tick Holdings (Shane McFadden/ECI) for the property located on 130th Avenue, Roberts.**
 - a. Call public hearing to order.
 - b. Call for public comments.
 - c. Adjourn public hearing.
6. Discussion/action regarding the annexation request for Schlön-Tick Holdings (Shane McFadden/ECI).
7. Discussion/recommendation regarding updating the ATV/UTV ordinance to include golf carts and dirt bikes.
8. Discussion/action regarding the sidewalk ordinance and assessments for the Village of Roberts.
9. Discussion/action on the Special Assessment Ordinance 54-6 & 54-4.
10. Items for future agenda.
11. Adjourn

Megan Dull
Village Clerk

Items on the agenda may not be presented in this order. There may be a quorum of Village Board members present during the meeting. The agenda may change 24 hours before the meeting.

Village of Roberts
Plan Commission Meeting Minutes
August 21, 2025

The meeting was called to order at 6:00 pm by President Kapaun.
The meeting was properly noticed around the Village.

Present: Todd Radunzel, Brian Tremblay, Jeff Ritchert, Jim Dyer, Katy Kapaun
Absent: Patty Johnson, Steve Melby
Guest: Peter Tharp

Approval of minutes from June 19, 2025

Motion to approve the minutes from June 19, 2025, by Tremblay, seconded by Ritchert. Motion carried.

Building permits issued and the Building Inspectors Report.

Two months' worth of reports in packet. Also, the YTD tracking form is in the packet for what has been issued so far for the year. Discussed the cost to build and the difference in the structure. Ask about the difference in cost between homes in Rolling Meadows compared to Deer Hills. Break down permit cost for the next meeting.

Discussion/recommendation for two lot CSM for Mike Langer located in Part of the SW1/4 of the SW1/4 of the NW1/4 and in Part of the NW ¼ of the SE1/4, all in Section 32, T29N, R18W, Town of Warren, St Croix County Wisconsin; being Lot 1 of Certified Survey Map Recorded in Volume 11, Page 3191 as Document No. 552833.

This property is located at 100 Street and 98th Avenue. Motion to recommend approval with clarification on the wetlands from the county not being a concern by Johnson, second by Tremblay. Motion carried.

Discussion/recommendation regarding Section 70-8 – Definitions in the Village Ordinance – related to the term family.

Motion to remove "related by blood or marriage" by Johnson, seconded by Radunzel. Motion carried.

Discussion/recommendation regarding updating the ATV/UTV ordinance to include golf carts and dirt bikes.

Motion to add golf carts if they have the proper lighting with headlights, brake lights and turn signals, valid license or ATV certification, driving during daylight hours only, permit from the Village and displayed on the golf cart by Kapaun, seconded by Ritchert. Discussion continued with helmets being required and we discussed that this rule should follow state rules. Motion carried.

Items for future agenda.

Building permits

Motion to adjourn at 6:56 pm by Johnson, seconded by Radunzel. Motion carried.

Megan Dull
Village Clerk

	A	B	C	D	E
1	New Home Permit Tracking - 2025				
2	Date	Permit #	Owner Name	Address	Total Residential Units
3	12/31/2022	Total Issued in 2022	-	-	22
4	12/31/2023	Total Issued in 2023	-	-	98
5	12/31/2024	Total Issued in 2024			18
6					
7	2/18/2025	B-25-250072	Renova Homes	248 Dakota Ave	1
8	3/25/2025	B-25-250142	Vierregge Construction	249 Dakota Ave	1
9	3/27/2025	B-25-250161	T-Buck	623 Field Pt	1
10	3/27/2025	B-25-250160	T-Buck	621 Field Pt	1
11	4/21/2025	B-25-250279	Renova Homes	256 Dakota Ave	1
12	5/22/2025	B-25-250453	Renova Homes	231 Eagle Ridge Dr	1
13	6/26/2025	B-25-250595	T- Buck	613 Field Point St	1
14	6/26/2025	B-25-250596	T- Buck	615 Field Point St	1
15	6/26/2025	B-25-250598	T- Buck	617 Field Point St	1
16	6/1/2025	B-25-250597	T- Buck	619 Field Point St	1
17	7/3/2025	B-25-250626	Westview Con.	106 Newell St	1
18	7/9/2025	B-25-250653	T-Buck	603 S Division St	1
19	7/9/2025	B-25-250654	T-Buck	601 S. Division St	1
20	7/14/2025	B-25-250703	Renova Homes	241 Dakota Ave	1
21	7/14/2025	B-25-250699	Renova Homes	278 Eagle Ridge Dr	1
22	8/27/2025	B-25-250900	Pleasant Valley Properties	36 Frank St	1
23	8/27/2025	B-25-250899	Pleasant Valley Properties	47 Frank St	1
24					
25					
26					
27				Total Issued YTD	17
28				New for 2025	75
29				Carryover from 2024	75
30				Total Available in 2025	150
31					
32				Remaining for 2025	133
33					
34					
35					
36					
37					
38					
39					

VILLAGE OF ROBERTS

Date: 8/28/2025 1:22 PM

Permit & Inspection Report For The Month Ending: 8/31/2025

Page 1 of 2

RESIDENTIAL CONSTRUCTION**NEW SINGLE FAMILY**

OWNER / ADDRESS	DESCRIPTION/PERMIT #	EST VALUE
PLEASANT VIEW PROPERTIES 47 FRANK ST	RESIDENTIAL NEW SINGLE FAMILY B-25-250899	70,000
PLEASANT VALLEY PROPERTIES 36 FRANK ST	RESIDENTIAL NEW SINGLE FAMILY B-25-250900	70,000
TOTAL NEW SINGLE FAMILY	# of PERMITS: 2	140,000

RESIDENTIAL RENOVATIONS

OWNER / ADDRESS	DESCRIPTION/PERMIT #	EST VALUE
MARTINSON, JOSHUA 213 W WARREN ST	ELECTRICAL - RESIDENTIAL L-25-250839	5,069
TOTAL RESIDENTIAL RENOVATIONS	# of PERMITS: 1	5,069

TOTAL ALL RESIDENTIAL CONSTRUCTION:	# of PERMITS: 3	145,069
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OTHER PERMITS**OTHER BUILDING PERMITS**

OWNER / ADDRESS	DESCRIPTION/ PERMIT #	EST VALUE
RIDLEY, GREG 109 N MEADOW LN	FENCE F-25-250787	
STEEES, AUTUMN 409 E CHEYENNE ST	FENCE F-25-250835	
TOTAL OTHER BUILDING PERMITS	# of PERMITS: 2	

TOTAL FOR ALL BUILDING PERMITS:	# of PERMITS: 5	145,069
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CERTIFICATES OF OCCUPANCY

DATE ISSUED	ADDRESS	PERMIT #	TYPE	EST VALUE
8/5/2025	248 DAKOTA AVE	B-25-250072	P	350,000
8/6/2025	230 EAGLE RIDGE DR	B-24-240620	P	287,000
8/7/2025	54 FRANK ST	B-24-240125	P	60,000
8/21/2025	58 FRANK ST	B-24-240126	P	60,000

PROJECT CODE RECAP

PERMITS BY TYPE	# OF PERMITS	VALUE
ELECTRICAL - RESIDENTIAL	1	5,069
FENCE	2	
RESIDENTIAL NEW SINGLE FAMILY	2	140,000
TOTALS:	5	145,069

INSPECTIONS BY TYPE

VILLAGE OF ROBERTS

Date: 8/28/2025 1:22 PM

Permit & Inspection Report For The Month Ending: 8/31/2025

Page 2 of 2

INSPECTIONS BY TYPE

PERMIT TYPES	# OF INSPECTIONS	RES	COM
BUILDING PERMIT	46	45	1
FENCE	1	1	
ELECTRIC SERVICE	1	1	
TOTALS:	48	47	1
CODE ENFORCEMENT	1		

Total # of Inspections:

NOTICE

Village of Roberts

Public Hearing

There will be a public hearing on Thursday, September 18, 2025, at 6:00 PM at the Village of Roberts. The purpose of this hearing is for all citizens to voice their comments and concerns pertaining to the annexation request for SCHLON-TICK HOLDINGS. The following is a description of the proposed annexation:

That North 660 feet of the East 429 of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4), Section 27, Township 29 North, Range 18 West, St. Croix County, Wisconsin described as follows:

Beginning at the northeast corner of said Northeast Quarter of the Southeast Quarter; thence South 89 degrees 34 minutes 27 seconds West, assumed bearing, along the north line of said Northeast Quarter of the Southeast Quarter, a distance of 429.03 feet; thence South 0 degrees 14 minutes 07 seconds West a distance of 660.04 feet; thence North 89 degrees 34 minutes 27 seconds East a distance of 429.03 feet; thence North 0 degrees 14 minutes 07 seconds East a distance of 660.04 feet to the point of beginning.

The Real Property tax identification number is 042-1075-60-000

Petitioner: Schlön-Tick Holdings
742 130th St, Roberts, WI

Megan Dull
Village Clerk

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview>

Petitioner Information

Name: **SCHLON-TICK HOLDINGS (SHANE MCFADDEN)**

Address: **7002 6TH STREET NORTH**

OAKDALE, MN 55128

Email: **SMCFADDEN@ECICONSTRUCTORS.COM**

Office use only:

RECEIVED

May 9, 2023

Municipal Boundary Review
Wisconsin Dept. of Admin.

1. Town where property is located: **WARREN TOWNSHIP**

2. Petitioned City or Village: **VILLAGE OF ROBERTS**

3. County where property is located: **ST. CROIX**

4. Population of the territory to be annexed: **0**

5. Area (in acres) of the territory to be annexed: **6.5**

6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel): **042-1075-60-000**

Petitioners phone:

SHANE MCFADEEN

Town clerk's phone:

715-749-3126

City/Village clerk's phone:

715-749-3126

Contact Information if different than petitioner:

Representative's Name and Address:
SHANE MCFADDEN

7002 6TH STREET NORTH

OAKDALE, MN

55128

Phone: **651-313-6346**

E-mail:
SMCFADDEN@ECICONSTRUCTORS.COM

Surveyor or Engineering Firm's Name & Address:
SCOTT ALWIN

10025 VALLEY VIEW ROAD

EDEN PRAIRIE, MN

55344

Phone: **952-646-0276**

E-mail: **SALWIN@EVS-ENG.COM**

Required Items to be provided with submission (to be completed by petitioner):

- ☒ Legal Description meeting the requirements of s.66.0217 (1) (c) [see attached annexation guide]
- ☒ Map meeting the requirements of s. 66.0217 (1) (g) [see attached annexation guide]
- ☒ Signed Petition or Notice of Intent to Circulate is included
- Indicate Statutory annexation method used:
 - ☒ Unanimous per s. 66.0217 (2), or,
 - OR
 - ☐ Direct by one-half approval per s. 66.0217 (3)
- ☒ Check or money order covering review fee [see next page for fee calculation]

Annexation Review Fee Schedule

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

Required Fees

There is an initial filing fee and a variable review fee

\$350 Initial Filing Fee (required with the first submittal of all petitions)
\$200 – 2 acres or less
\$350 – 2.01 acres or more

\$600 Review Fee (required with all annexation submittals except those that consist ONLY of road right-of-way)
\$200 – 2 acres or less
\$600 – 2.01 to 10 acres
\$800 – 10.01 to 50 acres
\$1,000 – 50.01 to 100 acres
\$1,400 – 100.01 to 200 acres
\$2,000 – 200.01 to 500 acres
\$4,000 – Over 500 acres

\$950 TOTAL FEE DUE (Add the Filing Fee to the Review Fee)

Attach check or money order here, payable to: **Department of Administration**

**THE DEPARTMENT WILL NOT PROCESS
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.**

**THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE**

Shaded Area for Office Use Only

Date fee received: 5/8/2023

Payee: Schlön-Tick Holdings LLC

Check Number: 1095

Check Date: 5/4/2023

Amount: \$950.00

ANNEXATION SUBMITTAL GUIDE

s. 66.0217 (5) THE PETITION

- ☒ State the purpose of the petition:
- Direct annexation by unanimous approval; OR
 - Direct annexation by one-half approval; OR
 - Annexation by referendum.
- ☒ Petition must be signed by:
- All owners and electors, if by unanimous approval.
 - See 66.0217 (3) (a), if by one-half approval.
 - See 66.0217 (3) (b), if by referendum.
- ☒ State the population of the land to be annexed.

[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]

s. 66.0217 (1) (c) THE DESCRIPTION

- ☒ The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR
- ☒ If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.
- ☒ The land may NOT be described only by:
- Aliquot part;
 - Reference to any other document (plat of survey, deed, etc.);
 - Exception or Inclusion;
 - Parcel ID or tax number.

s. 66.0217 (1) (g) THE MAP

- ☒ The map shall be an **accurate reflection** of the legal description of the parcel being annexed. As such, it must show:
- A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
 - Bearings and distances along all parcel boundaries as described.
 - All adjoining as referenced in the description.
- ☒ The map must include a **graphic scale**.
- ☒ The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

s. 66.0217 FILING

- ☒ The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.
- ☒ If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by s. 66.0217 (4).
- ☒ If the lands being annexed are within a County of 50,000 or greater population, the petition must also be filed with the Department of Administration for review

[Note that no municipality within a County of 50,000 or greater population may enact an annexation ordinance prior to receiving a review determination from the Department of Administration.]

**Petition for Direct Annexation by Unanimous Approval
Pursuant to Section 66.0217(2), Wisconsin Statutes**

We, the undersigned, constituting all of the owners of the real property in which no electors reside in the following described territory of the Township of Warren, St. Croix County, Wisconsin, lying contiguous to the Village of Roberts, St. Croix County, Wisconsin, petition the Village Board of said village to annex the territory described below and shown upon the attached map, as permitted by Chapter 66 of the Wisconsin Statutes, to the Village of Roberts, St. Croix County, Wisconsin.

The "Real Property" located in St. Croix County, State of Wisconsin:

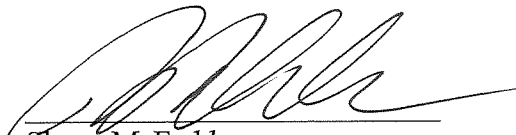
The East 429 feet of the North 660 feet of the Northeast ¼ of the Southeast ¼ of Section 27, Township 29 North, Range 18 West, St. Croix County, Wisconsin.

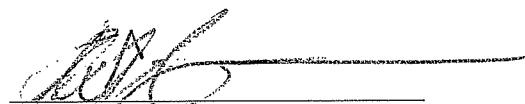
The Real Property or its address is commonly known as 742 130th Street, Roberts, WI 54023. The Real Property tax identification number is 042-1075-60-000.

There are no persons residing in the territory.

We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of the annexation, incorporation or consolidation proceedings, if any.

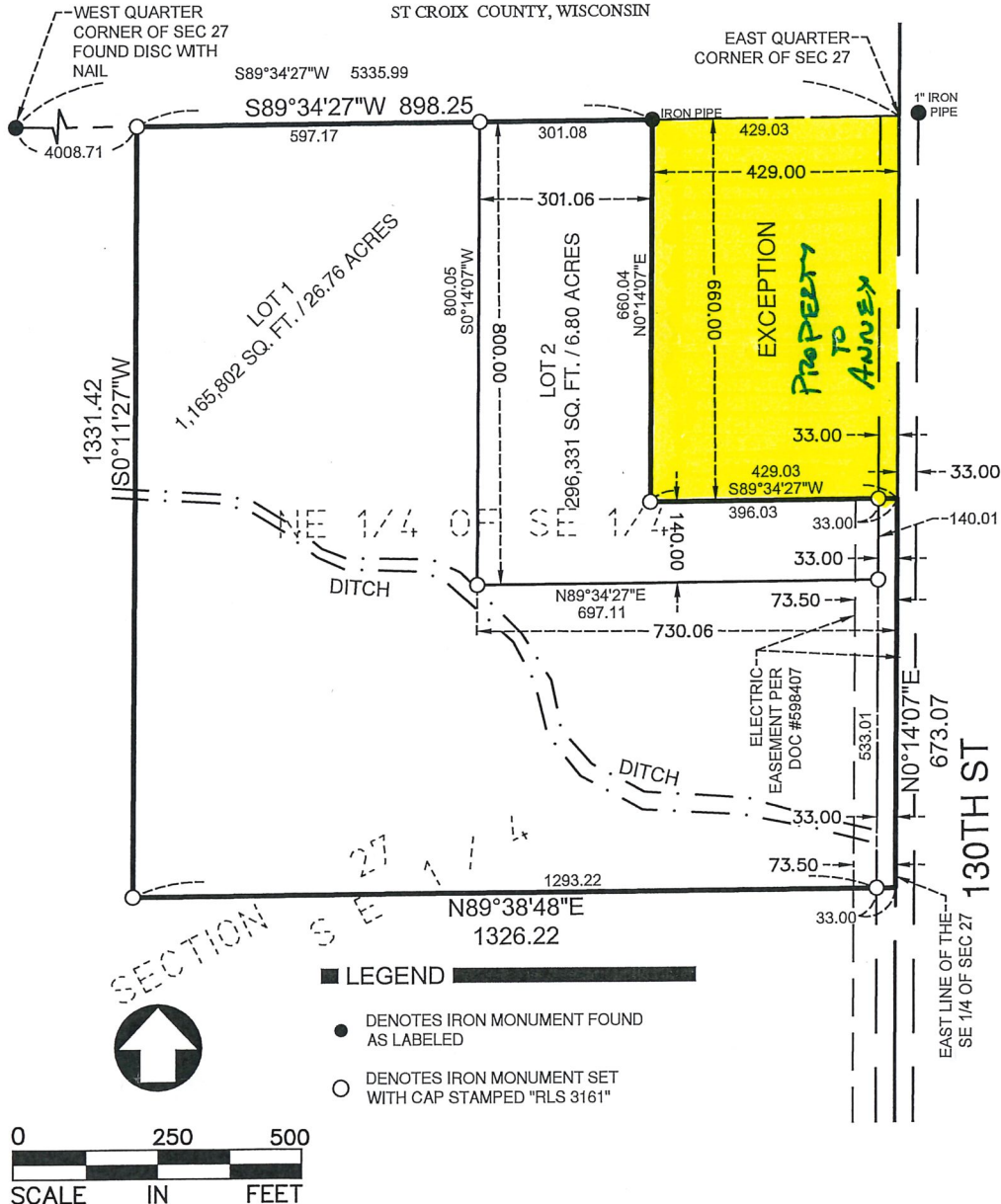
Dated this 1 day of May, 2021.


Shane McFadden
7002 6th St. N, Oakdale, MN 55128


Robb Johnson
7002 6th St. N, Oakdale, MN 55128

[Attach Map of Territory to Be Annexed]

ST CROIX COUNTY
CERTIFIED SURVEY MAP NO. _____
 PART OF THE NE 1/4 OF THE SE 1/4 SECTION 27, T29 N, R18 W,
 ST CROIX COUNTY, WISCONSIN



■ BASIS OF BEARINGS

For the purposes of this survey the East line of Southeast Quarter of Section 27 Township 29 North, Range 18 West, St. Croix County, Minnesota, is assumed to have a bearing of N0°14'07\"E.

