

**Town of Woodboro**  
**Oneida County, Wisconsin DNR**  
**Land Division Ordinance**

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**TOWN OF WOODBORO  
ONEIDA COUNTY, WI  
LAND DIVISION ORDINANCE**

**1.01 DISCLAIMER**

- (1) Multiple Jurisdictions. All persons reviewing the provisions of this Ordinance should be aware that the Town of Woodboro is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions or development. The Town of Woodboro cannot make any approvals on behalf of any other governmental body. No land division may be made unless all required approvals have been given.
- (2) Binding Acts. No statement or actions by any official, employee, agent, or committee of the Town of Woodboro should be construed or understood as a binding act of the Town of Woodboro except as a resolution, motion, or ordinance that has been adopted by the Town of Woodboro at a lawfully conducted Town Board meeting, or by the Town electorate at a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of this Ordinance.
- (3) Compliance Assurance. The Town of Woodboro expressly states that it has no responsibility whatsoever for assuring that land and/or buildings sold in the Town are in compliance with any ordinances, regulations, or rules. The Town also assumes no responsibility for the suitability of any property whose land division has not been approved by the Town Board.

**1.02 AUTHORITY**

These regulations are adopted under the statutory authority granted pursuant to secs. 60.10(2)(c), 60.22(3), 61.34(1), and 236.45 of the Wisconsin Statutes.

**1.03 PURPOSE AND INTENT**

The purpose and intent of this Ordinance is to regulate and control the division of land within the limits of the Town of Woodboro, Oneida County, Wisconsin, in order to:

- (1) Promote the public health, safety, aesthetics and general welfare of the community.
- (2) Supplement county, state, and federal land division controls and to implement the Town's land use plan.

- (3) Promote the planned and orderly layout and use of land.
- (4) Encourage the most appropriate use of land throughout the Town.
- (5) Minimize the public impact resulting from the division of large tracts into smaller parcels of land.
- (6) Facilitate adequate provision of transportation, water, sewerage, health, education, recreation, and other public requirements.
- (7) Provide the best possible environment for human habitation.
- (8) Enforce the goals and policies set forth in the Town's land use plan.
- (9) Ensure that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety.
- (10) Realize goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town.
- (11) Secure safety from fire, flooding, and other dangers.
- (12) Avoid the inefficient and uneconomical extension of governmental services.
- (13) Conserve the value of prime agricultural soils.
- (14) Provide for the conservation of the Town's agriculturally important lands by minimizing conflicting land uses.
- (15) Promote the rural and agricultural character, scenic vistas, and natural beauty of the Town.
- (16) Provide for the administration and enforcement of this Ordinance.

#### **1.04 ABROGATION AND GREATER RESTRICTIONS**

It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern.

#### **1.05 INTERPRETATION**

The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes to the Town.

## **1.06 AMENDMENTS**

The Town Board may, upon recommendations of the Town Plan Commission, amend, supplement, or repeal part or all of this Ordinance after public notice and hearing and as may be required by Chapter 236 of the Wisconsin Statutes.

## **1.07 SEVERABILITY**

The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid. If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

## **1.08 REPEAL**

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

## **1.09 JURISDICTION**

This Ordinance shall apply to all lands within the Town of Woodboro.

## **1.10 APPLICABILITY**

- A. Any division of land within the Town that results in a land division as defined in Section 1.11 of this Ordinance.
- B. The provisions of this Ordinance, as it applies to divisions of tracts of land into less than five (5) parcels, shall not apply to the following:
  - (1) Transfers in interest in land by will or pursuant to court order.
  - (2) Leases for a term of not more than ten (10) years, mortgages, or easements.
  - (3) The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and if the lots resulting are not reduced below the minimum sizes of: three (3) acres with minimum frontage of 300 feet on existing public roads; and/or five (5) acres with minimum frontage of 300 feet on proposed roads; except in areas zoned Forestry 1A where minimum lot size is 10 acres.
  - (4) Cemetery Plats
  - (5) Assessor Plats

## 1.11 DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. Any words not defined in this Section shall be presumed to have their customary definitions as given in standard reference dictionaries.