■ SURVEY NOTES

1. The purpose of this survey is to create two separate parcels.
2. This field work for the survey was completed on April 28th, 2022.



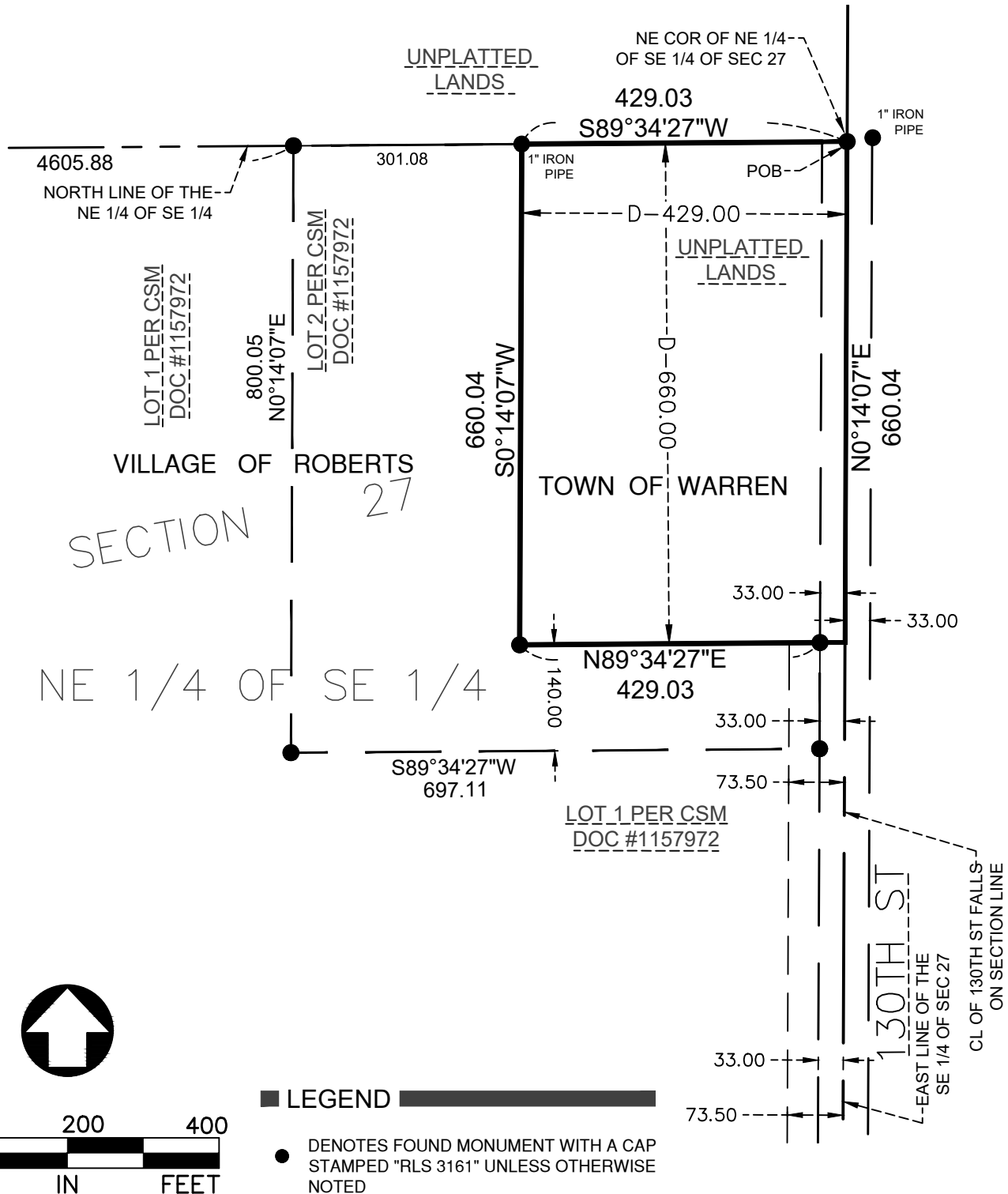
I, Scott Alwin, a Wisconsin Professional Land Surveyor, do hereby certify: That I have surveyed, divided and mapped part of the Northeast 1/4 of the Southeast 1/4 of Section 27, Township 29 North, Range 18 West, St. Croix County, Wisconsin bounded and described as follows:

The Northeast Quarter of the Southeast Quarter (NE1/4SE1/4), except the North 660 feet of the East 429 feet thereof, Section 27, Township 29 North, Range 18 West, St. Croix County, Wisconsin.

That I have made such survey, land division, and map at the direction of Engineering Construction Innovation, I have surveyed, mapped and described the parcel of land which is represented by this Certified Survey Map; That to the best of my knowledge and belief this Certified Survey Map is a correct representation of the exterior boundaries of the parcel surveyed and the division thereof; that I have fully complied with the applicable provisions of Chapter 236.34 of the Wisconsin Statutes.

Scott Alwin
 Wisconsin License Number: 3161
 May 19, 2022

EXHIBIT



CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF WISCONSIN.

Scott Alwin

SCOTT ALWIN
REGISTRATION NUMBER: 3161
DATE: 06.02.2025



EVS, Inc.
10025 Valley View Road, Suite 140
Eden Prairie, Minnesota 55344
Phone: 952.646.0236
www.evs-eng.com
EVS PROJECT # 2022-081

DESCRIPTION

That North 660 feet of the East 429 of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4), Section 27, Township 29 North, Range 18 West, St. Croix County, Wisconsin described as follows:

Beginning at the northeast corner of said Northeast Quarter of the Southeast Quarter;
thence South 89 degrees 34 minutes 27 seconds West, assumed bearing, along the north line of said Northeast Quarter of the Southeast Quarter, a distance of 429.03 feet;
thence South 0 degrees 14 minutes 07 seconds West a distance of 660.04 feet;
thence North 89 degrees 34 minutes 27 seconds East a distance of 429.03 feet;
thence North 0 degrees 14 minutes 07 seconds East a distance of 660.04 feet to the point of beginning.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF WISCONSIN..



SCOTT ALWIN

REGISTRATION NUMBER: 3161

DATE: 06.02.2025



EVS, Inc.

10025 Valley View Road, Suite 140

Eden Prairie, Minnesota 55344

Phone: 952.646.0236

www.evs-eng.com

EVS PROJECT # 2022-081

VILLAGE OF ROBERTS, WISCONSIN

ORDINANCE ADDING ARTICLE V OF CHAPTER 62 TO THE MUNICIPAL CODE
Regarding the use and regulation of golf carts.

The Village Board of the Village of Roberts does ordain as follows:

ARTICLE V. GOLF CART OPERATIONS AND ROUTES.

Sec. 62-200. In general.

The title of this article is the Village of Roberts Golf Cart Ordinance.

- (1) *Purpose.* The purpose of this article is to provide a means of travel that is not only convenient and safe, but conserves resources and protects the environment as authorized by Section 349-18 of the Wisconsin Statutes. Golf carts, if properly used, are an effective way to travel for short distances within the village. However, to ensure the public safety and welfare, the operation of golf carts must not only comply with normal regulations regarding vehicles but should comply with special safety regulations intended to protect the operator and passengers in a vehicle that is primarily designed for operation on a golf course or recreational purposes. This article establishes the basic, minimum standards of care to be used by the operators of golf carts on public roads, streets and highways. Likewise, the public safety requires that golf carts, used as a means of transportation, must also meet certain minimum safety standards that can only be assured through a system of registration and inspection. The registration and inspection of golf carts is required in order to protect the public health, safety and welfare.

- (2) *Definitions.* For purposes of this article, these definitions shall also apply throughout this article.

Golf cart means a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding 30 miles per hour.

Sec. 62-201. Operation of golf carts allowed: exceptions.

- (a) *Allowed.* The operation of golf carts on the public streets within the village in compliance with the provisions of this article shall be permitted; however, it shall be unlawful to operate any golf cart that is not properly registered with the village or to operate any golf cart at any place or in any manner not authorized herein.
- (b) *Exceptions.* The operation of golf carts is not subject to the provisions of this article under the following circumstances:
 - (1) The operation of golf carts at golf courses, private clubs or on private property, with the consent of the owner; or
 - (2) The use of a golf cart in connection with a parade, a festival or other special event, provided the consent of the sponsor is obtained and provided such vehicle is only used during such event.

Sec. 62-202. License required.

No person who is less than 16 years of age or who does not have a valid driver's license issued under or granted by the laws of Wisconsin or some other state may operate a golf cart on any public street within the village. For purposes of this section, a learner's permit shall not be considered as a valid driver's license nor shall any license that has been revoked, temporary or otherwise, or suspended for any reason, be considered as a valid driver's license during the period of suspension or revocation.

Sec. 62-203. Registration.

- (a) *Required.* No golf cart may be operated on any public street within the village unless the golf cart has first been registered with the Village of Roberts Clerk's Office as required herein. The registration shall be

renewed thereafter in accordance with the provisions of this section. To evidence the registration, the owner shall be issued a license plate which shall be displayed in a prominent, visible place on the rear fender of the golf cart or at such other place as may be approved by the police department. The permit may contain a registration number assigned for the particular golf cart and shall be valid from April 1 to November 1.

- (b) *Registration fee.* A registration fee in the amount of \$25.00, or such other amount as may be established and published in the schedule of fees adopted by the village board from time to time, as amended, shall be paid to the village at the time the application for registration is filed with the Roberts Clerk's Office.
- (c) *Application.* The application for registration shall be made to the Village of Roberts Clerk's Office, or to some other person designated, on forms provided by the village. The application may, among other things, require the owner's name, street address, mailing address, a phone number, the make, model and identification or serial number of the golf cart being registered; proof of liability insurance equivalent to operate a motor vehicle; and such other information as may be reasonably required as well as a release or disclaimer of liability by the village for accidents involving the registered golf cart.
- (d) *Procedures.* The clerk may establish written procedures consistent with this article, setting out the process and the procedure, including the form of the application, the checklist for items to be inspected and the type of sticker, plate or tag evidencing the issuance of the registration permit.
- (e) *Inspection.* Prior to issuing the initial registration permit, the golf cart shall either be inspected, or in place of inspection, the Roberts Clerk's Office may require photographs submitted of the golf cart, to determine that:
 - (1) The golf cart is equipped with two operating headlights and two operating taillights on either side of the rear of the golf cart.
 - (2) The golf cart is equipped with turn signals.
 - (3) The brakes provided by the manufacturer of the golf cart are in proper working order.
 - (4) The golf cart has all the standard safety features provided by the manufacturer and has not been modified to exceed a speed of 30 miles per hour, nor otherwise modified in any way that creates a hazard; and
 - (5) The golf cart is equipped with all mechanical systems and safety equipment required by this article.
- (f) *Denial and revocation.* The initial registration of a golf cart may be denied or subsequently revoked by the Roberts Clerk's Office if it is determined that:
 - (1) The application contains any material misrepresentation.
 - (2) Financial responsibility requirements of the State of Wisconsin (liability insurance) have not been met.
 - (3) The golf cart is not in compliance with the requirements set out above.
 - (4) The golf cart has been altered or customized and no longer meets the definition of a golf cart.
 - (5) Equipment supplied by the manufacturer, especially safety equipment, has been removed from the golf cart or the vehicle identification or serial number removed; or
 - (6) Other good causes shown include repeated violations of this article.
- (g) *Financial responsibility.* The owner of a golf cart required to be registered with the village for use on the public streets of the village shall maintain in full force and effect and continuous throughout any period of registration.
- (h) *Disqualified vehicles.* ATVs, four-wheel utility vehicles and other similar utility vehicles which are not manufactured for operation on a golf course and golf carts which have been modified so that it no longer meets the definition of a golf cart may not be registered as a golf cart nor shall such vehicles be operated on the public roads within the village unless such vehicles are otherwise registered with and allowed under the motor vehicle laws of the State of Wisconsin.

Sec. 62-204. Manner of operation.

Golf carts shall not be operated on the public streets of the village, except in full compliance with the provisions of this section.

- (1) *Hours of operation.* Golf carts may be driven on approve public streets during daylight hours only from April 1st to November 1st of each year.
- (2) *Streets.* Golf carts shall not be operated on any sidewalk, greenway, park except for official police business or by village personnel while on village business. The walking paths may be utilized to enter/exit the connecting developments. Notwithstanding anything herein, to the contrary, golf carts shall not be operated on property owned or leased by the village except with the express written consent of the public works director and/or the chief of police and upon the terms and conditions as may be set forth in such written permission. Golf carts are not allowed in the following locations:
 - a. The intersection of 70th Avenue and Highway 65.
 - b. The roundabout at Highway 65 and County Road TT/Graham St.
 - c. The roundabout at Highway 12/90th Avenue and Highway 65.
 - d. Any street where the posted speed limit is more than 25 miles per hour.
- (3) *Motor vehicle laws.* All laws regarding the use of motor vehicles in the State of Wisconsin, including possession of a valid driver's license, and all ordinances regarding the use of motor vehicles in the village, not inconsistent therewith, shall be observed, except that no golf cart may be operated at a speed in excess of 20 miles per hour or the top speed set by the manufacturer, whichever is lesser.
- (4) *Right-of-way.* The operator of a golf cart shall yield the right-of-way to overtaking motor vehicles.
- (5) *Village property and sidewalks.* Golf carts shall not be operated on any sidewalk, greenway, park except for official police business or by village personnel while on village business. The walking paths may be used to enter/exit the connecting developments. Notwithstanding anything herein, to the contrary, golf carts shall not be operated on property owned or leased by the village except with the express written consent of the public works director and/or the chief of police and upon the terms and conditions as may be set forth in such written permission.
- (6) *Golf cart capacity.* The manufacture's recommended seating capacity shall not be exceeded. Passengers shall not be seated in the lap of another passenger, and passengers shall not be permitted to stand while the golf cart is in operation.
- (7) *Commercial purposes.* Golf carts may not be used as a taxicab or bus or for the commercial carrying of passengers or the hauling of freight.
- (8) *Parking.* Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing or parking of golf carts in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways or a passageway is prohibited.
- (9) *Unattended Vehicles.* No person shall leave or allow any golf cart owned or operated by him/her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- (10) *Towing.* Golf carts may not be used for the purpose of towing another cart, trailer or vehicle of any kind including a person on roller skates, skateboard or bicycle.
- (11) *Crossing Point.* Operators of golf carts may only cross State Highway 65 and State Highway 12 at standard crossing points and where marked with appropriate signage. At each crossing point, the operator must stop and yield the right-of-way to all vehicles approaching on the highway before crossing the highway.

Sec. 62-205. Disclaimer and liability.

- (a) *Disclaimer.* Golf carts are not designed for nor manufactured to be used on public streets and the village neither advocates nor endorses the golf cart as a safe means of travel on public streets, roads and highways. The village in no way shall be liable for accidents, injuries or death involving the operation of a golf cart.
- (b) *Assumption of risk.* Any person who owns, operates or rides upon a golf cart on a public street, road or highway within the village does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

Sec. 62-206. Violations and penalties.

If any person shall violate this article, he or she shall be guilty of a forfeiture and shall be fined not more than \$100.00 or such other amount as shall be set forth in the schedule of fees adopted by the village board from time to time, except that the owner or operator of a golf cart who shall violate a provision regulating the parking of vehicles shall be subject to a civil penalty in the amount set forth in the schedule of fees adopted by the village board from time to time, including the imposition of larger civil penalties for multiple or repeat offenses within a specified period of time. In addition, any person who violates may also be subject to the Wisconsin all-terrain vehicle penalties as found in Wis. Stats. § 23.33(13), are adopted by reference.

Sec. 62-207. Severability. If any provision of this Article or any application of this Ordinance to any person or circumstance is found to be invalid or unconstitutional, such a finding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

Sec. 62-208 – Effective Date. This ordinance shall be published as required by Wis. Stat 62.50 and shall take effect on _____.

Adopted by the Village Board on _____, 2025.

VILLAGE OF ROBERTS

By: _____

Katy Kapaun, President

Attest: _____

Megan Dull, Village Clerk

Published: _____, 2025.

Chapter 54 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. IN GENERAL

Sec. 54-1. Penalty.

Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to section 1-5, Municipal Code of the Village of Roberts.

(Code 1980, § 8.15)

Sec. 54-2. Director of public works.

- (a) *Appointment.* The director of public works shall be appointed by a majority vote of the village board on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.
- (b) *Term.* The director of public works shall hold office for an indefinite term subject to removal for cause after a public hearing by three-fourths vote of the village board.
- (c) *Powers and duties.* The powers and duties of the director of public works shall be as provided in chapter 2, article III, division 3.

(Code 1980, § 8.01)

Sec. 54-3. Removal of snow and ice from sidewalks.

- (a) *Duty of owner or occupant; removal by village.*
 - (1) The owner or occupant of any lot or parcel shall, within 24 hours after cessation of each continuous period of snowfall, remove all snow and ice which may have fallen or accumulated upon the sidewalk in front of such lot or parcel; provided, when ice or packed snow has so formed that it cannot be removed, the owner or occupant shall keep the same sprinkled with a nonskid material which will prevent the sidewalk from being dangerous to pedestrians. This requirement shall also apply to the main sidewalk as it extends from a corner lot to the curbline of an intersecting street.
 - (2) If the owner or occupant fails to comply with this section, the village shall cause the snow or ice to be removed or sprinkled as required in this section, the costs thereof to be charged to the owner of the property, who will be billed for such services within 30 calendar days. The owner of the property shall pay all charges so billed within 30 calendar days of the date of the invoice. Failure to compensate the village within 30 calendar days of the date of the invoice will result in a penalty of 12 percent per annum being added to the cost of the services billed.
 - (3) Failure to pay the village for services billed will result in the costs being assessed against the property as a special tax, and all costs delinquent from the previous winter will be entered upon the tax roll each December 1.
- (b) *Depositing snow or ice on street or other public property.* No person shall push, shove or in any way deposit any snow or ice onto any public street, alley, sidewalk or public lands dedicated to public use except for

parcels or lots located where existing buildings are constructed within five feet of the street right-of-way and the sidewalks exist from the village right-of-way to the curbline. In such instances, the owners, occupants and/or employees of parcels or lots shall be permitted to deposit snow and ice from their sidewalks onto the public streets.

- (c) *Depositing snow on private property.* All snow from private property (driveways or parking lots) shall be either deposited on the originating owner's property or hauled away by the owner or his agent. Property owners shall not place their snow on other property without permission from the owner of the other property.

(Ord. No. 4901-VB, § 8.06, 4-9-2001)

Sec. 54-4. Sidewalk construction and repair.

- (a) *Responsibility for construction and repair.* It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the village and to pay entire cost thereof. Corner lots will be assessed 50 percent of each side of frontage. Whenever the village board shall by resolution determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the village, it shall proceed according to Wis. Stats. § 66.0907.
- (b) *Permit required.* No person shall hereafter lay, remove, replace or repair any public sidewalk within the village unless he is under contract with the village to do such work or has obtained a permit therefor from the director of public works at least seven days before work is proposed to be undertaken. No fee shall be charged for such permits.
- (c) *Specifications.* All sidewalks within the village shall be repaired, rebuilt and constructed in accordance with the following specifications:
- (1) *Subgrade.* The subgrade shall be prepared by excavating to the line, grade and cross section as established by the village board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the director of public works a sub-base of sand, sand and gravel or other approved porous material shall be placed under the sidewalk. On embankments the subgrade shall extend to at least one foot beyond each edge of the sidewalk.
 - (2) *Material.* All sidewalks shall be of air entrained concrete composed of six bags per cubic yard of one course construction, and built to the established line and grade. Gravel shall be of good quality and washed. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.
 - (3) *Forms.* Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank of at least two inches thickness except for sharply curved sections. Metal forms shall be of approved section. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete is placed against them. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-fourth inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth inch radius edging tool.

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- (4) *Width and thickness.* Residential walks shall be five feet in width and not less than four inches thick, except within driveway approaches, where the minimum thickness shall be six inches; provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of the ordinance from which this section is derived. Sidewalks in front of commercial or industrial establishments shall be not less than eight feet in width and five inches in thickness except within driveway approaches where the minimum thickness shall be seven inches.
 - (5) *Finishing.* Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before final finishing, the surface shall be checked with a ten-foot straight edge and any areas departing more than one-eighth inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.
 - (6) *Jointing.* Transverse, full depth, one-half-inch thick expansion joints of pre-molded expansion material shall be located every 40 feet and at the property line, and where the walk intersects another walk, curblin, building or driveway approach, and at buildings, walls, poles and stop boxes. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking, at least one inch in thickness and 5/16 inch in depth, shall be placed at intervals of approximately five feet. Steel division plates shall be placed at right angles to the centerline of the sidewalk at intervals of not less than 15 feet. All joints shall be at right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the director of public works.
 - (7) *Curing and drying.* As soon as any of the concrete work has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the "impervious coating," "wet fabric" or "paper" methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Specs. C156-44-T, "Method of Test for Efficiency of Materials for Curing Concrete," shall be used. Such specifications are adopted by reference as if fully set forth herein. Walks shall be kept free from all traffic at normal temperatures for 48 hours and in cold weather (below 50 degrees Fahrenheit) for 96 hours. No concrete shall be poured when the temperature may be expected to fall below 36 degrees Fahrenheit in any 72-hour period or upon frozen subgrade.

(Code 1980, § 8.02; Ord. of 4-11-1994)

Sec. 54-5. Driveways.

- (a) *Permit required.* No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the director of public works.
- (b) *Construction specifications.*
 - (1) *Width.* No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk unless special permission is obtained from the village board.
 - (2) *Interference with intersections prohibited.* At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the village board for effective traffic control or for highway signs or signals.
 - (3) *Interference with street.* No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right-of-way. When

required by the director of public works to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.

- (4) *Number of approaches limited.* No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without undue impairment of safety, convenience and utility of the street by the director of public works. Any two approaches shall be at least ten feet apart.
- (5) *Workmanship and materials.* All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in section 54-4(c), Municipal Code of the Village of Roberts insofar as such requirements are applicable, including thickness requirements in section 54-4(c)(4), Municipal Code of the Village of Roberts.
- (6) *Permittee liable for damage or injury.* The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner. Any sidewalk areas which are damaged or are inadequate by reason of vehicle travel across the sidewalk shall be replaced in accordance with the requirements of section 54-4(c), Municipal Code of the Village of Roberts.
- (7) *Location of water shut off valve.* No water standpipe or other water service shut off valve shall be located or constructed in the driveway area.
- (8) *Off driveway parking.* Sideyard parking areas shall be permitted provided the following conditions are all complied with.
 - a. The sideyard parking area must be of a hard surface, such as concrete, bituminous or brick.
 - b. Any sideyard parking area must be at least four feet from the property line.
 - c. Any such sideyard parking area must be immediately adjacent to and connected to the hard surface driveway.

(Code 1980, § 8.03; Ord. No. 2006-13-VB, 9-11-2006; Ord. No. 2006-14-VB, 10-9-2006)

Editor's note(s)—Ord. No. 2006-14-VB, adopted Oct. 9, 2006, set out provisions for a subsection 54-5(7). As subsection (7) already existed, said ordinance provisions were redesignated as subsection 54-5(8) at the editor's discretion.

Sec. 54-6. Curb and gutter.

- (a) *Construction by individual property owners prohibited.* The construction of curb and gutter by individual property owners shall be prohibited in the village.
- (b) *Minimum installation.* Installation of curb and gutter shall be made on a complete block basis only.
- (c) *Petition for construction.* Action for construction of curb and gutter shall be initiated by the village board or by a petition in writing signed by the owners of at least 51 percent of the front footage in any particular block which does not yet have such improvements.
- (d) *Bids.* The village, by published notice, may annually receive bids for curb and gutter. Such bids shall be based on the standard types of specifications that shall be adopted by the village by resolution from time-to-time. A copy of such style, type and specification shall be on file with the clerk-treasurer at all times for inspection.

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- (e) *Hearing.* After bids have been received, a hearing shall be held, upon notice, at which persons interested may appear before the village board and be heard concerning the proposed construction. After the said hearing, the village board may approve, disapprove or modify the proposed installation.
 - (f) *Lines and grades.* All curb and gutter shall be constructed to the lines and grades established by the village.
 - (g) *Cost to property owners and village; assessments.* Property owners shall be assessed on the basis of cost by the annual bids plus the costs of engineering. The village shall, from the general fund, absorb the costs of those portions of curb and gutter which are in the street at intersections. The cost of cul-de-sacs shall be assessed to the property owners on the basis of extending the property lines to intersect the curb and gutter, and payment shall be made on the cord distance between these intersected points. Such assessments shall be subject to equitable adjustment by the village board upon request of the property owner. Payment for assessments shall be due after the proposed installation. If the property owner so chooses, the assessment may be divided into five equal annual installments payable with the real estate taxes as follows:
 - (1) One-fifth of such assessment shall be paid at the first annual date for payment of real estate taxes, with no interest chargeable on the portion paid.
 - (2) One-fifth of such assessment shall be paid at the second annual date for payment of real estate taxes, with interest chargeable at the rate set by the board from time-to-time per annum on the unpaid principal, computed from the date of first installment payment.
 - (3) One-fifth of such assessment shall be paid at the third annual date for payment of real estate taxes, with interest chargeable at the rate set by the board from time-to-time on the unpaid principal, computed from date of first installment payment.
 - (4) One-fifth of such assessment shall be paid at the fourth annual date for payment of real estate taxes, with interest chargeable at the rate set by the board from time-to-time per annum on the unpaid principal, computed from date of first installment payment.
 - (5) If the entire assessment is paid within the period set aside for the first annual date for payment of real estate taxes, no interest shall be charged. If the entire assessment has been paid at the second annual date for payment of real estate taxes, interest shall be computed from date of first installment payment only.
 - (h) *Costs for repairs or replacements.* Where curb and gutter is existing which, in the opinion of the village board, should be replaced, the property owners shall pay such portion of the replacement costs as the village board shall determine. Such assessments may be spread over a three-year period with payments and interest as provided for in subsection (g) of this section.

(Code 1980, § 8.08)

Sec. 54-7. Street and sidewalk excavations and openings.

- (a) *Permit required.* No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the village without first obtaining a permit therefor from the director of public works.
- (b) *Permit fee.* The fee for a street opening permit shall be \$20.00 and shall be paid to the clerk-treasurer, who shall issue his receipt therefor.
- (c) *Bond.*
 - (1) Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the clerk-treasurer an indemnity bond, approved by the village president, in the sum of \$5,000.00, conditioned that he will indemnify and save harmless the village and its officers

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- from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any openings he may make as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the director of public works for a period of one year, and that he will pay all forfeitures imposed upon him for any violation of any rule, regulation or ordinance and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the village. Such bond shall also guarantee that, if the village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.
- (2) Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.
- (3) An annual bond may be given under this section covering all excavation work done by the principal for one year beginning January 1, which shall be conditioned as specified above and in the amount determined by the village board as necessary to adequately protect the public and the village.
- (d) *Insurance.* Prior to commencement of excavation work, a permittee must furnish the director of public works satisfactory written evidence that he has in force and will maintain, during the life of the permit and the period of excavation, public liability insurance of not less than \$300,000.00 for one person, \$500,000.00 for one accident and property damage insurance of not less than \$100,000.00.
- (e) *Regulations.*
- (1) *Frozen ground.* No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the director of public works.
- (2) *Removal of paving.* In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- (3) *Protection of public.* Every person shall enclose with sufficient barriers each opening which he may make in the streets or public ways of the village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Red lights or torch lamps shall be kept burning from sunset to sunrise, one red light or torch lamp to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the director of public works no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the village in defending any action brought against it for damages, as well as costs of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
- (4) *Replacing street surface.* In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and in the same relation to the remainder as before. Any excavated material which in the opinion of the director of public works is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than six inches

in depth and each layer rammed, tamped or flushed to prevent after settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The village may elect to have the village make the pavement repair for any street or sidewalk opening, in which case the costs of making such repair and of maintaining it for one year shall be charged to the person making the street opening.

- (f) *Excavation in new streets limited.* Whenever the village board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately after such determination by the village board, the director of public works shall notify in writing each person, utility, village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate said street for a period of five years after the date of improvement or repaving unless in the opinion of the director of public works an emergency exists which makes it absolutely essential that the permit be issued. No excavation shall be made, nor permit granted until a repair bond of as set by the board is paid to the clerk-treasurer.
- (g) *Emergency excavations authorized.* In the event of an emergency any person owning or controlling any sewer, water main, conduit or utility in or under any street and his agents or employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit; provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder as provided in this section.
- (h) *Village work excluded.* The provisions of this section shall not apply to excavation work under the direction of the director of public works by village employees or contractors performing work under contract with the village necessitating openings or excavations in village streets.

(Code 1980, § 8.04)

Sec. 54-8. Obstructions and encroachments.

- (a) *Prohibited.* No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subsection (b) of this section.
- (b) *Exceptions.* The prohibition of subsection (a) of this section shall not apply to the following:
 - (1) Signs or clocks attached to buildings which project not more than six feet from the face of such building and which do not extend below any point ten feet above the sidewalk, street or alley.
 - (2) Awnings which do not extend below any point seven feet above the sidewalk, street or alley.
 - (3) Public utility encroachments duly authorized by law or the village board.
 - (4) Goods, wares merchandise or fixtures being loaded or unloaded which do not extend more than three feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two hours.
 - (5) Temporary encroachments or obstructions authorized by permit under article II of this chapter.
 - (6) Excavations and openings permitted under section 54-7, Municipal Code of the Village of Roberts.

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- (c) *Removal by village.* In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within 24 hours after notice from the director of public works to do so, it shall be the duty of the director of public works to remove such obstruction and make return of the costs and expense thereof to the clerk-treasurer, who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

(Code 1980, § 8.05(1), (2), (4))

Secs. 54-9—54-30. Reserved.

ARTICLE II. STREET PRIVILEGE PERMIT

Sec. 54-31. Generally.

Permits for the use of the streets, alleys, sidewalks or other public ways or places of the village may be granted to applicants by the director of public works for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this chapter and has obtained a building permit if required.

(Code 1980, § 8.05(3)(a))

Sec. 54-32. Bond.

No street privilege permit shall be issued until the applicant shall execute and file with the clerk-treasurer a bond in an amount determined by the director of public works, conditioned that the applicant will indemnify and save harmless the village from all liability for accidents or damage caused by reason of operations under said permit, will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the village resulting from such building or moving operations.

(Code 1980, § 8.05(3)(b))

Sec. 54-33. Fee.

The fee for a street privilege permit shall be \$100.00.

(Code 1980, § 8.05(3)(c))

Sec. 54-34. Conditions of occupancy.

The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the director of public works for violation thereof:

- (1) Such temporary obstruction shall cover not more than one-third of any street or alley.
- (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.

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- (3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four feet in width guarded by a closed fence at least four feet high on both sides may be maintained during the period of occupancy.
 - (4) The process of moving any building or structure will be as continuous as practicable until completed, and if ordered by the director of public works, shall continue during all hours of the day and night.
 - (5) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
 - (6) Buildings shall be moved only in accordance with the route prescribed by the director of public works.
 - (7) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.

(Code 1980, § 8.05(3)(d))

Sec. 54-35. Termination.

All street privilege permits shall automatically terminate at the end of three months from the date of issuance unless an earlier termination date is specified thereon at the direction of the director of public works.

(Code 1980, § 8.05(3)(e))

Secs. 54-36—54-60. Reserved.

ARTICLE III. STREET TREES

Sec. 54-61. Trees to be kept trimmed.

Trees standing in and upon any public street or place, or upon any lot or land adjacent thereto, shall be pruned and trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than 14 feet and a clearance of not less than ten feet over any other public place and so that no dead, broken or otherwise hazardous branches shall be likely to fall and do injury to the public. Any tree not trimmed as herein provided shall be deemed hazardous.

(Code 1980, § 8.07(1))

Sec. 54-62. Hazardous and infected trees.

Any tree or part thereof, whether alive or dead, which the director of public works shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the village, or to be injurious to sewers, sidewalks or other public improvements, whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The director of public works shall give written notice to said owner to remedy the situation, which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 14 days as determined by the director of public works on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the

director of public works shall cause the tree to be removed, treated or trimmed and shall report the full costs thereof to the clerk-treasurer who shall thereupon enter such costs as a special charge against the property.

(Code 1980, § 8.07(2))

Sec. 54-63. Prohibited species.

No person shall plant or maintain within the village any female tree of the species *Populus deltoides*, commonly called the "Cottonwood," or any tree commonly called the seed-bearing Box Elder or *Acer negundo*, which may become infested with Box Elder bugs, and such trees are declared a nuisance. Any person having any such trees on his premises shall cause the same to be removed. If any owner shall fail to remove any such tree within 30 days after receiving written notice from the director of public works, the director shall cause the removal of such tree and report the full costs thereof to the clerk-treasurer, who shall place such charge upon the next tax roll as a special charge against the premises.

(Code 1980, § 8.07(3))

Sec. 54-64. Planting of certain trees restricted.

No person shall plant any Catalpa, Chinese Elm, White Poplar, Lombardy Poplar, or any fruit or nut tree in or upon any public street, parkway, boulevard or other public place within the village unless he shall first secure written permission from the director of public works, who shall not approve any such planting if in his opinion said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system. The director of public works shall cause the removal of any tree planted in violation of this section.

(Code 1980, § 8.07(4))

Secs. 54-65—54-90. Reserved.

ARTICLE IV. PUBLIC RIGHT-OF-WAYS

DIVISION 1. GENERALLY

Sec. 54-91. Findings; purpose.

- (a) The village finds that the passage of the Telecommunications Act of 1996 has resulted in increased use of the public right-of-ways and increased costs to the taxpayers of the village and that these costs are likely to continue into the foreseeable future.
- (b) The village finds that excavation and occupancy of the public right-of-ways causes direct and indirect costs to be borne by the village and its taxpayers, including but not limited to:
 - (1) Administrative costs associated with public right-of-way projects, such as registration, permitting, inspection and supervision, supplies and materials.
 - (2) Management costs associated with ongoing management activities necessitated by public right-of-way users.
 - (3) Repair costs to the roadway associated with the actual excavation into the public right-of-way.

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- (4) Degradation costs defined as depreciation caused to the roadway in terms of decreased useful life, due to excavations into the public right-of-ways.

In response to the foregoing facts, the village enacts this article relating to administration of and permits to excavate, obstruct and/or occupy the public right-of-ways. This article imposes reasonable regulations on the placement and maintenance of facilities currently within its right-of-ways or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies.

- (c) The village's authority to enact this article is pursuant to, but not limited to, the following federal, state and local authority: 47 USC 253(c), Wis. Stats. § 62.11(5), Wis. Stats. § 66.0425, Wis. Stats. § 66.0915, Wis. Stats. § 196.58(1), and sections as amended.
- (d) The purpose of this article is to provide the village a legal framework within which to regulate and manage the public right-of-ways, and to provide for recovery of costs. This article provides for the health, safety and welfare of the residents of the village as they use the right-of-ways of the village, as well as to ensure the structural integrity of the public right-of-ways. The village desires to minimize and anticipate the number of excavations taking place thereon and to regulate the placement of facilities within the right-of-ways to ensure that they remain available for public services. The taxpayers of the village bear the financial burden for the upkeep of the right-of-ways. A primary cause for the early and excessive deterioration of its right-of-ways is the frequent excavation by persons who locate facilities therein.
- (e) Under this article, all persons who excavate, obstruct and/or occupy the public right-of-ways will reimburse the village's administrative, ongoing management and degradation costs. Right-of-way users will bear a fair share of the financial responsibility for the integrity of the public right-of-ways.

(Ord. No. 612-00-VB, § 1.01, 6-7-2000)

Sec. 54-92. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative telecommunications utility, other, has the meaning in Wis. Stats. § 196.01.

Applicant means any person requesting permission to excavate, obstruct and/or occupy a right-of-way.

Degradation means the accelerated depreciation of the right-of-way, caused by an excavation of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

Department means the department of public works of the village.

Department inspector means any person authorized by the department to carry out inspections related to the provisions of this article.

Emergency means a condition that:

- (1) Poses a clear and immediate danger to life or health, or of a significant loss of property; or
- (2) Requires immediate repair or replacement in order to restore service to a customer.

Excavate means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

Facilities means all equipment owned, operated, leased or subleased in connection with the operation of a service or utility service, and shall include but is not limited to poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, line and other structures and appurtenances.

In, when used in conjunction with "right-of-way," means over, above, in, within, on or under a right-of-way.

Local representative means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this article.

Obstruct means to place any object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

Occupy means to dwell or reside above, on, in or below the boundaries of the public right-of-ways.

Permittee means any person to whom a permit to excavate or occupy a right-of-way has been granted by the village under this article.

Person means a municipality, corporation, company, association, firm, partnership, limited liability company, limited liability partnership and individuals and their lessors, transferees and receivers.

PSC means the public service commission of the state.

Public utility has the meaning provided in Wis. Stats. § 196.01(5).

Registrant means any person who has registered with the village:

- (1) To have its facilities located in any right-of-way; or
- (2) To use or seek to occupy or use the right-of-way or any facilities in the right-of-way.

Repair means to perform construction work necessary to make the right-of-way usable for travel, according to department specifications, or to return facilities to an operable condition.