- (1) Agricultural Use. As defined in sec. 91.01(1) of the Wisconsin Statutes to mean beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446(d); and vegetable raising.
- (2) Certified Survey Map. A map of a land division as defined by and prepared in accordance with sec. 236.34 of the Wisconsin Statutes. A Certified Survey Map has the same legal force and effect as a land division plat.
- (3) Conservation Easement. Property rights transferred to a third party that permanently prevent the development of the land for purposes inconsistent with the easement. See Wis. Stats. Sec. 700.40.
- (4) Deed Restriction. A restriction on the use of a property set forth in the deed, including, but not limited to, a restriction placed on undeveloped land as a condition for the division or development of adjacent land.
- (5) Land Divider. Any person, partnership, corporation, or other legal entity, dividing or proposing to divide land resulting in a land division, as defined by this Ordinance. The person, partnership, corporation, or other legal entity must have ownership or another legal interest in the subject land.
- (6) Land Division-Minor. The division of a lot, parcel, or tract of land into 4 or fewer parcels or building sites of 3 acres each or more in area; or where 4 or fewer parcels or building sites of 3 acres each or more in area are created by successive divisions with a period of 5 years.
- (7) Land Division-Major. The division of a lot, parcel, or tract of land into 5 or more parcels or building sites of 3 acres each or more in area; or where 5 or more parcels or building sites of 3 acres each or more in area are created by successive divisions with a period of 5 years.

- (8) Land Use Plan. The plan, concerning issues of land use in the Town, adopted by the Town of Woodboro including any subsequent amendments.
- (9) Lot. A distinct parcel or plot of land permitted by law to be conveyed, used, developed, or built upon as a unit.
- (10) Natural Resource. Air, land, water, groundwater, drinking water supplies, wildlife, fish, biota, and other such resources belonging to, managed by, appertaining to, or otherwise controlled by the United States, Wisconsin and/or the Town of Woodboro.
- (11) Parcel. Contiguous lands under the control of a land divider not separated by streets, highways, or railroad rights-of-way.
- (12) Subdivider. The term subdivider, when incorporated by reference herein from Chapter 236 of the Wisconsin Statutes, shall mean land divider as defined in this Ordinance.
- (13) Town. The Town of Woodboro, Wisconsin.
- (14) Town Board. The Board of Supervisors for the Town of Woodboro.
- (15) Town Clerk. The Clerk of the Town of Woodboro.
- (16) Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation, and which has soils indicative of wet conditions.

## **1.12 COMPLIANCE**

No person, partnership, corporation, or legal entity of any sort shall divide any land subject to this Ordinance and no such land division shall be entitled to be placed of record unless such land division is in full compliance with:

- (1) All requirements of this Ordinance;
- (2) Chapter 236 of the Wisconsin Statutes;
- (3) The Town Land Use Plan or any component thereof;
- (4) Oneida County Zoning Regulations, Building Code, Sanitary Code, erosion control regulations, and land division regulations;
- (5) State of Wisconsin Department of Natural Resources rules on wetlands, shorelands, sewers, septic systems, and pollution abatement;
- (6) All applicable state and local sanitary codes;

- (7) Applicable Town of Woodboro ordinances and resolutions;
  - a. Road Specifications Resolution September 14, 1994, which applies to Town roads.
- (8) State of Wisconsin Department of Transportation and/or Oneida County Highway Department rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting road or street.
- (9) All applicable master plans, zoning ordinances, or official maps adopted pursuant to sec. 62.23 of the Wisconsin Statutes, and any other pertinent town or county ordinances and regulations.

Where provisions of this Ordinance impose greater restrictions than (2) through (9) above, it is intended that the provisions of this Ordinance shall apply.