Repair bond means a performance bond, letter of credit or cash deposit posted to ensure the availability of sufficient funds to assure that right-of-way excavation repair work is completed in both a timely and quality manner, per department specifications.

Restoration bond means a performance bond, letter of credit or cash deposit posted to ensure the availability of sufficient funds to assure that right-of-way excavation restoration work is completed in both a timely and quality manner, per department specifications.

Restore or restoration means the process by which an excavated right-of-way and surrounding area, including pavement and foundation, is reconstructed according to department specifications.

Right-of-way means the surface and space above and below a public roadway, highway, street, bicycle lane and public sidewalk in which the village has an interest, including other dedicated right-of-ways for travel purposes.

Service or utility service includes municipal sewer and water services and also includes, except as provided herein, but is not limited to:

- (1) Those services provided by a public utility as defined in Wis. Stats. § 196.01(5);
- (2) Telecommunications, pipeline, fire and alarm communications, water, electricity, light, heat, cooling energy or power services;
- (3) The services provided by a district heating or cooling system; and
- (4) Cable service as defined and regulated under 47 USC 521 through 573.

Wireless telecommunications service and cellular mobile radio telecommunications (CMRS) services as defined by section 332(d) of the Federal Communications Act of 1996 (47 USC 332(d)(1)) are excluded, unless these services have a presence in the right-of-way.

Supplementary applications means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

Telecommunications carrier has the meaning in Wis. Stats. § 196.01.

Telecommunications provider has the meaning in Wis. Stats. § 196.01.

Telecommunications right-of-way user means a person owning or controlling a facility in the public right-of-way, or seeking to own or control a facility in the public right-of-way, that is used or is intended to be used for transporting telecommunication or other voice or data information. This includes telecommunications providers, utilities, Altus and carriers. For purposes of this article, a cable television system defined and regulated under Wis. Stats. § 66.0419(2)(d), and telecommunication activities related to providing natural gas or electric energy services and telecommunications services, are not telecommunications right-of-way users.

Telecommunications service means the offering for sale or the conveyance of voice, data or other information at any frequency over any part of the electromagnetic spectrum, including the sale of service for collection, storage, forwarding, switching and delivery incidental to such communication and including the regulated sale of customer premises equipment. Telecommunications service does not include cable television service, wireless service or broadcast service.

Telecommunications utility has the meaning in Wis. Stats. § 196.01.

Unusable facilities means facilities in the right-of-way which have remained unused for one year and for which the registrant is unable to provide proof that it has either a plan to begin using them within the next 24 months or a potential purchaser or user of the facilities.

(Ord. No. 612-00-VB, § 1.02, 6-7-2000)

Secs. 54-93—54-120. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 54-121. Reservation of regulatory and police powers.

The village, by the granting of a permit to excavate, obstruct and/or occupy the right-of-way, or by registering a person under this article, does not surrender or to any extent lose, waive, impair or lessen the lawful powers and rights which it has now or which may be hereafter granted to the village under the constitution and statutes of the state to regulate the use of the right-of-way by the permittee; and the permittee by its acceptance of a permit to excavate, obstruct and/or occupy the right-of-way or of registration under this article agrees that all lawful powers and rights, regulatory power police power or otherwise as are or the same may be from time-to-time vested in or reserved to the village shall be in full force and effect and subject to the exercise thereof by the village at any time. A permittee or registrant is deemed to acknowledge that its rights are subject to the regulatory and police powers of the village to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general law, and ordinances enacted by the village pursuant to such powers.

(Ord. No. 612-00-VB, § 1.26, 6-7-2000)

Sec. 54-122. Reporting obligations.

It is in the best interests of all affected parties to attempt to coordinate construction in the public right-of-way whenever it is reasonably possible. Therefore, periodic reporting by the registrant of known construction plans will be useful to achieve this objective.

(Ord. No. 612-00-VB, § 1.07, 6-7-2000)

Sec. 54-123. Administrative agency.

The department of public works ("department") is responsible for the administration of the right-of-ways and the permits and ordinances related thereto.

(Ord. No. 612-00-VB, § 1.03, 6-7-2000)

Sec. 54-124. Registration for right-of-way occupancy.

- (a) *Generally.* Each person who occupies, uses or seeks to occupy or use the right-of-way or any facilities in the right-of-way, including by lease, sublease or assignment, or who has or seeks to have facilities located in any right-of-way, shall register with the department and pay the fee set forth in section 54-126, Municipal Code of the Village of Roberts. Registration will consist of providing application information and paying a registration fee. This section shall not apply to those persons exclusively utilizing facilities provided by another right-of-way user.
- (b) *Registration required prior to beginning work.* No person may construct, install, repair, remove, relocate or perform any work on or use any facilities or any part thereof in any right-of-way without first being registered with the department.
- (c) *Exceptions.* Nothing herein shall be construed to repeal or amend the provisions of a village ordinance requiring persons to plant or maintain the tree lawn in the area of the right-of-way between their property and the street curb, construct sidewalks, install street signs or perform other similar activities. Persons performing such activities shall not be required to obtain any permits under this article.

(Ord. No. 612-00-VB, § 1.04, 6-7-2000)

Sec. 54-125. Registration information.

- (a) *Information required.* The information provided to the department at the time of registration shall include, but not be limited to:
 - (1) Each registrant's name, Diggers Hotline registration certificate number, address and e-mail address, if applicable, and telephone and facsimile numbers.
 - (2) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
 - (3) All right-of-way users shall demonstrate to the satisfaction of the village the financial capability to cover any liability which might arise out of their presence in the right-of-way.
 - (4) If the person is a corporation, a LLC or LLP, a copy of any certificate required to be filed under statute, as recorded and certified to by the secretary of state.

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- (5) A copy of the person's certificate of authority from the state public service commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.
 - (6) Execution of an indemnification agreement in a form prescribed by the department, which is consistent with, and shall not exceed the obligations provided in, section 54-144, Municipal Code of the Village of Roberts.
- (b) *Notice of changes.* The registrant shall keep all of the information listed above current at all times by providing to the department information as to changes within 15 working days following the date on which the registrant has knowledge of any change.

(Ord. No. 612-00-VB, § 1.05, 6-7-2000)

Sec. 54-126. Registration fee.

- (a) The department shall establish the registration fee in an amount sufficient to recover the costs incurred by the village for processing registrants. This fee shall be computed as the average of labor costs, indirect costs and other costs associated with registration. The Springsted study formula for this fee is as follows:

Registration Fee = Total Annual (Labor Cost + Other Costs + Indirect Costs)/Total Number of Annual Registrations

- (b) The village may recalculate and, by resolution, establish the registration fee.

(Ord. No. 612-00-VB, § 1.06, 6-7-2000)

Sec. 54-127. Operations plan.

Every registrant shall, at the time of registration and no later than January 1 of each year, file a construction and major maintenance plan with the department. The department shall make available at the time of registration, and on January of each year, the department's construction and major maintenance plan. The registrant's plan and the department's plan shall be submitted on a form prescribed by the department and shall contain the information determined by the department to be necessary to facilitate the coordination and reduction in the frequency of excavations of right-of-ways. The plan shall include, but shall not be limited to, the following information:

- (1) The locations and estimated beginning and ending dates of all projects to be commenced during the next calendar year (a "next-year project"); and
- (2) The tentative locations and estimated beginning and ending dates for all projects with permits under this article.

(Ord. No. 612-00-VB, § 1.07, 6-7-2000)

Sec. 54-128. Excavation permit required; display.

- (a) Except as otherwise provided in this article or other ordinances, no person shall excavate any right-of-way or place facilities in a right-of-way without first having obtained an excavation permit from the department. No person shall excavate the right-of-way or maintain an excavation in the right-of-way beyond the date or area specified in the permit unless such person makes a supplementary application for another excavation permit before the expiration of the initial permit pursuant to section 54-136, Municipal Code of the Village of Roberts and a new permit or permit extension is granted.

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- (b) A copy of any permit issued under this article shall be made available at all times by the permittee at the indicated work site and shall be available for inspection by the department upon request.

(Ord. No. 612-00-VB, § 1.08, 6-7-2000)

Sec. 54-129. Application for excavation permit.

Application for a permit shall be made to the department. Permit applications shall contain the following, and will be considered complete only upon compliance with the requirements of the following provisions:

- (1) Registration with the department if required by this article.
- (2) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all existing and proposed facilities.
- (3) Payment of all money due to the village for:
 - a. Applicable permit fees and costs as set forth below;
 - b. Subject to subsection (3)c of this section, unpaid fees or costs due for prior excavations; or
 - c. Subject to subsection (5) of this section, any loss, damage or expense suffered by the village because of applicant's prior excavations of the right-of-ways or any emergency actions taken by the village.
- (4) When an excavation permit is requested for purposes of installing additional facilities, and the posting of a restoration bond for the additional facilities is insufficient, the posting of an additional or larger restoration bond for the additional facilities may be required.
- (5) The department shall not deny a registrant an excavation permit because of a dispute between the village and registrant related to subsection (3)b and/or c of this section if:
 - a. The dispute has been adjudicated in favor of the registrant.
 - b. The dispute is the subject of an appeal filed by the registrant and no decision in the matter has at yet been rendered.

(Ord. No. 612-00-VB, § 1.09, 6-7-2000)

Sec. 54-130. Fee for excavation permit.

(a) *Calculation.*

- (1) The excavation permit fee shall be established by the department in an amount sufficient to recover the costs incurred by the village. This fee shall recover costs incurred by the village for each of the following categories as provided herein:
 - a. *Administrative.* The general formula for computing the administrative fee shall be the average per-permit costs for labor plus indirect and other costs.
 - b. *Repair.* No repair fee shall be collected by the village, however, the permittee shall be required to repair the public right-of-way to department specifications, subject to inspection and acceptance by the department, as per section 54-131, Municipal Code of the Village of Roberts, and to pay a degradation fee.

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- c. *Degradation.* The general formula for computing the degradation fee shall be the cost per square yard for street, overlay and seal coat multiplied by the appropriate depreciation rate for that street multiplied by the area of the patch. The area of the patch shall be calculated by adding two feet to each side of the actual street cut. Depreciation schedules shall be provided by type of street. The Springsted study formula for this fee is as follows:

$$\text{Degradation Fee} = (\text{Cost per Square Yard for Street, Overlay and Sealcoat}) \times (\text{Depreciation Schedule Rates}) \times (\text{Area of Patch})$$

- (2) The total excavation permit fee shall be calculated as follows:

$$\text{Total Excavation Permit Fee} = \text{Administrative Cost} + \text{Degradation Fee (if applicable)}.$$

- (b) *Exemption for village and village contractors.* Notwithstanding subsection (a)(1)c of this section, the village and its contractors shall not pay degradation fees.
- (c) *Payment.* No excavation permit shall be issued without payment of applicable fees (unless the applicant shall agree to pay such fees within 30 days of billing therefor).
- (d) *Refunds.* Permit fees paid for a permit that the department has revoked for a breach as stated in section 54-138, Municipal Code of the Village of Roberts are not refundable.

(Ord. No. 612-00-VB, § 1.10, 6-7-2000)

Sec. 54-131. Right-of-way repair.

- (a) *Timing.* The work to be done under the excavation permit, and the repair of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable under section 54-137, Municipal Code of the Village of Roberts.
- (b) *Repair required.* In addition to repairing its own work, the permittee must repair the general area of the work, and the surrounding areas, including the paving and its foundations, to the specifications of the department. The department shall inspect the area of the work and accept the work when it determines that proper repair has been made, per specifications of the department. A permittee may request to have the village repair the right-of-way.
- (1) *Repair by village.* If the permittee requests to have the village repair the right-of-way, the village may accept or reject the request at its sole option. If the village accepts, the permittee shall be billed for the village's costs, and shall pay the amount thereof within 30 days of billing.
- (2) *Repair by permittee.* If the permittee chooses to repair the right-of-way, it shall at the time of application for an excavation permit post a repair bond in an amount determined by the department to be sufficient to cover the costs of repairing the right-of-way to department specifications. If, 36 months after completion of the repair of the right-of-way, the department determines that the right-of-way has been properly repaired, the surety on the repair bond shall be released.
- (c) *Standards.* The permittee shall perform repairs according to the specifications of the department and/or in the conditions specified in the permit the department shall have the authority to prescribe the manner and extent of the repair, and may do so in written procedures of general application or on a case-by-case basis.
- (d) *Guarantees.* The permittee guarantees its work and shall maintain it for 36 months following its completion, except for organic material, which shall be maintained for 12 months. During this period it shall, upon notification from the department, correct all repair work to the extent necessary, using the methods required by the department. Said work shall be completed within ten calendar days of the receipt of the

notice from the department, not including days during which work cannot be done under section 54-137, Municipal Code of the Village of Roberts.

- (e) *Failure to repair.* If the permittee fails to repair the right-of-way in the manner and to the condition required by the department, or fails to satisfactorily and timely complete all repair required by the department, the department at its option may do such work. In such event the permittee shall pay to the village, within 30 days of billing, the costs of repairing the right-of-way. If permittee fails to pay as required, the village may exercise its right under the repair bond.

(Ord. No. 612-00-VB, § 1.11, 6-7-2000)

Sec. 54-132. Restoration in lieu of repair and degradation fee.

The permittee may elect to restore the excavation and surrounding pavement in lieu of repair and a degradation fee. If restoration is elected, the department shall specify the area to be restored, and the methods and materials to be used for the restoration. The permittee shall then also comply with section 54-131(a) through (e), Municipal Code of the Village of Roberts as applied to restoration instead of repair.

(Ord. No. 612-00-VB, § 1.12, 6-7-2000)

Sec. 54-133. Inspections.

- (a) *Notice of completion.* When the work under any permit hereunder is completed, the permittee shall notify the department.
- (b) *Access for inspection.* The permittee shall make the work site available to the department and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.
- (c) *Authority of department.* At the time of inspection the village may order the immediate cessation of any work which poses a threat to the life, health, safety or well-being of the public. The village may issue an order to the registrant for any work that does not conform to the applicable standards, conditions or codes. The order shall state the failure to correct the violation will be cause for revocation of the permit. Within ten days after issuance of the order, the registrant shall present proof to the department that the violation has been corrected. If such proof has not been presented within the required time, the department may revoke the permit pursuant to section 54-138, Municipal Code of the Village of Roberts.

(Ord. No. 612-00-VB, § 1.13, 6-7-2000)

Sec. 54-134. Ongoing management fees.

- (a) *Fee basis.*
- (1) Fees shall reflect the ongoing or long-term costs to the village of managing access to the right-of-way. These costs are exclusive of administrative costs collected under excavation permit fees. Fees shall be initially set, and may be annually recomputed, to recover the costs incurred by the village in ongoing management of the right-of-way. Ongoing management costs include, but are not limited to, inventory maintenance, facility tracking, GIS, tree trimming, grass mowing, right-of-way maintenance, location marking and general inquiries related to public right-of-way occupancy by a telecommunications right-of-way user.
 - (2) The per foot management fee shall be calculated as follows:

Annual management fee per foot = Total annual management cost/Total ROW occupancy feet

(b) *Payment of fees.* Ongoing management fees shall be subject to adjustment and correction at the conclusion of the calendar year. Such fees shall be paid for all and any part of a calendar year, prorated on a daily basis, during any time period in which the said person:

- (1) Uses or occupies the right-of-way to furnish telecommunications service; or
- (2) Places, maintains or uses the person's wires, mains, pipes or any other facilities in the right-of-way.

(Ord. No. 612-00-VB, § 1.14, 6-7-2000)

Sec. 54-135. Joint applications.

- (a) *Generally.* Registrants may jointly apply for permits to excavate the right-of-way at the same place and time.
- (b) *Joining with village projects.* Registrants who join in a scheduled excavation performed by the village, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the degradation portion of the excavation permit fee.
- (c) *Shared fees.* Registrants who apply for permits for the same excavation, which the department does not perform, may share in the payment of the excavation permit fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

(Ord. No. 612-00-VB, § 1.15, 6-7-2000)

Sec. 54-136. Supplementary applications.

- (a) *Limitations on area.* An excavation permit is valid only for the area of the right-of-way specified in the permit. No permittee may perform any work or excavate outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be excavated must before working in that greater area make application for a permit extension and pay any additional fees required thereby, and be granted a new permit or permit extension.
- (b) *Limitation on dates.* An excavation permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit.
- (c) *Fees for supplementary applications.* A permittee shall pay administration costs for an additional permits. A permittee is not required to pay an additional degradation fee for the same excavation, if one has already been paid on the original permit.

(Ord. No. 612-00-VB, § 1.16, 6-7-2000)

Sec. 54-137. Compliance with other laws; prohibited work.

- (a) *Compliance with other laws.* Obtaining a permit to excavate and/or occupy the right-of-way does not relieve a permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other village, county, state or federal rules, laws or regulations. A permittee shall comply with all requirements of local state and federal laws. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

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- (b) *Prohibited work.* Except in an emergency, or with the approval of the department, no right-of-way excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

(Ord. No. 612-00-VB, § 1.17, 6-7-2000)

Sec. 54-138. Suspension, revocation, or refusal to issue or extend permit.

- (a) *Grounds.* The department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:
- (1) The applicant or permittee is required by section 54-124, Municipal Code of the Village of Roberts to be registered and has not done so;
 - (2) The applicant or permittee is seeking to perform work not included in its construction and major maintenance plan required under section 54-122, Municipal Code of the Village of Roberts, which work was reasonably foreseeable by the applicant or permittee at the time said plan was filed;
 - (3) Issuance of a permit for the requested date would interfere with an exhibition, celebration, festival or other events;
 - (4) Misrepresentation of any fact by the applicant or permittee;
 - (5) Failure of the applicant or permittee to maintain required bonds and/or insurance;
 - (6) Failure of the applicant or permittee to complete work in a timely manner;
 - (7) The proposed activity is contrary to the public health, safety or welfare;
 - (8) The extent to which right-of-way space where the permit is sought is available;
 - (9) The competing demands for the particular space in the right-of-way;
 - (10) The availability of other locations in the right-of-way or in other right-of-ways for the facilities of the permit applicant;
 - (11) The applicability of ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;
 - (12) The condition and age of the right-of-way, and whether and when it is scheduled for total or partial reconstruction; or
 - (13) The applicant or permittee is otherwise not in full compliance with the requirements of this article or state or federal law.
- (b) *Discretionary issuance.* Notwithstanding subsection (a)(2) of this section, the department may issue a permit where issuance is necessary:
- (1) To prevent substantial economic hardship to a customer of the permittee or applicant;
 - (2) To allow such customer to materially improve its utility service; or
 - (3) To allow the permittee or applicant to comply with state or federal law or ordinance or an order of a court or administrative agency.

(Ord. No. 612-00-VB, § 1.18, 6-7-2000)

Sec. 54-139. Work done without permit.