### 1.13 LAND SUITABILITY

- (1) Shoreland Minimum Lot Size. Adoption of Oneida County Standards. With respect to all on-water lots located within the shoreland area of the Town of Woodboro, the Town hereby adopts Section 9.93 of the Oneida County Zoning and Shoreland Protection Ordinance (OCZSPO) to regulate lot size. Any on-water lot created must comply with the size requirement set forth in Table A of Appendix B of the OCZSPO effective May 15, 2000, and amended through October 24, 2005 and subsequent revisions. Further, to the extent the OCZSPO is amended by the County with respect to lot size provisions described above, this Ordinance is likewise amended to conform to the County's regulation. "Shoreland area" is all area within one thousand feet (1,000') of the ordinary high water mark of navigable lakes, ponds or flowages or within three hundred feet (300') of the ordinary high water mark of navigable rivers or streams.
- (2) Non-Shoreland Minimum Lot Size. No land shall be divided if any lot created by the land division is smaller than:
  - a. three (3) acres with minimum road frontage of 300 feet on existing public roads;
  - b. five (5) acres with minimum road frontage of 300 feet on proposed roads;
  - c. ten (10) acres for lands zoned Forestry 1A.
- (3) Natural and Preexisting Divisions. No land will be divided solely because the parcel is bisected by a road, railroad, right of way, stream, or other natural feature on the land.
- (4) Material Interference with Goals of Land Use Plan. No land shall be divided if the Town Board determines that it will materially interfere with existing agricultural uses or will conflict with other goals, objectives and policies as set forth in the Town of Woodboro comprehensive plan/master plan/land use plan.

- (5) Threat to Groundwater. No land shall be divided for a purpose that poses a significant threat to the quality or quantity of Town groundwater.
- (6) Unsuitable Conditions. No land shall be divided which is held unsuitable for its proposed use by the Town Plan Commission and Town Board for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of governmental services, or any other feature likely to be harmful to the health, safety or welfare of future residents of the Town. The Plan Commission may require the land divider to furnish maps, data and other information as may be necessary to determine land suitability.

#### **1.14 ACCESS AND ROAD DESIGN STANDARDS**

- (1) The minimum right-of-way width for public or private roads or easements, providing access to lots created by a land division is 66 feet. Any proposed road in a proposed land division that services 5 or more parcels of land (major) must be constructed in accordance with the minimum standards for town road construction as set forth in the Town of Woodboro Road Specifications Resolution.
- (2) Every lot created shall front or abut for a distance of at least 300 feet on the applicable road whether it is a town road or private road.
- (3) Financial sureties furnished to the Town by subdividers to ensure performance of obligations and guarantees under the terms of this Ordinance shall only be in a form which the Town deems secure and may include certified checks, corporate bonds, irrevocable letters of credit in a form approved by the Town, or performance bonds. The initial amount of the surety shall not be less than the full amount as estimated by the Town Board of the obligation being ensured nor for less a period of time than the work is scheduled to be completed; however, the Town upon request of the subdivider may consider reductions in the amount of the surety in proportion to the amounts of the obligations as they are fulfilled. In a dispute over the amount of a surety, the estimate prepared by the Town Board shall be given greater weight by the Town.
- (4) Where sureties are given to cover the cost of the work to be performed by someone other than the subdivider or his contractors at an unspecified time in the future, the form of surety shall be such as to bear interest which shall accrue to the surety account to help defray increase in costs beyond those used to establish the present surety amount. Where the work is performed in less than seven (7) years and costs are less than the surety plus accrued interest, no refund shall be required and any such surplus shall flow to the general fund. The subdivider shall not in any case be obligated to make up any shortages between the surety plus accrued interest and the cost of the work once he submits the surety amount established by the Town.

## 1.15 PRELIMINARY CONSULTATION

Prior to filing an application for land division approval, the land divider shall schedule and attend a preliminary consultation with the Town Plan Commission in order to obtain advice and assistance. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Town Clerk. This consultation is intended to inform the land divider of the purpose and objectives of this Ordinance, the comprehensive plan, and other duly adopted plan implementation devices of the Town, and to otherwise assist the land divider in planning development. In so doing, both the land divider and the Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The land divider will also gain a better understanding of the subsequent required procedures.

In order to facilitate the consultation, the land divider is asked to submit a conceptual plan drawn to a reasonable scale depicting the proposed general lot layout, exterior boundaries, roadways, known easements, approximate location of existing or proposed improvements, approximate location of existing land use and cover types, and any other information to fully and clearly represent the proposed land division. The concept plan shall be submitted at least 10 (ten) days prior to the scheduled meeting to give the Commission time to prepare for the meeting.

## 1.16 LAND DIVISION APPLICATION AND SKETCH MAP SUBMITTAL

Any land divider who shall divide land located in the Town of Woodboro that creates a land division shall comply with the following procedure.