- (a) *Emergency situations.* Each registrant shall immediately notify the village by verbal notice on an emergency phone number provided by the village of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the registrant shall apply for the necessary permits, pay the fees associated therewith and otherwise fully comply with the requirements of this article. If the village becomes aware of an emergency regarding a registrant's facilities, the department may attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. The village may take whatever action it deems necessary to protect the public safety as a result of the emergency, the costs of which shall be borne by the registrant whose facilities occasioned the emergency.
- (b) *Nonemergency situations.* Except in an emergency, any person who, without first having obtained the necessary permit, excavates a right-of-way must subsequently obtain a permit, and shall, in addition to any penalties prescribed by section, pay double the normal fee for said permit, pay double all the other fees required by this article or other ordinance, deposit with the department the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this article.

(Ord. No. 612-00-VB, § 1.19, 6-7-2000)

Sec. 54-140. Supplementary notification.

If the excavation of the right-of-way begins later or ends sooner than the date given on the permit, the permittee shall notify the department of the accurate information as soon as this information is known.

(Ord. No. 612-00-VB, § 1.20, 6-7-2000)

Sec. 54-141. Location of facilities.

- (a) *Undergrounding.* In conformity with local, state and federal law, unless existing aboveground facilities are used, the installation of new facilities and replacement of old facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes.
- (b) *Corridors.* The department may assign specific corridors within the right-of-way, consistent with state public service commission standards. All excavation or other permits issued by the department involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue consistent with the state public service commission's corridor selection standards.
- (c) *Limitation of space.* The department may prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of persons to occupy and use the right-of-way. In making such decisions, the department shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but may prohibit or limit the placement of new or additional facilities when required to protect the public, health, safety or welfare.

(Ord. No. 612-00-VB, § 1.21, 6-7-2000)

Sec. 54-142. Relocation of facilities.

- (a) Except as prohibited by state or federal law, a registrant must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the right-of-way

whenever the department requests such removal and relocation, and shall restore the right-of-way to the same condition it was in prior to said removal or relocation. The department may make such request to prevent interference by the company's facilities with:

- (1) A present or future village use of the right-of-way;
 - (2) A public improvement undertaken by the village;
 - (3) An economic development project in which the village has an interest or investment;
 - (4) When the public health, safety and welfare require it; or
 - (5) When necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way.
- (b) Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a nongovernmental entity unless and until the reasonable costs thereof are first paid to the person therefor.

(Ord. No. 612-00-VB, § 1.22, 6-7-2000)

Sec. 54-143. Interference with other facilities during municipal construction.

- (a) When the village performs work in the right-of-way and finds it necessary to maintain, support, shore or move a registrant's facilities, the village shall notify the local representative. The registrant shall meet with the village's representative within 24 hours and coordinate the protection, maintenance, supporting and/or shoring of the registrant's facilities. The registrant shall accomplish the needed work within 72 hours, unless the village agrees to a longer period.
- (b) In the event that the registrant does not proceed to maintain, support, shore or move its facilities, the village may arrange to do the work and bill the registrant, said bill to be paid within 30 days.

(Ord. No. 612-00-VB, § 1.23, 6-7-2000)

Sec. 54-144. Indemnification.

The permittee expressly acknowledges and agrees, by acceptance of the permit, to indemnify, defend and hold harmless the village, its officers, boards, committees, commissions, elected officials, employees and agents from and against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon the village or its agents or employees for damages because of bodily injury, including death, at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the permittee's acts or omissions in the exercise of its rights under this permit, whether caused by or contributed to by the village or its agents or employees.

(Ord. No. 612-00-VB, § 1.24, 6-7-2000)

Sec. 54-145. Discontinued operations and abandoned facilities.

- (a) *Discontinued operations.* A registrant who has determined to discontinue its operations in the village must either:
- (1) Provide information satisfactory to the department that the registrant's obligations for its facilities under this article have been lawfully assumed by another registrant; or

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- (2) Submit to the department a proposal and instruments for dedication of its facilities to the village. If a registrant proceeds under this clause, the village may, at its option:
 - a. Accept the dedication for all or a portion of the facilities;
 - b. Require the registrant, at its own expense, to remove the facilities in the right-of-way at ground or aboveground level; or
 - c. Require the registrant to post a bond or provide payment sufficient to reimburse the village for reasonably anticipated costs to be incurred in removing the facilities.

However, any registrant who has unusable and abandoned facilities in any right-of-way shall remove such from that right-of-way within two years, unless the department waives this requirement.

- (b) *Abandoned facilities.* Facilities of a registrant who fails to comply with subsection (a) of this section and which, for two years, remain unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. In addition to any remedies or rights it has at law or in equity, the village may, at its option:
 - (1) Abate the nuisance;
 - (2) Take possession of the facilities; or
 - (3) Require removal of the facilities by the registrant or the registrant's successor in interest.
- (c) *Exemption of public utilities.* This section shall not apply to a public utility as defined by Wis. Stats. § 196.01(5).

(Ord. No. 612-00-VB, § 1.25, 6-7-2000)

Chapter 58 SUBDIVISIONS AND PLATTING

ARTICLE I. IN GENERAL

Sec. 58-1. Authority.

These regulations are adopted under the authority granted by Wis. Stats. §§ 60.10(2)(c), 61.35, 62.23(5), and ch. 236.

(Ord. of 4-10-2000, § 18.0101)

Sec. 58-2. Purpose.

The purpose of this chapter is to regulate and control the division of land within the limits of the village in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the village.

(Ord. of 4-10-2000, § 18.0102)

Sec. 58-3. Intent.

It is the general intent of this chapter to regulate the division of land so as to:

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- (1) Obtain the wise use, conservation, protection, and proper development of the village's wetland, woodland and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
 - (2) Lessen congestion in the streets and on the highways;
 - (3) Further the orderly layout and appropriate use of land;
 - (4) Provide for safety from fire, panic and other dangers;
 - (5) Provide adequate light and air;
 - (6) Facilitate adequate provision for housing, transportation, water supply systems, stormwater, wastewater facilities, schools, parks, playgrounds and other public facilities and services;
 - (7) Secure safety from flooding, water pollution, disease, and other hazards;
 - (8) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects;
 - (9) Prevent and control erosion, sedimentation and other pollution of surface and subsurface water;
 - (10) Preserve natural vegetation and cover and retain the natural beauty of the village;
 - (11) Restrict building sites on areas covered by poor soils or in other areas poorly suited for development;
 - (12) Facilitate the division of large tracts into smaller parcels of land;
 - (13) Ensure adequate legal description and proper survey monumentation of subdivided land;
 - (14) Provide for the administration and enforcement of this chapter;
 - (15) Provide penalties for its violations; and
 - (16) Implement those village, county, watershed or regional comprehensive plans or their components adopted by the village, and in general to facilitate enforcement of village development standards as set forth in the adopted joint long-range land use plan, zoning ordinance (chapter 70) and building code of the village.

(Ord. of 4-10-2000, § 18.0103)

Sec. 58-4. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annual, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law, however, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(Ord. of 4-10-2000, § 18.0104)

Sec. 58-5. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other power granted by statute.

(Ord. of 4-10-2000, § 18.0105)

Sec. 58-6. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a special public way affording only secondary accesses to abutting properties.

Arterial street means an urban or rural street used, or intended to be used, primarily for fast or heavy inter-neighborhood or inter-community through traffic. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways and parkways.

Building setback line means a line generally parallel to the street lot line and at a minimum distance from said lot line as specified in the village zoning ordinance (chapter 70) and which delineates the street side of the buildable area of the lot or parcel.

Building space means a designated space on a planned unit development (PUD) on which buildings are proposed to be built.

Collector street means an urban street used, or intended to be used, to carry traffic from minor streets to arterial street systems including the principal entrance streets to urban residential subdivisions.

Community means a town, an incorporated municipality or a group of adjacent towns and/or incorporated municipalities having common social, economic or physical interests or characteristics.

Comprehensive plan means an extensively developed plan, also called a "master plan," adopted by the village plan board and certified to the village board pursuant to Wis. Stats. § 62.23, including proposals for future land use, transportation, utilities and public facilities. Devices for the implementation of such plans, such as zoning, official map, land division and building line codes or ordinances and capital improvement programs may also be considered a part of the comprehensive plan.

County park and planning commission means the agency of county government in the county having land division plat review and approval authority.

Cul-de-sac street means a minor street closed at one end with a turnaround provided for safe movement of motorized vehicles.

Development (rural) means agricultural, residential, recreational and other open space development at such concentrations and densities not requiring traditional urban services and facilities. Historically, in northwestern Wisconsin, when residential development densities are less than 0.2 dwelling units per gross acre (or one dwelling unit per five acres), such traditional urban services are not required. Such rural development may be expected to result in minimum disturbance of the land and land cover, and therefore, less impact on the natural environment.

Development (urban) means residential, commercial, industrial, governmental and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities including, but not limited to: full- or part-time municipal police and fire protection, and community administration; additional public streets and highways; neighborhood parks and playgrounds; neighborhood schools; local libraries; public sanitary sewer facilities, public water supply facilities, and public solid waste removal; storm sewers; mass transit facilities; continual street maintenance; curbs, gutters and sidewalks; street lighting; and neighborhood convenience shopping. Such development may be expected to alter or require the altering of land and land covers and has detrimental impact on the groundwaters and surface waters. Historically, in southeastern Wisconsin, urban development is concentrated in large areas at densities in excess of 0.2 dwelling units per gross acre (or one dwelling unit per five acres).

Extraterritorial plat approval jurisdiction means the unincorporated area within 1½ miles of a fourth class city or a village and within three miles of all other cities which have established a land division control ordinance pursuant to Wis. Stats. § 62.23. See also Wis. Stats. §§ 66.0105, 236.10.

Face of curb means the vertical portion of the curb facing the pavement on a nonmountable curb. On mountable curbs, the curb face is computed to be at a point seven inches from the back of the curb.

Floodlands means those lands, including the floodplains, flood fringe, floodways and channels, subject to inundation by the 100-year recurrence interval flood or, where such data is not available, the maximum flood of record.

Frontage street means a minor street auxiliary to and located adjacent to an arterial street and used to control access to the arterial street and to provide access and service to the abutting properties.

High-groundwater elevation means the highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. ("Mottling" is a variation of soil colors. In soils with restricted internal drainage, gray, yellow, red and brown colors are intermingled giving a multicolored effect.)

High-water elevation means the average annual high-water level of a pond, stream, 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 of the water is so frequent as to leave a distinct mark by erosion, change in or destruction of vegetation, or other easily recognized topographic, geologic or vegetative characteristic.

Land division means any division of lands which results in the legal creation of additional lots, parcels or tracts of land.

Letter of credit means a written letter engagement by a commercial bank made at the request of the subdivider whereby the issuer will honor drafts or other demands for payment by the subdivider or third party upon compliance with the conditions specified in the letter of credit.

Lot means a parcel of land, whether acquired by one or more conveyances, having frontage on a public or other officially approved means of access occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of the village zoning ordinance (chapter 70) or this chapter and other village codes and ordinances.

Lot, corner, means a lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot, double-frontage, means a lot, which has opposite lot lines along, and coincidental with, two substantially parallel streets and which is not a corner lot. Street access from a double-frontage lot shall be allowed only on the most minor street of the two frontage streets.

Minor land division means any division of land, whether acquired by one or more conveyances, not defined as a "subdivision," and having one or more parcels less than 20 acres in size. Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two but not more than four parcels or building sites; or the division of a block, lot or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot or outlot. Such minor land divisions shall be made by a certified survey map.

Minor street means a street used, or intended to be used, primarily for access to abutting properties.

Municipality means an incorporated village or city.

National map accuracy standards means standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in southeastern Wisconsin.

Navigable stream means any stream capable of floating any boat, skiff or canoe of the shallowest draft used for recreational purposes at any time of the year.

Outlot means a parcel of land, other than a lot or block, so designated on the plat, but generally not of standard lot size, which is used to convey or reserve parcels of land for purposes other than residential development and which may be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent land divisions in the future for the purpose of creating buildable lots.

Preliminary plat means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of official preliminary consideration.

Public way means any public road, street, highway, walkway, drainageway or part thereof.

Replat means the changing of the boundaries of a recorded land division or part thereof.

Shorelands means those lands in the unincorporated areas of the county lying within 1,000 feet from the high-water elevation of navigable lakes, ponds and flowages or 300 feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

Soil mapping unit means an area inscribed on the operational soil survey maps prepared by the U.S. Soil Conservation Service and designated by soil type, slope and erosion factor.

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

Subdivision means the division of a lot, outlot, parcel or tract of land by the owners thereof, or their agents, for the purpose or transfer of ownership or building development where the act of division creates five or more parcels or building sites; or where the act of division creates five or more parcels or building sites by successive division within a period of five years irrespective of size. Also, the common term for a residential land development.

Surety bond means a bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

Wetlands means 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 a high-water table.

Wisconsin Administrative Code or *Wis. Admin. Code* means the rules of administrative agencies having rule-making authority in Wisconsin, published in a looseleaf, continual revision system as directed by Wis. Stats. § 35.93 and Wis. Stats. ch. 227, including subsequent amendments to those rules.

(Ord. of 4-10-2000, § 18.1102)

Secs. 58-7—58-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 58-31. Penalties.

- (a) Any person, firm or corporation who violates or fails to comply with any provision of this chapter shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$1,000.00 plus the costs of prosecution for each offense and the penalty for default of payment of such forfeiture and costs shall be imprisonment in the county jail until payment thereof, but not exceeding six months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include:
- (1) Recordation improperly made, which violation carries penalties as provided in Wis. Stats. § 236.30.
 - (2) Conveyance of lots in unrecorded plats carries penalties as provided in Wis. Stats. § 236.31.

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- (3) Monuments disturbed or not placed carry penalties as provided for in Wis. Stats. § 236.32.
- (b) In addition, an assessor's plat as set forth in Wis. Stats. § 70.27 may be ordered by the village board at the expense of the subdivider when a subdivision as defined herein is created by successive divisions.
- (Ord. of 4-10-2000, § 18.0208)

Sec. 58-32. Violations.

It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this chapter or statute; and no person, firm or corporation shall be issued a building or occupancy permit by the village authorizing the building on or improvement of any subdivision, minor land division or replat within the jurisdiction of the village not of record on the effective date of the ordinance from which this chapter is derived until the provisions and requirements of this chapter have been fully met. The village board may institute appropriate action or proceedings to enjoin violations of any part of this chapter or applicable statutes.

(Ord. of 4-10-2000, § 18.0207)

Sec. 58-33. Jurisdiction.

- (a) Jurisdiction of this chapter shall include all lands within the limits of the village as established in Wis. Stats. §§ 62.23 and 66.0105. The provisions of this chapter as it applies to divisions of tracts of land into less than five parcels shall not apply to:
- (1) Transfers of interest in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed ten years, mortgages or easements; and
 - (3) Sale or exchange of parcels of land between owners of adjoining property if additional lots or parcels are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter, the village zoning ordinance (chapter 70) or other applicable laws, codes or ordinances.
- (b) In addition, however, all divisions of land which result in the creation of one or more lots or parcels of land less than 20 acres in size shall be divided in accordance with these regulations.

(Ord. of 4-10-2000, § 18.0201)

Sec. 58-34. Compliance.

No person, firm or corporation shall divide any land located within the limits of the village which results in a subdivision, minor land division or a replat as defined herein; no such subdivision, minor land division or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following documents:

- (1) Wis. Stats. ch. 236;
- (2) Rules of the state department of health and social services, division of health, regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made;
- (3) Rules of the state department of natural resources relating to water quality and wetland development;
- (4) Rules of the state department of transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street;

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- (5) The duly adopted comprehensive plan, or comprehensive plan component, of the village;
 - (6) The village flood and shorelands zoning ordinance and all other applicable village ordinances; and
 - (7) The village zoning ordinance (chapter 70) and supplements and amendments thereto, and all other applicable village codes, chapters or ordinances.

(Ord. of 4-10-2000, § 18.0202)

Sec. 58-35. Inspections.

The subdivider, prior to commencing any work within the land division, shall make arrangements with the plan board and village engineer to provide for adequate inspections. The village engineer shall inspect and approve in writing to the plan board and the plan board may inspect all required or necessary work prior to approval of the final plat or release of any sureties.

(Ord. of 4-10-2000, § 18.0908)

Sec. 58-36. Dedication and reservation of lands.

- (a) *Streets, highways and drainageways.* Whenever a tract of land to be divided within the village encompasses any part of an arterial or collector street, drainageway or other public way which has been designated on a duly adopted joint long-range land use plan, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in article IV of this chapter, whichever is larger.
- (b) *Utility easements.* Whenever a tract of land to be divided within the village encompasses all or any part of an existing or proposed utility easement as established by the village engineer, private or public utility, sanitary district, drainage district, soil and water conservation district, county, state or federal agency, such easements shall be shown on and made a part of the plat or certified survey map.

(Ord. of 4-10-2000, § 18.0203)

Sec. 58-37. Installation of improvements.

Before approval of a final plat or final certified survey map of all or any part of an approved preliminary plat or, where required, a preliminary certified survey map of lands located within the village, the subdivider shall install all street and utility improvements as hereinafter required. Following approval of a preliminary plat or preliminary certified survey map, a subdivider's/developer's agreement must be executed and all improvements shall be installed or made prior to submission for approval of any final plat or final certified survey map and, further, must be made to the satisfaction of the village engineer within 12 months from the date of preliminary approval or such approval will be considered null and void. If, for some physical reason, the required improvements cannot be made within the prescribed 12-month period, the village board may extend the period and require a cash bond in an amount equal to 120 percent of the costs of completing such improvements as estimated by the village engineer as a guarantee that the required improvements will be made within a reasonable period prescribed by and to the satisfaction of the village board. Any such cash bond and any accrued interest shall remain in the custody of the village. In no event shall the provision of a cash bond for completion of required improvements remove the burden of such completion from the subdivider. In addition:

- (1) *Approval of contractors and subcontractors.* Contractors and subcontractors retained by the subdivider to construct street and utility improvements on dedicated street right-of-ways or to prepare contracts

and contract specifications for such construction shall be subject to the approval of the village board upon the recommendation of the village engineer.

- (2) *Survey monuments.* Before final approval of any plat or certified survey map within the village, the subdivider shall install survey monuments placed in accordance with the requirements of Wis. Stats. § 236.15 and as may be required by the village engineer, county surveyor or this chapter.
- (3) *Governmental units.* Governmental units to which these contract provisions apply may file, in lieu of said contract, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

(Ord. of 4-10-2000, § 18.0204)

Sec. 58-38. Variances.

Where, in the judgment of the village board, it would be inappropriate to apply literally the provisions of articles IV and V of this chapter because exceptional or undue hardship would result, the village board, upon recommendation of the village plan board, may waive or modify any requirement to the extent deemed just and proper. No variance to the provisions of this chapter shall be granted, however, unless the village board makes a specific finding based on documented evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- (1) *Exceptional circumstances.* There are exceptional, extraordinary or unusual circumstances of conditions where a literal enforcement of the requirements of this chapter would result in severe hardship. (Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this chapter should be changed.)
- (2) *Absence of detriment.* The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

(Ord. of 4-10-2000, § 18.0205)

Sec. 58-39. Land suitability.