- (1) Land Division Application. Submit a completed Land Division Application (available from the Town Clerk) with the appropriate fee and the following required attachments to the Town Clerk. NOTE TO TOWN: Provide source for Application
  - (a) The name and address of the owner of the property and the land divider.
  - (b) The location and size of the property.
  - (c) The names and addresses of all adjacent landowners.
  - (d) Statement of intended use.
  - (e) The name and address of the surveyor who will be doing the work.
  - (f) The present use of the land.
  - (g) The intended future use of the land.
  - (h) Existing zoning and other land use controls on and adjacent to the proposed land division.
  - (i) The estimated timetable of development.

- (j) Completed Environmental Assessment Checklist
- (2) Sketch Map. Accompanying the Land Division Application, the applicant shall submit a sketch map of an appropriate scale. More than one attached sheet may be used but no sheet should be larger than 8 1/2 x 14.” Each submission shall include all contiguously owned land except the sketch map need not show more than twenty (20) times the area of the intended certified survey. The sketch map shall show the following information:
- (a) North arrow, date, scale and reference to a section corner.
  - (b) Approximate dimensions and areas of the parcels and easements.
  - (c) Location and type of existing and proposed buildings and structures.
  - (d) Location of drainage ditches, water wells, sewerage systems and other features pertinent to the division.
  - (e) Location of existing and proposed roads and driveways and distances to the nearest adjoining driveways on both sides of the proposed site.
  - (f) Location of general land cover types such as woodlands, wetlands, agricultural, etc.
  - (g) Location of any steep slopes (i.e., 12% or steeper).
  - (h) Setback or building lines required by any approving agency.
  - (i) The uses of the land adjacent to the property and existing roads, easements of record, public access to navigable water, dedicated areas and utilities.
- (3) Additional Information. The Town Plan Commission may require additional information in order to make its decision on the land divider’s application

#### 1.17 PROCESSING OF APPLICATION

- (1) Review. The Town Clerk shall review the Land Division Application and Sketch Map for completeness, including payment of applicable fees, within 10 working days of receipt. The Town Clerk shall notify the land divider by certified mail if the application is determined to be incomplete. The Town Clerk shall provide written reasons for the incompleteness of the application with the notification.
- (2) Processing. The Town Clerk shall, within 5 working days after receiving a complete application, transmit the copies of the Land Division Application and Sketch Map to the Town Plan Commission and when appropriate to affected neighboring municipalities and to the County Zoning Department.

- (3) Notice and Agenda. The Town Clerk shall send to the land divider, by certified mail, a notice and agenda of the scheduled date of the Town Plan Commission meeting to consider the application no later than 7 days prior to the date of the meeting.
- (4) Presentation to Commission. The land divider or the land divider's designee shall attend the meeting and present the Land Division Application and sketch map to the Town Plan Commission for its consideration. Failure of the land divider or designee to attend the meeting may be used as grounds to recommend denial of the land division application.

#### **1.18 PRELIMINARY APPROVAL, CONDITIONAL APPROVAL, REJECTION**

- (1) Plan Commission Review. The Land Division Application, Sketch Map, and other relevant information shall be reviewed by the Town Plan Commission for conformance with this Ordinance, the land use plan, and all other applicable Town laws, ordinances, rules, regulations and plans. The Plan Commission may also review applicable County, State, and federal laws, ordinances, rules, regulations, and plans which may affect the land division.
- (2) Timeline.
  - (a) Unless the timeline is extended by agreement with the land divider, the Town Plan Commission shall, within 90 days from the date the Town deems the Land Division Application complete, including receipt of all additional information requested, recommend preliminary approval, conditional approval or rejection of the Sketch Map, and shall transmit the Land Division Application, Sketch Map, and additional information, along with its recommendations to the Town Board.
  - (b) Unless the timeline is extended by agreement with the land divider, the Town Board shall, within 90 days of the receipt of the recommendation by the Town Planning Commission, grant preliminary approval, conditional approval or rejection of the Land Division Application pending submission of the Certified Survey Map. One copy of the Land Division Application shall thereupon be returned to the land divider with the date and action endorsed thereon. If approved conditionally or rejected, the conditions or reasons for rejection shall be stated in the minutes of the meeting and a letter setting forth the conditions of approval or the reasons for rejection shall be sent to the land divider. The reason or reasons for conditional approval or rejection may include nonconformance with this Ordinance, with the land use plan, with Town laws, ordinances, rules, regulations, or plans, with applicable County State, or federal laws, ordinances, rules, regulations or plans. One copy of the Land Division Application shall be filed in the Town records.
- (3) Rejection. In the event of a rejection of the proposed land division, the Town Board shall recite in writing the particular facts upon which it bases its conclusion that the land is not suitable for the division. The Town Board shall also afford the land divider an

opportunity to review the Board's decision of unsuitability and present evidence refuting the determination, if so desired. Thereafter, the Town Board may affirm, modify, or withdraw its determination of unsuitability. The Town Board shall recite in writing findings for any decision to modify or override its earlier decision.

- (4) Re-application. If the Town Board denies two (2) consecutive Land Division Applications for the same parcel, no subsequent re-application for a land division permit for that parcel will be considered within three (3) months of the second denial.

#### **1.19 CERTIFIED SURVEY MAP**

- (1) General. A Certified Survey Map may be prepared by a land surveyor registered in this state for land divisions that create four (4) lots or less or as otherwise authorized by state statute. All Certified Survey Maps shall comply in all respects with sec. 236.34 of the Wisconsin Statutes and state survey standards and all applicable provisions of this Ordinance.
- (2) Information Required on the Map Face Page. The map shall show correctly on its face, in addition to the information required by sec. 236.34 of the Wisconsin Statutes, the following:
  - (a) All existing buildings, water courses, drainage ditches, and other features pertinent to the property division, including the location of water wells, dry wells, drain fields, pipes, culverts and existing roads.
  - (b) The building envelope and its distance to two (2) property lines, if a building location was approved by the Town Board.
  - (c) Area of lot in acres.
  - (d) Date of the map.
  - (e) Graphic scale.
  - (f) Entire area contiguous to plat owned or controlled by owner or land divider.
- (3) Information Required on the Signature Page. The Certified Survey Map shall include in its certifications, in addition to the information required by sec. 236.34 of the Wisconsin Statutes, the following:
  - (a) A legal description of the parcel; the surveyor's name, address, and signature; a statement from the surveyor that the surveyor has fully complied with all the provisions of this Ordinance.
  - (b) The owner's name, address and signature.

- (c) Signature lines and dates for approval by the Town Chairperson and Town Clerk.
- (4) Certified Survey Map Approval. The Certified Survey Map is entitled to final approval if the Certified Survey Map, together with all required information, is submitted within six (6) months of the last required preliminary approval and it substantially conforms to all of the following:
  - (a) The Land Division Application and Sketch Map as preliminarily approved.
  - (b) Any and all conditions of approval.
  - (c) Adopted local plans and ordinances.
  - (d) All requirements for division.

If the Certified Survey Map is not submitted within six (6) months of the last approval or the Certified Survey Map is substantially different, the Certified Survey Map may be rejected and the preliminary approval process must be repeated.

- (5) Recording. The land divider shall record the Certified Survey Map with the Oneida County Register of Deeds after it has been approved, and shall file a certified copy of the recorded map with the Town Clerk within 180 days after the map is recorded.

#### **1.20 COSTS OF APPLICATION REVIEW**

- (1) Application Review Fee. All land division applications shall be accompanied by an application review fee of \$100 per lot.
- (2) Other Costs. All reasonable costs incurred by the Town or its Agents to properly review each Land Division Application will be borne by the applicant. The applicant shall be responsible for reimbursing the Town for engineering, inspection, legal and administrative costs incurred by the Town in reviewing land divisions. The Town may require that all or a portion of the known costs of application review be paid in advance.

#### **1.21 VIOLATIONS**

It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes. No person, partnership, corporation or other legal entity shall be issued a driveway permit or a building permit, authorizing the building on, or improvement of, any lot created by land division within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance.