- (a) No land shall be divided or subdivided for residential use which is determined to be unsuitable for such use by the village board for reason of flooding, inadequate drainage, adverse soil conditions, rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed land division or of the village. Determination of suitability shall be based upon the following:
 - (1) *Floodlands.* No lot of 12,500 square feet or less in area shall include floodlands. All such lots more than 12,500 feet in area shall contain not less than 12,500 square feet of land which is at an elevation of the 100-year recurrence interval flood or, where such data is not available, five feet above the maximum flood of record.
 - (2) *Lowland conservancy lands.* No lot of 12,500 square feet or less in area shall include lowland conservancy land. All such lots more than 12,500 square feet in area shall contain not less than 12,500 square feet of land area which is not delineated as lowland conservancy.
 - (3) *Land made, altered, or filled with non-earth materials.* Land made, altered, or filled with non-earth materials shall not be divided into building sites unless specifically approved by the plan board, upon recommendation of the village engineer.

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- (b) The village board, upon recommendation of the plan board, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if so desired. Thereafter, the village board may affirm, modify or withdraw its determination of unsuitability.

(Ord. of 4-10-2000, § 18.0206)

Sec. 58-40. Appeals.

Any person aggrieved by an objection or failure to approve a plat or certified survey map may appeal to the village board such objection or failure to approve as provided in Wis. Stats. § 236.13(5) within 30 days of notification of the rejection of the plat or certified survey map. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.

(Ord. of 4-10-2000, § 18.0209)

Secs. 58-41—58-60. Reserved.

ARTICLE III. PLATS AND CERTIFIED SURVEY MAPS

DIVISION 1. GENERALLY

Sec. 58-61. Changes or modifications to approved plat or map.

The village engineer or the subdivider may petition the village board to secure changes or modifications to an approved preliminary plat or preliminary certified survey map as the development progresses.

(Ord. of 4-10-2000, § 18.0909)

Secs. 58-62—58-80. Reserved.

DIVISION 2. PRELIMINARY PLATS

Sec. 58-81. Pre-preliminary plat.

Prior to the filing of an application for the approval of a preliminary plat, the subdivider/owner shall consult with the village plan board in order to obtain their review, advice and assistance in the preparation of a preliminary plat. Such consultation shall be termed the pre-preliminary plat stage of the land division procedure and include the following steps and information:

- (1) The subdivider/owner shall prepare a conceptual development scheme or sketch plan at a scale of one inch equals 100 feet for all the contiguous lands in which the subdivider/owner has legal or equitable interest;
- (2) Such sketch plan shall include enough information to set forth the proposed development potential of the parcel to the satisfaction of the village plan board, and include at least the following:
 - a. Topographic mapping at not greater than four-foot contour interval;

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- b. Soil characteristics or interpretations secured from detailed soil maps prepared by the USDA Soil Conservation Service (SCS);
 - c. The limits of woodland cover and wetlands on the entire parcel;
 - d. Location of lakes, ponds, streams or "kettles," standing water and designated floodplains and lowland conservancy areas on the parcel;
 - e. Areas of steep (12 percent or more) slope conditions, high-water table conditions, and potential drainage and erosion problems;
 - f. Existing and proposed access from proposed parcels to adjacent streets, roads or properties;
 - g. Proposed street location and width;
 - h. Proposed lots including size to the nearest one-tenth acre; and
 - i. Any other pertinent information useful to the developer/owner and plan board in their determination of developability of the parcel.
- (3) Following review and approval of the sketch plan, the plan board shall either reject the sketch plan giving reasons for such rejection or approve the sketch plan and make necessary and appropriate recommendations regarding rezoning of the parcel. Such review and approval of the sketch plan shall constitute conceptual approval only and does not bind the plan board or village board to approval of the preliminary plat when submitted.
 - (4) Through the pre-preliminary plat procedure it is expected that the subdivider/owner and plan board will reach mutual conclusions regarding the general design and objectives of the proposed development and its possible effects on the village. The subdivider will also gain a better understanding of the subsequent required procedures and the entire process may be expedited.

(Ord. of 4-10-2000, § 18.0301)

Sec. 58-82. Review and approval.

Before submitting a final plat for approval, the subdivider shall prepare and submit a preliminary plat along with a letter of application in accordance with this division and a petition for rezoning of the lands within the preliminary plat and pursuant to the following procedure:

- (1) *Filing of proposed plat.* The subdivider shall file 20 copies of the proposed plat and the application along with the rezoning petition with the clerk-treasurer at least 25 days prior to the meeting of the plan board at which action is desired.
- (2) *Payment of fees.* At the time of application for preliminary plat approval the subdivider shall pay all fees as set forth in article VI of this chapter.
- (3) *Distribution of copies.* The clerk-treasurer shall, within two normal workdays after filing, transmit one copy to the Northwest Regional Planning Commission, one copy to each utility company involved, ten copies for the village plan board and the village board, one copy to the village engineer, and one copy for the clerk-treasurer file.
- (4) *Approving and objecting agencies.* The village board shall hereafter be referred to as "approving agencies." All other public or private agencies shall be referred to as "objecting agencies."
- (5) *Notification of objections.* The approving and objecting agencies shall, within 30 days of the date of receiving their copies of the proposed preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the proposed preliminary plat and shall return that copy to the clerk-treasurer. If an

approving or objecting agency, other than the village, fails to act within 30 days, it shall be deemed to have no objection to the plat.

- (6) *Review by plan board.* The preliminary plat shall then be reviewed by the village plan board for conformance with this chapter and all codes, chapters, ordinances, rules, regulation, comprehensive plans and comprehensive plan components of the village relating to the plat and its recommendations regarding the preliminary plat, the final plat staging, and the rezoning of final platted areas transmitted to the village board.
- (7) *Action by village board.* The village board, with or without the recommendations of the plan board and the objecting or other approving agencies, shall, within 90 days of the date of filing of a preliminary plat with the clerk-treasurer, approve, approve conditionally or reject such plat unless the time is extended by mutual written agreement with the subdivider. One copy of the preliminary plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. At least one copy each of the preliminary plat and letter shall also be placed in the village board's permanent file.
- (8) *Failure of village board to act.* Failure of the village board to act on the proposed preliminary plat with 90 days from the date of filing of the plat with the clerk-treasurer, the time having not been extended as set forth herein and no unsatisfied objections having been filed, shall constitute approval of the plat.
- (9) *Effect of approval; expiration of approval.* Approval or conditional approval of a proposed preliminary plat shall not constitute approval of the final plat, but rather shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of detailer street and utility plans and the final plat which will be subject to further consideration by the village plan board and village board at the time of its submission. If, however, the final plat is submitted within 24 months of preliminary plat approval and conforms substantially to the approved preliminary plat layout, the final plat shall be entitled to approval with respect to such layout. In any event, approval or conditional approval of a preliminary plat expires 24 months after the last required preliminary plat approval is granted, unless a final plat of at least one phase of the approved preliminary plat is submitted within such 24-month period. In addition, with respect to a phased final plat, said 24-month period shall be renewed and measured from approval of the last preceding final plat phase. After expiry of said 24-month period the subdivider has the option of resubmitting the original preliminary plat for approval or submitting a newly designed preliminary plat in accordance with this section.
- (10) *Rezoning.* At the time of preliminary plat approval the village board shall, upon recommendation of the plan board, also approve any rezoning of the property encompassed with in the preliminary plat.
- (11) *Installation of improvements.* Following approval of a preliminary plat and prior to submission of a final plat the subdivider shall prepare, submit to the village for review and approval and execute a subdivider's/developer's agreement and proceed to prepare improvement plans and obtain written approval of such plans by the village staff. Following such approvals the subdivider shall install all required improvements in those areas proposed to be final platted and then prepare a final plat of those phases of the preliminary plat as proposed and submit such final plat to the village board.

(Ord. of 4-10-2000, § 18.0302)

Sec. 58-83. Preliminary plat required; preparation and format.

A preliminary plat shall be required for all subdivisions as defined herein and shall be based upon a survey by a registered land surveyor and the plat shall be prepared on tracing cloth, reproducible drafting film or paper of

good quality at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- (1) Title or name under which the proposed subdivision is to be recorded;
- (2) Proper location of the proposed subdivision by government lot, quarter-section, section, township, range, county and state;
- (3) General location sketch at 2,000 feet to the inch showing the location of the subdivision within the U.S. Public Land Survey section;
- (4) Date, graphic scale and north point;
- (5) Names and addresses of owner, subdivider, land surveyor and any other professional staff involved in preparing the plat;
- (6) The entire area contiguous to the proposed plat in which the subdivider has a legal or equitable interest if such area is less than 100 acres in size even though only a portion of said area is proposed for immediate development. If 100 acres or more in size, the preliminary plat may include that area of such contiguous land which is proposed to be developed immediately if the land area is included in an approved pre-preliminary sketch plan, the land area is at least 65 acres in size, and the remnant unplatted parcel is not less than 40 acres in size. The village board may modify these requirements where it is determined unnecessary to fulfill the purpose and intent of this chapter and physical hardship would result from strict application thereof.

(Ord. of 4-10-2000, § 18.0401)

Sec. 58-84. Required information.

All preliminary plats shall show the following:

- (1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced in a section or quarter corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
- (2) Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent, and of not more than four feet where the slope of the ground surface is ten percent or more. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean sea level);
- (3) Water elevations of adjoining lakes and streams at the date of the survey and the approximate high and low water elevations, all referenced to mean sea level (1929 datum);
- (4) Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, the limits of and the contour line lying a vertical distance of five feet above the elevation of the maximum flood of record;
- (5) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility right-of-ways and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto;
- (6) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929 datum);
- (7) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands;

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- (8) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might feasibly be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size and invert elevations;
 - (9) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas; railroad tracks and other similar significant natural or manmade features within the tract being subdivided or immediately adjacent thereto;
 - (10) Location, width and suggested names of all proposed streets and public right-of-ways such as alleys and easements;
 - (11) Approximate dimensions of all lots together with proposed lot and block numbers;
 - (12) Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, playgrounds, drainageways, schools or other public use or which are to be used for group housing, shopping centers, church sites or other private uses not requiring division into lots;
 - (13) Approximate proposed street grades;
 - (14) Existing zoning adjacent to the proposed subdivision;
 - (15) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access;
 - (16) Any proposed lake and stream improvement or relocation;
 - (17) Soil type, slope, and boundaries as shown on the detached operational soil survey maps prepared by the U.S. Soil Conservation Service;
 - (18) Location of soil boring tests, where required by Wis. Admin. Code, made to a depth of six feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per three acres shall be made initially. Two copies of all test results shall accompany the preliminary plat;
 - (19) Special restrictions required by the village plan board such as those relating to points or areas of access control along public ways, provisions of planting screen areas, areas of fill or earth moving restrictions or areas of land clearance restriction;
 - (20) School district in which the plat is encompassed;
 - (21) Proposed zoning districts based on rezoning petition as well as the proposed staging of final platting.

(Ord. of 4-10-2000, § 18.0402)

Sec. 58-85. Additional data and supporting documents.

- (a) *Street plans and profiles.* As a part of preliminary plat preparation the plans and profiles of all proposed streets and alleys shall be submitted to the village showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon mean sea level (1929 datum) and plans and profiles shall meet the approval of the village engineer.

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- (b) *Testing.* As a part of preliminary plat preparation the village plan board may require the subdivider to provide that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table.
- (c) *Soil and water conservation.* The village engineer, upon determining from a review of the preliminary plat that the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth-moving operations in the development of the subdivision or otherwise entail a severe erosion hazard, or where the site has an average slope greater than three percent, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the publication "Minimizing Erosion in Urbanizing Areas," as prepared by the U.S. Department of Agriculture, Soil Conservation Service, 1972, and its sequel, and shall be in accordance with standards set forth in section 56-216, Municipal Code of the Village of Roberts.
- (d) *Covenants.* As a part of preliminary plat preparation the village plan board may require inclusion and submission of a draft of protective covenants or deed restrictions whereby the subdivider intends to regulate land use, density, environmental protection, property maintenance and street and highway access in the proposed subdivision and otherwise protect the proposed development.

(Ord. of 4-10-2000, § 18.0403)

Sec. 58-86. Affidavit of compliance.

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 chapter.

(Ord. of 4-10-2000, § 18.0404)

Sec. 58-87. Fees.

The subdivider shall pay all fees applicable to the proposed preliminary plat to the clerk-treasurer at the time the preliminary plat is first submitted for village plan board review and approval, in the amount as set forth in article VI of this chapter.

(Ord. of 4-10-2000, § 18.0405)

Secs. 58-88—58-110. Reserved.

DIVISION 3. FINAL PLATS

Sec. 58-111. Review and approval.

Within 24 months from date of approval of the preliminary plat the subdivider shall prepare a final plat and a letter of application in accordance with division 2 of this article and the following procedure:

- (1) *Partial platting.* If 20 or more acres in area, the approved preliminary plat may be final platted in phases with each phase encompassing at least ten acres or 20 percent of the area of the approved preliminary plat, whichever is larger.

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- (2) *Filing of copies of proposed plat.* The subdivider shall file 16 copies of the proposed final plat and the application with the clerk-treasurer at least 25 days prior to the meeting of the village plan commission at which action is desired.
 - (3) *Payment of fees; development timetable.* At the time of application for final plat approval, the subdivider shall pay all applicable fees as set forth in article VI of this chapter. If the subdivider elects to final plat in phases, the village board shall require a timetable of estimated completion of the development of the entire property included in the preliminary plat at or prior to the time of submittal of the first phase of the final plat. (See subsection (5) of this section.)
 - (4) *Distribution of copies.* The clerk-treasurer shall, within two normal workdays after filing, transmit one copy to the park board, one copy to the village engineer, five copies to the village plan board, and the original and one copy to the clerk-treasurer.
 - (5) *Objections by approving agencies.* The approving and objecting agencies shall, within 20 days of the date of receiving their copies of the proposed final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the proposed final plat and shall return that copy to the clerk-treasurer. If an objecting or approving agency, other than the village, fails to act within 20 days, it shall be deemed to have no objection to the plat.
 - (6) *Recommendation by plan board.* The village plan board shall examine the final plat as to its conformance with the approved preliminary plat, and conditions of approval of the preliminary plat, this chapter and all codes, chapters, ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it, and shall, within 40 days from the date of filing with the clerk-treasurer, recommend approval, conditional approval or rejection of the final plat as well as the rezoning of the platted areas to the village board.
 - (7) *Notification of municipalities.* The village plan board shall, at the time it recommends approval of a plat to the village board, give at least ten days' prior written notice of its recommendation to the clerk-treasurer of any municipality within 1,000 feet of the proposed final plat.
 - (8) *Action by village board.* The village board shall, within 60 days of the date of filing the original proposed final plat with the clerk-treasurer, approve or reject such plat unless the time is extended by mutual written agreement with the subdivider. If the proposed final 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. The village board may not inscribe its approval of the final plat unless the clerk-treasurer certifies on the face of the final plat that the copies were forwarded to objecting and approving agencies as required herein, the date thereof, and that no objections have been filed within 30 days, or if filed, have been met.
 - (9) *Failure of board to take action.* Failure of the village board to take action on the final plat within 60 days from the date of filing the proposed plat with the clerk-treasurer, the time having not been extended and no unsatisfied objections having been filed, shall constitute approval of final plat.
 - (10) *Recording.* After the final plat has been approved by the village board and required improvements either installed or a cash bond or irrevocable letter of credit insuring their installation is filed with the village, all fees paid and any conditions imposed at the time of initial approval met, the clerk-treasurer shall cause the certificate inscribed upon the final plat attesting to such approval to be duly executed and the final plat returned to the subdivider for recording with the county register of deeds. The register of deeds shall not record the final plat unless it is offered within six months from the date of the last approval and 24 months after first approval.
 - (11) *Filing of copies of approved plat.* The subdivider shall file six copies of the approved final plat with the clerk-treasurer for distribution to the village engineer, building inspector, assessor and other affected

departments for their files. Also, one certified copy of the final plat, as recorded by the county register of deeds, shall be filed with the clerk-treasurer by the subdivider.

(Ord. of 4-10-2000, § 18.0303)

Sec. 58-112. Final plat required; required information.

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

(Ord. of 4-10-2000, § 18.0501)

Sec. 58-113. Additional data.

The plat shall show correctly on its face, in addition to the information required by Wis. Stats. § 236.20, the following:

- (1) Exact length and bearing of the centerline of all streets;
- (2) Exact street width along the line of any obliquely intersecting street;
- (3) Railroad right-of-ways within and abutting the plat;
- (4) Setbacks or building lines required by the village plan board or other village or county laws, codes, chapters or ordinances;
- (5) Utility and drainage easements;
- (6) All lands dedicated for public use, reserved for future public acquisition or reserved for the common use of property owners within the plat;
- (7) Special restrictions required by the village plan board such as those relating to points or areas of access control along public ways, provision of planting screen areas, areas of fill or earth moving restrictions or areas of land clearance restrictions; and
- (8) Utilities, showing their exact location and depth.

(Ord. of 4-10-2000, § 18.0502)

Sec. 58-114. Surveying and monumenting requirements.

All final plats shall meet all the surveying and monumenting requirements of Wis. Stats. § 236.15.

(Ord. of 4-10-2000, § 18.0503)

Sec. 58-115. Survey accuracy.

The village engineer shall examine all final plats within the village and, where appropriate, make field checks for the accuracy and closure of survey, accuracy of topographic data, the proper kind and location of monuments, and the legibility and completeness of the drawing. In addition:

- (1) Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 10,000 (1:10,000), nor in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field

measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

- (2) All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one part in 5,000 (1:5,000), or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.
- (3) Where the plat is located within or adjacent to a U.S. Public Land Survey one-quarter section the corners of which have been relocated, monumented and coordinated by the county, the village or the Northwest Region Planning Commission, the tie required by Wis. Stats. § 236.20(3)(b) or shall be expressed in terms of grid bearing and distance, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- (4) The village board shall receive the results of the village engineer's examination prior to approving the final plat.

(Ord. of 4-10-2000, § 18.0504)

Sec. 58-116. Ties to state plane coordinate system.

Where the plat is located within, or immediately adjacent to a U.S. Public Land Survey one-quarter section the corners of which have been relocated, monumented, and coordinated by the county, the village or the Northwest Wisconsin Regional Planning Commission, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, North Zone, and adjusted to the county's control survey.

(Ord. of 4-10-2000, § 18.0505)

Sec. 58-117. Certificates.

All final plats shall provide all the certificates required by Wis. Stats. § 236.21, and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter.

(Ord. of 4-10-2000, § 18.0506)

Sec. 58-118. Filing of protective covenants.