## 1.22 PENALTIES

- (1) Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$ 100 plus any additional applicable costs incurred by the Town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:
  - (a) Recordation improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
  - (b) Conveyance of lots in unrecorded plats carries penalties as provided in Section 236.31 of the Wisconsin Statutes.
  - (c) Monuments disturbed or not placed carries penalties as provided in Section 236.32 of the Wisconsin Statutes.
- (2) Injunctive Relief. No person shall sell land in lots unless the lots have been lawfully approved pursuant to the terms of this Ordinance or any predecessor procedure. The unlawful sale of lots is deemed to be a public nuisance, which may be enjoined by a court of record.
- (3) Citation Ordinance.
  - i) Unless specified in this paragraph, any person who shall violate any of the provisions of this Ordinance shall upon conviction of such violation be subject to a penalty as follows:
    - a) First Offense. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$500.00, together with the costs of prosecution.
    - b) Second Offense. Any person found guilty of violating this Ordinance who previously had been convicted of a violation of this Ordinance within one (1) year, shall, upon conviction thereof, forfeit not less than \$500.00 nor more than \$1,000.00 for each such offense, together with the costs of prosecution.
  - ii) Continued Violations: Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove violation of any provision of this Ordinance.
  - iii) Execution Against Defendant's Property: Whenever any person fails to pay any forfeiture and the costs of prosecution upon the order of any court for violation of any terms of this Ordinance, the court may, in lieu of ordering imprisonment of the defendant, issue an execution against the property of the defendant for such forfeiture and costs.
  - iv) Citation Method of Enforcement: Citations may be issued for violations of this Ordinance including any portion of this Ordinance for which a statutory counterpart exists. The form of such citation shall comply with Section 66.0113(1)(b) Wis. Stats.
    - a) The issuance of citations is expressly limited to the following town officials and the authority delegated to a town official to issue such citations may only be granted or revoked by the Town Board. The Town Chairperson and Town Clerk are authorized to issue citations for violations of the Woodboro Land Division Ordinance.
    - b) Cash deposits from citations issued shall be paid at the Clerk's office or mailed to the Town Clerk. Upon receipt of the deposit, the Town Treasurer

shall issue a receipt for the same. c) Cash deposits for violation of any provisions of the Woodboro Land Division Ordinance shall be \$500.00 and in addition shall include any and all court costs, assessments and penalty assessments as permitted by Section 165.87 Wis. Stats, including a 23% penalty assessment, a \$5.00 justice information fee, a \$40.00 court support fee, \$20.00 court costs, \$5.00 circuit court automation project fee and a \$10.00 jail assessment fee. d) Whenever any violation has occurred, the Town Attorney shall prosecute as provided by law. e) In addition to the forfeiture described above, the owner of property who divides the property without compliance with this Ordinance and without Town approval shall be subject to paying all costs necessary to rectify this infraction. These costs may consist of, but not be limited to, the following: Surveying costs; recording fees; removal or relocation of structures; removal, abandonment or resurfacing of roadways and roadbeds. If the Town Board determines that a subdivider divides land in a manner not in compliance with the terms of the approval given by the Town, the Town may amend, suspend or revoke the approval. The decision of the Town Board shall be furnished to the subdivider in writing stating the reasons therefore.

### **1.23 VARIANCE**

The Town Board shall have the power, upon appeal, to authorize such variance from the terms and provisions of this Ordinance as will not be contrary to the public interest, nor violate the Oneida County Subdivision Ordinance. The Town Board shall limit and restrict the granting of such variances to those instances in which, due to special conditions, a literal enforcement of this Ordinance would result in extreme hardship or a denial of due process of law.

### **1.24 PLAN COMMISSION RECOMMENDATION**

The Town Plan Commission recommended adoption of this Land Division Ordinance at a meeting held on the 23rd day of January, 2006.

### **1.25 TOWN BOARD APPROVAL**

The Town Board of the Town of Woodboro concurred with the recommendations of the Plan Commission and adopted the Land Division Ordinance at a meeting held on the 23<sup>rd</sup> day of January, 2006.

APPROVED BY:

\_\_\_\_\_  
Curt Zalewski, Chairperson

\_\_\_\_\_  
Sue Johnson, Supervisor

\_\_\_\_\_  
, Supervisor

ATTESTED BY:

\_\_\_\_\_  
Beverly Schmidt, Clerk

#### 1.26 EFFECTIVE DATE

This Land Division Ordinance shall take effect and be in force from and after the day after adoption and publication as required by law.

##### Public Notice.

- (a) Public Review. A notice was published in the Rhinelander Daily News on October 27, 2005, to inform residents that a final draft of this Land Division Ordinance was on file with the Town Clerk for a two-week period during which it was available for inspection.
- (b) Posting. A Notice of Adoption of Ordinances relating to this Ordinance was posted on January 8, 2006 at the Woodboro Town Hall.
- (c) Publication. A Notice of Adoption of Ordinances relating to this Ordinance was published in the Rhinelander Daily News, the publication of record for the Town of Woodboro on January 8 and 15, 2006.