The village plan board may require that any and all protective covenants be filed with the final plat.

(Ord. of 4-10-2000, § 18.0507)

Sec. 58-119. Fees.

The subdivider shall pay all fees applicable to the proposed final plat to the clerk-treasurer at the time the final plat is first submitted for plan board review and approval, and in amounts as set forth in article VI of this chapter.

(Ord. of 4-10-2000, § 18.0508)

Secs. 58-120—58-140. Reserved.

DIVISION 4. CERTIFIED SURVEY MAPS; REPLATS AND MINOR LAND DIVISIONS

Sec. 58-141. Minor land division review and approval.

When it is proposed to divide land into at least two but not more than four parcels or building sites any one of which is less than 20 acres in size, or when it is proposed to create by land division not more than four parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot (thus not constituting a "subdivision" as defined in section 56-8, Municipal Code of the Village of Roberts), such division of land shall constitute a minor land division and the subdivider shall subdivide by use of a certified survey map (CSM) as follows:

- (1) *Minor land divisions with improvements under village jurisdiction.* If the proposed minor land division includes within its boundaries proposed street, drainage or utility improvements which will ultimately become the jurisdiction of the village, the subdivider, the village plan board and the village board shall be required to follow the same procedure as set forth in sections 58-81 and 58-82, Municipal Code of the Village of Roberts (also see section 58-37, Municipal Code of the Village of Roberts), except that the preliminary certified survey map shall be prepared as set forth in this division.
- (2) *Other minor land divisions.* If the proposed minor land division does not include such improvements the subdivider, the village plan board and the village board shall be required to follow the applicable procedure set forth in this division.
- (3) *Filing of CSM.* Following applicable preliminary or pre-preliminary approval of such minor land division, the subdivider shall prepare a final certified survey map in accordance with the provisions of this division and shall file the original and 15 copies of the final certified survey map and a letter of application along with any petition for rezoning of the lands within the CSM with the clerk-treasurer at least 25 days prior to the village plan board at which action is desired.
- (4) *Distribution of copies of CSM.* The clerk-treasurer shall, within two normal workdays after filing, transmit copies of the final certified survey map and letter of application to the village plan board, village engineer and to all agencies and persons entitled to a copy according to statute for their review and recommendations concerning matters within their jurisdiction (state, county, city or village, utilities).
- (5) *Review by plan board.* Recommendations of such persons or agencies shall be transmitted to the clerk-treasurer within 15 days from the date of receipt of the final certified survey map, which shall then be reviewed by the village plan board for conformance with this chapter and all adopted ordinances, rules, regulations and comprehensive plan components.

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- (6) *Recommendation by plan board.* The village plan board shall, within 30 days from the date of filing of the final certified survey map, recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the village board.
 - (7) *Action by village board.* Regarding the certified survey map and any necessary rezoning of the land involved, the village board shall approve, approve conditionally or reject such final certified survey map within 60 days from the date of filing of said map with the clerk-treasurer unless the time is extended by mutual written agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting at which such action is taken and a written statement forwarded to the subdivider. If the map is approved, the village board shall direct the clerk-treasurer to so certify on the face of the original map. If the map is submitted within 12 months of the approval of a required preliminary certified map and conforms to such approved preliminary certified survey map, the final certified survey map shall be entitled to approval.
 - (8) *Failure of village board to take action.* Failure of the village board to take appropriate action on the final certified survey map within 60 days from the date of first filing with the clerk-treasurer, the time not having been extended by the subdivider, shall constitute approval of the final certified survey map and it shall be entitled to certification by the clerk-treasurer and recording by the county register of deeds.
 - (9) *Recording.* After the final certified survey map has been approved by the village board and any required improvements either installed or a cash bond or irrevocable letter of credit insuring their installation is filed with the village, all fees paid, and/all conditions of approval met, the clerk-treasurer shall cause the certificate inscribed upon the map attesting to such approval to be duly executed and the final certified survey map returned to the subdivider for recording with the county register of deeds. The register of deeds shall not record the map unless it is offered within 30 days from the date of the last approval.
 - (10) *Filing of approved CSM.* The subdivider shall file six copies of the final certified survey map with the clerk-treasurer for distribution to the village engineer, building inspector, assessor and other affected departments and agencies for their files. Also, one certified copy of the final certified survey map, as recorded, shall be retained by the clerk-treasurer for the village files.

(Ord. of 4-10-2000, § 18.0304)

Sec. 58-142. Replat review and approval.

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 in Wis. Stats. §§ 236.40—236.44. The subdivider, or person wishing to replat, shall then proceed as specified in sections 58-81, 58-82 and 58-111, Municipal Code of the Village of Roberts. The clerk-treasurer shall schedule a public hearing before the village plan board when a proposed preliminary plat of a replat of lands within the village limits is filed, and shall cause notices of the proposed replat and public hearing to be mailed 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 600 feet of the exterior boundaries of the proposed replat.

(Ord. of 4-10-2000, § 18.0305)

Sec. 58-143. Certified survey map—Generally.

A final certified survey map prepared by a registered land surveyor shall be required for all minor land divisions as defined herein. It shall comply in all respects with the requirements of Wis. Stats. § 236.34. When

required as set forth in section 58-141, Municipal Code of the Village of Roberts a preliminary certified survey map shall also be prepared as set forth in this section. The design and improvements relating to a minor land division shall also comply with the design standards and improvement requirements set forth in articles IV and V of this chapter.

(Ord. of 4-10-2000, § 18.0601)

Sec. 58-144. Same—Additional required data.

Both preliminary and final certified survey maps shall show correctly on their face, in addition to the information required by Wis. Stats. § 236.34, the following:

- (1) All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division;
- (2) Setbacks or building lines required by the village plan board or applicable ordinances;
- (3) Utility, drainage and access easements;
- (4) All lands dedicated for public use or reserved for future acquisition;
- (5) Date of the certified survey map;
- (6) Graphic scale and north point;
- (7) Name and address of the owner, subdivider and surveyor;
- (8) Location of all soil boring tests conducted in accordance with Wis. Admin. Code. The written results of such test shall be submitted along with the certified survey map;
- (9) All proposed streets, roads, or highways within 200 feet of the boundaries of the parcels created by the minor land division;
- (10) A required preliminary certified survey map shall include existing and proposed contours as set forth in section 58-84(2), Municipal Code of the Village of Roberts;
- (11) The elevation at the lowest point on each lot; and
- (12) Utilities, showing their exact location and depth.

(Ord. of 4-10-2000, § 18.0602)

Sec. 58-145. Same—Ties to state plane coordinate system.

Where the certified survey map is located within or adjacent to a U.S. Public Land Survey one-quarter section the corners of which have been relocated, monumented and coordinated by the county, the village or the Northwestern Wisconsin Regional Planning Commission, the certified survey map shall be tied directly to one of the section or quarter corners as set forth in section 58-116, Municipal Code of the Village of Roberts.

(Ord. of 4-10-2000, § 18.0603)

Sec. 58-146. Same—Certificates.

The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this chapter. The village plan board and village board, after a recommendation by the approving agencies, shall each certify its approval on the face of the certified survey map. Dedication of streets and other

public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Wis. Stats. § 236.21(2).

(Ord. of 4-10-2000, § 18.0604)

Sec. 58-147. Same—Recording and fees.

The certified survey map shall be transmitted to the subdivider/owner for recording by the county register of deeds only after the certificates of the village plan board and village board and the surveyor are placed on the face of the certified survey map and after all applicable fees have been paid in accordance with article VI of this chapter.

(Ord. of 4-10-2000, § 18.0605)

Secs. 58-148—58-170. Reserved.

ARTICLE IV. SUPPLEMENTAL REGULATIONS

Sec. 58-171. Street arrangement; street names.

In any new land division the street layout shall conform to the arrangement, width and location indicated on the official map, county jurisdictional highway system plan, comprehensive plan or plan component, or precise neighborhood unit development plan of the village or the county. In addition, streets shall be constructed in conformance with the adopted construction standards of the village. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, to existing or planned utilities and to the most advantageous development of adjoining areas. The land division shall be designed to provide each lot with satisfactory access to a public street without thereby causing undue conflict with existing or anticipated traffic flow on such streets. In addition:

- (1) *Arterial streets.* Arterial streets, as defined in this chapter, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- (2) *Collector streets.* Collector streets, as defined in this chapter, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the arterial and other major streets to which they connect.
- (3) *Minor streets.* Minor streets, as defined in this chapter, shall be arranged to conform to the topography, to discourage use by through traffic, where applicable to permit the design of efficient storm drainage and utility systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (4) *Provision for future streets.* Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the

village plan board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider.

- (5) *Arterial street and highway protection.* Whenever the proposed land division contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line and/or by the use of frontage streets.
- (6) *Stream and lake shores.* Stream or lake shores shall have a minimum of 60 feet of public access platted to the low-water mark at intervals of not more than one-half mile as required by Wis. Stats. § 236.16(3).
- (7) *Reserve strips.* Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the village under conditions approved by the village plan board and village board.
- (8) *Alleys.* Alleys may be provided in commercial and industrial areas for off-street loading and service access unless otherwise required by the village plan board, but shall not be approved in residential districts. Dead-end alleys shall not be approved and alleys shall not connect directly to an arterial street or highway.
- (9) *Street names.* Street names shall not duplicate or be similar to existing street names elsewhere in the village, and existing street names shall be projected wherever possible. All street names shall be subject to approval of the village board.

(Ord. of 4-10-2000, § 18.0701)

Sec. 58-172. Limited access highway and railroad right-of-way treatment.

Whenever the proposed land division contains or is adjacent to a limited access highway or railroad right-of-way, the land division design shall provide for the following:

- (1) When lots within the proposed land division back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad where no spur track is proposed or contemplated, in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
- (2) Commercial and industrial properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- (3) Streets parallel to a limited access highway or railroad right-of-way, when intersecting an arterial street or highway or a collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) Minor streets immediately adjacent and parallel to railroad right-of-ways shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad right-of-ways shall be avoided in residential areas.

Sec. 58-173. Street design generally.

The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the adopted comprehensive plan, comprehensive plan component, official map, neighborhood development plan or county jurisdictional highway system plan, or as set forth in Table 1. Arterial street sections are for standard arterial streets only. Cross-sections for freeways, expressways and parkways should be based upon detailed engineering studies. In addition:

- (1) *Cul-de-sac streets.* Cul-de-sac streets designed to have one end permanently closed shall not, as a general rule, exceed 800 feet in length as measured from the point of radius of the turnaround to the nearest 24 single-family dwelling unit lots which abut and have direct access to a cul-de-sac street. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of 80 feet on rural sections and a minimum right-of-way radius of 75 feet on urban sections.
- (2) *Temporary termination of streets.* Temporary termination of streets at the boundary of a land division or phase of land division intended to be extended at a later date and where three or more dwelling units have driveway access to such streets shall, at the discretion of the plan board, be accomplished with a widened boulevard turnaround designed in accordance with the standards set forth in the village's adopted construction standards or by construction of a temporary "T" turnaround within the street right-of-way having a "cross-bar" length of at least 58 feet and width of 22 feet.
- (3) *Street grades.* Unless necessitated by exceptional topography as determined by the village plan board the maximum centerline grade of any street or public way shall not exceed the following:
 - a. Arterial streets: Six percent.
 - b. Collector streets: Eight percent.
 - c. Minor streets, cul-de-sacs, alleys and frontage streets: Ten percent.
 - d. Pedestrian ways: 12 percent unless steps of acceptable design are provided. In addition, the grade of any street shall in no case exceed 12 percent or be less than 0.5 of one percent.

Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for arterial and collector streets and one-half this minimum for all other streets.

- (4) *Radius of curvature.* When a continuous street centerline deflects at any one point by more than 18 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
 - a. Arterial streets and highways: 500 feet.
 - b. Collector streets: 300 feet.
 - c. Minor streets: 100 feet.

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

TABLE 1. STREET DESIGN STANDARDS

	Minimum ADT	Minimum Right-of-Way	Minimum Pavement Width	Minimum Radius of Curvature	Maximum Grade	Sidewalk
Arterial street	>6,000	120 feet	48 feet	500 feet	6%	Case-by-case
Collector street						
Neighborhood	2,000—6,000	80 feet	42 feet	400 feet	7%	Case-by-case
Residential	500—2,000	80 feet	40 feet	300 feet	8%	Case-by-case
Minor street	(500	66 feet	36 feet	100 feet	10%	Case-by-case
Cul-de-sac	N/A	60-foot radius	45-foot radius	N/A	10%	Case-by-case

Notes: Pavement width is from face-of-curb to face-of-curb.

(Ord. of 4-10-2000, § 18.0703)

Sec. 58-174. Street intersection design.

Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

- (1) The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
- (2) The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,200 feet.
- (3) Minor and collector streets shall not necessarily continue across arterial streets. If the distance between the centerline intersections of any street with any other intersecting street is less than 250 feet measured along the centerline of the intersecting street, then the location shall be adjusted such that the distance is increased or the adjointment across the intersecting street is continuous and a "jog" is avoided.
- (4) On all streets where sidewalks are provided, ramps or openings to accommodate handicapped individuals or vehicles shall be provided in accordance with Wis. Stats. § 66.0909.
- (5) The platting of half-streets shall not be permitted except where it is necessary to complete a half-street existing at the effective date of the ordinance from which this chapter is derived.

(Ord. of 4-10-2000, § 18.0704)

Sec. 58-175. Block design.

The widths, lengths and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography. In addition:

- (1) The length of blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,600 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

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- (2) Pedestrian ways of not less than 20 feet in width may be required near the center and entirely across any block over 1,000 feet in length where deemed essential by the village plan board to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.
 - (3) The width of blocks shall be enough to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or designated for commercial or industrial use shall be adequate to provide for the off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
 - (4) All main telephone and electric power lines shall, where practical, be placed on mid-block easements of not less than 20 feet in width centered on the property line, and where possible, along rear lot lines for underground construction.

(Ord. of 4-10-2000, § 18.0705)

Sec. 58-176. Lot design.

The size, shape and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

- (1) *Orientation of lot lines.* Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which lots abut. Lot lines shall follow municipal boundary lines rather than cross them.
- (2) *Double-frontage lots.* Double-frontage or "through" lots shall be prohibited except where necessary to provide separation of residential development from railroads or arterial traffic or to overcome specific disadvantages of topography and orientation.
- (3) *Access.* Every lot shall front or abut for a distance of at least 33 feet on a public street.
- (4) *Area and dimensions.* Area and dimensions of all lots shall conform to the requirements of the village for the land divisions within the village.
- (5) *Depth to width ratio.* Excessive depth of lots in relation to width shall be avoided and a proportion of two to one shall be considered a maximum depth-to-width ratio under normal conditions. Lots shall normally be rectangular in shape and lots having more than five sides shall be avoided. Depth of lots or parcels designated for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- (6) *Width generally.* The width of lots within the interior of a block shall conform to the requirements of the village or applicable ordinances and in no case shall a lot have a minimum width at the building setback line of less than 60 feet.
- (7) *Width of corner lots.* Corner lots should have an additional width of approximately ten percent to permit adequate building setbacks from side streets.

(Ord. of 4-10-2000, § 18.0706)

Sec. 58-177. Building setback lines.

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulations of the zoning district in which the plat is located, may be required by the village plan board.

(Ord. of 4-10-2000, § 18.0707)

Sec. 58-178. Easements.

- (a) The village plan board may require utility easements of widths deemed adequate for the intended purpose but not less than ten feet on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication wires and conduits; storm and sanitary sewers; and, gas, water and other utility lines.
- (b) Where a land division is traversed by a watercourse, drainageway, channel or stream an adequate drainageway easement shall be provided as may be required by the village plan board. The location, width, alignment and improvement of such drainageway easement shall be subject to the approval of the village engineer and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the village engineer.
- (c) The village plan board may require restrictive easements which will protect the natural resources and/or aesthetic value of the land and land cover.

(Ord. of 4-10-2000, § 18.0708)

Sec. 58-179. Public sites and open spaces.

In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. If designated on an adopted comprehensive plan, comprehensive plan component, official map, or component neighborhood development plan, such areas shall be made a part of the plat as stipulated in section 58-36, Municipal Code of the Village of Roberts. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic, cultural, scientific, and historic sites; wooded areas; wetlands, floodlands, marshes, streams, lakes, and ponds; and steep topography, potholes and ravines. Accordingly, each subdivider of land in the village shall, at the discretion and direction of the plan board, either reserve public sites and open space lands designated on the joint long-range land use plan or plan component and pay a public site fee, or, where no public sites or open space lands are directly involved, pay a public site fee, or dedicate public sites and open space lands designated on the village comprehensive plan or plan component. The village plan board shall, at the time of reviewing the preliminary plat or preliminary certified survey map, select one of the following options and record such selection in the minutes of the meeting at which the preliminary plat or preliminary certified survey map is presented to the plan board for approval:

- (1) *Reservation of site option.* Whenever a proposed school site, playground, park, or other public open space land designated on the village's adopted long-range land use plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided, the proposed public lands shall be made a part of the plat and reserved at the time of final plat approval for a period not to exceed three years, unless extended by mutual agreement, for acquisition at undeveloped land prices by the public agency having jurisdiction. If park or parkland the subdivider shall pay a park land and improvement fee at the time of application for final plat approval at the rate and according to the procedures set forth in subsection (2) of this section. If the land is not acquired within the three-year period or the time extended by mutual agreement as set forth herein, the land will be released to the owner from reservation by action of the village board.
- (2) *Park and parkland acquisition and development fee option.* If the proposed land division does not encompass a proposed public park, parkway, or other open space lands, or if the plan board requires

the reservation of land as set forth in subsection (1) of this section, a fee for the acquisition and development of public parks and parklands to serve the future inhabitants of the proposed land division shall be paid to the clerk-treasurer at the time of approval of and prior to certification of such approval of a final plat of said land division thereof in the following amounts: The fee for acquisition and improvement of parks and other open space shall be \$250.00 per additional proposed or potential dwelling unit. Public site fees collected by the clerk-treasurer under the provisions of this chapter for park and open space uses shall be placed in a special fund or escrow account for purposes as set forth herein within a designated neighborhood or other designated area and shall be separate from the general fund of the village, and said special fund shall be used exclusively for acquisition and/or development within each specially designated area of the village.

- (3) *Dedication of site option.* Whenever a proposed school site, playground, park, or other public open space land designated on the village's comprehensive plan, land use plan, neighborhood unit development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided, the public lands shall be made a part of the plat and if a school site, may be dedicated, and if a park or other open space site, shall be dedicated to the public by the subdivider at the rate of:

- a. One acre of park or open space land for each 80 proposed or potential dwelling units.
- b. One acre of school site for each 160 proposed or potential dwelling units.

Any such proposed public lands in excess of the rate established herein shall be reserved for a period not to exceed three years, unless extended by mutual agreement, for the public agency having jurisdiction. If the lands in excess of the established rate are not acquired within the three-year period of the time extended by mutual agreement as set forth herein, the land will be released to the owner from reservation by action of the village board.

(Code 1980, § 18.0709; Ord. of 4-10-2000, § 18.0709; Ord. of - -2005, § 18.0709)

Secs. 58-180—58-200. Reserved.

ARTICLE V. REQUIRED IMPROVEMENTS

Sec. 58-201. Commencement.

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or preliminary certified survey map has been approved and the village board has given written authorization for such commencement.

(Ord. of 4-10-2000, § 18.0901)

Sec. 58-202. Issuance of building, zoning and sanitary permits.

No building, zoning or sanitary permits shall be issued for erection of a structure on any lot not of record on the date of adoption of the ordinance from which this chapter is derived until all the requirements of this chapter and the state have been met.

(Ord. of 4-10-2000, § 18.0902)

Sec. 58-203. Issuance of occupancy permits.

No occupancy permit shall be issued until all requirements of this chapter are met to the satisfaction of the building inspector and the streets serving the parcel of land to be occupied have been completed sufficiently to be traversed by emergency vehicles in all normal weather conditions.

(Ord. of 4-10-2000, § 18.0903)

Sec. 58-204. Plans.

When applicable, the following plans and accompanying construction specifications will be required by the village engineer and shall be reviewed by the village plan board and the village engineer before authorization of construction or installation of improvements:

- (1) Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.
- (2) Sanitary sewer plans and profiles, showing the locations, grades, sizes, elevations and materials of required facilities.
- (3) Storm sewer and drainage channel plans and profiles, showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
- (4) Water main plans and profiles, showing the locations, sizes, elevations and materials of required facilities.
- (5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall generally follow the guidelines and standards set forth in the publication "Minimizing Erosion in Urbanizing Areas," as prepared by the U.S. Department of Agriculture, Soil Conservation Service, 1972, or its sequel, adopted county erosion control ordinances and as set forth in this chapter.
- (6) Planting plans showing the locations, age, caliper and species of any required grasses, vines, shrubs and trees.
- (7) Master grading plan showing existing and final contour intervals.
- (8) Plans for all private utilities.
- (9) Additional special plans or information as required by the plan board or village engineer.

(Ord. of 4-10-2000, § 18.0904)

Sec. 58-205. Survey monuments.

The subdivider shall install survey monuments placed in accordance with the requirements of Wis. Stats. § 236.15 and as may be required by the village engineer.

(Ord. of 4-10-2000, § 18.0802; Ord. of - -2005, § 18.0801)

Sec. 58-206. Grading.

After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the village engineer, and unless otherwise stipulated by the village plan board in writing, the subdivider

shall grade the area within three feet outside the proposed curbs on all urban streets proposed to be dedicated in accordance with plans and standard specifications approved by the village engineer. The subdivider shall grade the roadbeds in the street right-of-ways to subgrade. Any necessary cut and filled lands outside of street right-of-ways shall be graded to a maximum slope of 25 percent or the soils angle of repose, whichever is the lesser. All graded lands, with the exception of roadbeds of streets, shall be treated for sediment and erosion control purposes as set forth in this chapter.

(Ord. of 4-10-2000, § 18.0802; Ord. of - -2005, § 18.0802)

Sec. 58-207. Surfacing.

After the installation of all utility and stormwater drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by this chapter and the other comprehensive plan components and regulations of the village. Said surfacing shall be done in accordance with plans and standard specifications approved by the village engineer and in conformance with the adopted street construction standards of the village.

(Ord. of 4-10-2000, § 18.0803; Ord. of - -2005, § 18.0803)

Sec. 58-208. Curb and gutter.

In all land divisions the village board may require the subdivider to construct concrete curbs and gutters in accordance with plans and standard specifications approved by the village engineer. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements on the established arterial street and highway system for the village shall be borne by the village or other unit or agencies of government having jurisdiction.

(Ord. of 4-10-2000, § 18.0804; Ord. of - -2005, § 18.0804)

Sec. 58-209. Sidewalks.

- (a) In all land divisions the village board will require the subdivider to construct a concrete sidewalk on one side of all frontage streets and on both sides of all other streets within the land division. The village board may also require the subdivider to construct concrete sidewalks on one or both sides of all village streets. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the village engineer.
- (b) In addition, wider than standard sidewalks may be required by the village board in the vicinity of schools, commercial areas and other places of public assemblage and the village board may require the construction of sidewalks in locations other than required under the preceding provisions of this section if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

(Ord. of 4-10-2000, § 18.0805; Ord. of - -2005, § 18.0805)

Sec. 58-210. Public wastewater systems.

When public wastewater facilities are available to the land division such facilities shall be designed and constructed in accordance with all applicable rules and regulations in Wis. Admin. Code and approved by the village engineer. In addition:

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- (1) The village board will require the installation of sewer laterals from the main to the street right-of-ways.
 - (2) The size, type and installation of all wastewater and wastewater laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the village engineer.
 - (3) The subdivider shall assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed land division as stipulated in adopted regulations or policy of the village.
 - (4) All wastewater facilities constructed by the subdivider to serve the proposed subdivision shall be dedicated to the appropriate public agency having jurisdiction upon demand and upon conditions set forth in village codes and ordinances and subdivider's agreements.
 - (5) The fee for each hookup shall be \$1,500.00.

(Ord. of 4-10-2000, § 18.0806; Ord. of - -2005, § 18.0806)

Sec. 58-211. Stormwater drainage facilities.

The subdivider shall construct stormwater drainage facilities adequate to serve the land division which may include curbs and gutters, catchbasins and inlets, storm sewers, road ditches, culverts, open channels, water retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow through and from within the land division and shall be designed to prevent and control soil erosion and sedimentation and to present no hazards to life or property. In addition:

- (1) Drainage facilities will, if required, include water retention/detention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all stormwater drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the construction standards approved by the village board.
- (2) The subdivider shall assume the costs of installing all storm sewers within the proposed subdivision as stipulated in ordinances or policy of the village board.

(Ord. of 4-10-2000, § 18.0807; Ord. of - -2005, § 18.0807)

Sec. 58-212. Water supply facilities.

When public water supply and distribution facilities are available to the land division or when it is proposed to establish a private water supply and distribution system to serve two or more lots, the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the land division. The subdivider shall make provision for adequate private water systems as required by the village in accordance with the standards of the state. In addition:

- (1) The village board shall, in the case of a public water supply system, require the installation of water laterals to the street lot line.
- (2) The size, type and installation of all public water mains proposed to be constructed shall be in accordance with the construction standards approved by the village board.

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- (3) The subdivider shall assume the costs of installing all water mains, water laterals and water system appurtenances within the proposed land division as stipulated in ordinances and policy of the village or sewer and water boards.
 - (4) All water supply facilities constructed by the subdivider to serve the proposed subdivision shall be dedicated to the appropriate public agency having jurisdiction upon demand and upon conditions set forth in village codes and ordinances and subdivider's agreements.

(Ord. of 4-10-2000, § 18.0808; Ord. of - -2005, § 18.0808)

Sec. 58-213. Other utilities.

The subdivider shall cause electrical power and telephone facilities and, where possible, natural gas to be installed in such a manner as to make adequate service available to each lot in the land division. No electrical or telephone service shall be located on overhead poles unless otherwise allowed by the plan board due to exceptional topography or other physical barrier. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the village engineer. Once installed, it shall be the responsibility of the subdivider to complete or cause the completion of the restoration of any lands disturbed by such installation to the satisfaction of the village engineer.

(Ord. of 4-10-2000, § 18.0809; Ord. of - -2005, § 18.0809)

Sec. 58-214. Street lamps.

The village plan board shall require the subdivider to install street lamps of a design compatible with the neighborhood and type of development proposed at the intersection of all streets proposed to be dedicated and may require the installation of such street lamps along each such street at intervals of not more than 300 feet.

(Ord. of 4-10-2000, § 18.0810; Ord. of - -2005, § 18.0810)

Sec. 58-215. Street name and traffic control signs.

The village board shall require the installation of street signs at the intersection of all streets and the subdivider shall reimburse the village for the costs of the signs, plus costs of installation. In addition, the costs of any traffic control signs placed by the village on completed streets within one year of the date of such completion shall be reimbursed by the subdivider.

(Ord. of 4-10-2000, § 18.0811; Ord. of - -2005, § 18.0811)

Sec. 58-216. Erosion control.

The subdivider shall plant those grasses, trees and vines, of a species and size specified by the village plan board, necessary to prevent soil erosion and sedimentation. The village plan board may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, slopes, sodding and/or seeding, trees, shrubs, riprap, wells, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures. In addition:

- (1) Tree cutting and shrubbery clearing on wooded parcels shall not exceed 30 percent of the lot or tract as specified in the village zoning ordinance (chapter 70), and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliation, substantially screen any development from stream or lake users.

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- (2) Paths and trails in wooded and wetland areas shall not exceed ten feet in width unless otherwise approved by the village plan board, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.
 - (3) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, 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 (see section 58-204, Municipal Code of the Village of Roberts).

(Ord. of 4-10-2000, § 18.0812; Ord. of - -2005, § 18.0812)

Sec. 58-217. Optional provision of public utilities and facilities.

If for any reason the subdivider fails to install public utilities or facilities as prescribed herein or as ordered by the village board pursuant to this chapter, the village board may install such improvements and assess the full costs of such installations plus ten percent for administration against the subdivider or property owner as set forth in statute. Also, the village and subdivider may agree to have public improvements installed by the village pursuant to statute.

(Ord. of 4-10-2000, § 18.0813; Ord. of - -2005, § 18.08013)

Sec. 58-218. Preservation of existing flora.

The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying within public roadways, drainageways, buildings foundation sites, private driveways, soil absorption waste disposal areas, paths and trails. Any such flora are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by use of wells, islands or retaining walls whenever abutting grades are altered.

(Ord. of 4-10-2000, § 18.0906)

Sec. 58-219. Filling or excavation.

Any earth materials imported to the site or exported from the site shall require a permit as established by the village board following recommendation of the plan board.

(Ord. of 4-10-2000, § 18.0907)

Sec. 58-220. Inspections.

The subdivider, prior to commencing any work within the land division, shall make arrangements with the plan board and village engineer to provide for adequate inspection. The village engineer shall inspect and approve in writing to the plan board and the plan board may inspect all required or necessary work prior to approval of the final plat or release of any sureties.

(Ord. of 4-10-2000, § 18.0908)

Sec. 58-221. Changes and modifications.

The village engineer or the subdivider may petition the village board to secure changes or modifications to an approved preliminary plat or preliminary certified survey map as the development progresses.

(Ord. of 4-10-2000, § 18.0909)

Secs. 58-222—58-250. Reserved.

ARTICLE VI. FEES

Sec. 58-251. Impact fees.

- (a) *Purpose and intent.* When underdeveloped land is developed for residential or other purposes, it often creates a need for additional transportation, water, sewage, and stormwater facilities as well as parks and recreational facilities and other public facilities. Without the generation of new revenue sources, municipalities often must choose between the foregoing needed public facilities or imposing higher property taxes. The imposition of impact fees has become an increasingly important source of local revenue to pay for public facilities. The state legislature has adopted an Impact Fee Law which helps communities raise funds to pay for new development and maintain current level of services. Wis. Stats. § 66.0617 allows a municipality to enact an ordinance to impose impact fees on certain developers in an effort for new development to pay its fair share of municipal capital costs. Pursuant to the authority granted to the village by Wis. Stats. § 66.0617, the village board hereby enacts this section to enable it to impose impact fees on developers to pay for the capital costs that are necessary to accommodate land development and to maintain current levels of service to those developing areas of the village. The impact fees created by this section shall apply to all development in the village, whether the property is owned privately or by any political corporation, governmental subdivision or agency thereof, or any nonprofit organization, including any religious or other eleemosynary organization.
- (b) *Public facilities needs assessment.* In accordance with Wis. Stats. § 66.0617(4), the village has prepared a needs assessment for the public facilities for which it is anticipated that impact fees may be imposed. A copy of the needs assessment is on file and available for public inspection and copying in the office of the clerk-treasurer.
- (c) *Definitions.* The definitions set forth in Wis. Stats. § 66.0617, and any amendments thereto, are hereby incorporated and made a part of this section as if fully set forth herein.
- (d) *Applicability.* An impact fee will be imposed by the village board upon any person seeking to construct or create a land development within the village in accordance with this section and Wis. Stats. § 66.0617.
- (e) *Standards for fees.* Impact fees imposed under this section:
 - (1) Shall bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development.
 - (2) May not exceed the proportionate share of the capital costs that are required to serve land development as compared to existing land uses of land within the village.
 - (3) Shall be based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities.

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- (4) Shall be reduced to compensate for other capital costs imposed by the village with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications, or fees in lieu of land dedication, under Wis. Stats. ch 236, or any other items of value.
 - (5) Shall be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.
 - (6) May not include amounts necessary to address existing deficiencies in public facilities.
- (f) *Collection.* Impact fees shall be collected as follows:
- (1) Impact fees on vacant land will be collected at the time a building permit is issued.
 - (2) Impact fees will also be collected when a building permit is issued on the conversion of existing residential units, which adds additional units.
 - (3) Impact fees on nonresidential parcels shall be collected in accordance with the schedule of equivalent connections set forth in the public facilities needs assessment report.
- (g) *Fee schedule.*

REQUIRED FACILITY UPGRADES SUMMARY

System Upgrade	Total Cost	REU'S	Cost/Unit
Water System Upgrade	\$2,088,000.00	\$1,760.00	\$1,190.00
Sanitary Sewer System Upgrade	3,782,000.00	2,190.00	1,730.00
Transportation System Upgrade	904,000.00	1,760.00	510.00
Parks/Playgrounds/Recreational	970,000.00	1,760.00	550.00
Law Enforcement Facility	91,400.00	890.00	100.00
Public Library Facility	728,000	2,190.00	330.00
Fire Station	1,400,000.00	2,190.00	640.00
Total cost per unit			5,050.00

The village board determines that seven years for each of the public facilities described above is a reasonable time for the collected impact fees to be utilized.

- (h) *Disposition of revenue.* The village shall establish and maintain a segregated interest-bearing account for revenues collected from impact fees. Such funds shall be accounted for separately from other funds of the village.
- (i) *Refunds.* Any impact fees that are imposed and collected pursuant to the provisions of this section not expended or committed for expenditure by the end of the calendar quarter immediately following seven years from the date the impact fee was paid shall be refunded to the current owner of the property with respect to which the impact fees were imposed.

The seven year time limit for using impact fees may be extended for three additional years if the village adopts a resolution stating that, due to extenuating circumstances or hardship in meeting the seven year time limit, the village needs an additional three years to use the impact fees that were collected. Any such resolution adopted by the village shall specify the extenuating circumstances or hardship that led to the need to adopt a resolution of extension.

- (j) *Review.* The fee schedule set forth in subsection (g) of this section will be reviewed by the village board at least once each year and modified, if necessary, as a result of changing facility needs, inflation, revised cost estimates, capital improvements, changes in other funding sources applicable to public facility projects and other relevant factors and in accordance with the standards for impact fees set forth in Wis. Stats. § 66.0617.

(k) *Appeal procedure.*

- (1) A developer upon whom an impact fee is imposed may, within 15 days of the imposition of the impact fee, contest the amount, collection or use of the impact fee by filing a written request with the village board specifying the basis upon which an appeal is taken.
- (2) Within 30 days of receiving a request for review by a developer, the village board shall place the matter on its next regularly scheduled meeting of the village board to hear the appeal of the developer.

(Ord. No. 1211001-VB, § 18.10, 12-11-2000; Ord. No. 2006-9-VB, §§ 1, 2, 6-12-2006)

Sec. 58-252. Payment.

The subdivider shall pay the village all fees as hereinafter required and at the times herein specified before being entitled to recording of a final plat or final certified survey map.

(Ord. of 4-10-2000, § 18.1001)

Sec. 58-253. Preliminary plat and certified survey map review fee.

The subdivider shall pay a fee amounting to \$120.00 plus \$6.00 for each new lot, parcel or building space within the preliminary plat or certified survey map to the clerk-treasurer at the time of first application for approval of any preliminary plat or preliminary certified survey map to assist in defraying the cost of their review. A reapplication fee amounting to \$60.00 shall be paid to the clerk-treasurer at the time of reapplication for approval of any preliminary plat or preliminary certified survey map previously reviewed.

(Ord. of 4-10-2000, § 18.1002)

Sec. 58-254. Improvement review fee.

The subdivider shall pay a fee equal to two percent of the costs of the required public improvements as estimated by the village engineer at the time of the submission of improvement or construction plans and specifications to partially cover the cost to the village of checking and reviewing such plans and specifications. The fee may be recomputed, upon demand of the subdivider or village engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the village engineer.

(Ord. of 4-10-2000, § 18.1003)

Sec. 58-255. Inspection fee.

The subdivider shall pay a fee equal to the actual cost of the village for such inspection as the village engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and codes and ordinances of the village.

(Ord. of 4-10-2000, § 18.1004)

Sec. 58-256. Final plat and certified survey map review fee.

The subdivider shall pay a fee amounting to \$60.00 plus \$3.00 for each new lot, parcel or building space within the final plat or final certified survey map to the clerk-treasurer at the time of first application for final plat

or map approval to assist in defraying the cost of their review. A reapplication fee amounting to \$30.00 shall be paid to the clerk-treasurer at the time of a reapplication for approval of any final plat or certified survey map which has previously been reviewed.

(Ord. of 4-10-2000, § 18.1005)

Sec. 58-257. Public sites fee.

If the plan board or village board requires a public sites fee as established in sections 58-36 and 58-179, Municipal Code of the Village of Roberts, said fee shall be paid to the village, and collected by the clerk-treasurer, prior to the certification of the final plat or final certified survey map by the clerk-treasurer. Such fees shall be placed in a special fund or escrow account as set forth in section 58-179, Municipal Code of the Village of Roberts.

(Ord. of 4-10-2000, § 18.1006)

Sec. 58-258. Engineering fee.

The subdivider shall pay a fee equal to the actual cost to the village for all engineering work incurred by the village in connection with any plat or certified survey map. Engineering work shall include the preparation of construction plans and standard specifications. The village engineer may permit the subdivider to furnish all, some or part of the required construction plans and specifications in which case no engineering fees shall be levied for such plans and specifications. Inspection, checking and reviewing of work by the village engineer requires fees as provided in sections 58-254 and 58-255, Municipal Code of the Village of Roberts.

(Ord. of 4-10-2000, § 18.1007)

Sec. 58-259. Legal fee.

The subdivider shall pay a fee equal to the cost of any legal work which may be undertaken by the village in connection with the plat or certified survey map. Legal work shall include the drafting of contracts between the village and the subdivider and any actions or proceedings to enforce this chapter, together with expenses and disbursements.

(Ord. of 4-10-2000, § 18.1008)