

ORDINANCE NO. 4(E)

**AN ORDINANCE REGULATING THE DIVISION AND PLATTING OF LAND
IN THE TOWN OF KILDARE**

Section I - Purpose and General Provisions

- A. **PURPOSE.** The purpose of this ordinance prepared under the authority granted by Section 236.45 Wis. Stats. is to promote the public health, safety and general welfare of the Town of Kildare; lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land. The regulations of this ordinance are made with reasonable consideration of the character of the Town of Kildare with a view of conserving the value of the buildings placed upon the land; providing the best possible environment for human habitation; and for encouraging the most appropriate division and use of land throughout the Town as indicated in the Town of Kildare Comprehensive Plan.
- B. **GENERAL PROVISIONS**
1. **Jurisdiction:** The provisions of this ordinance shall apply within the limits of the Town of Kildare as authorized by Section 236.02(9) Wis. Stats.
 2. **Definitions:**
 - a. **Subdivision:** A plat of survey resulting in the division of a lot, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates four (4) or more parcels of building sites of no less than five (5) acres each in area.
 - b. **Replat:** The changing of the boundaries of a recorded subdivision plat or part thereof.
 - c. **Minor Division:** A division of a parcel of land into five (5) or fewer parcels within a five (5) year period, each parcel to be no less than 5 acres in area.

3. Minimum Lot Size: No lot which is created by a division of land under this ordinance shall be less than five (5) acres in area.

Section II - Compliance

- A. Any division of land which results in a subdivision as herein defined shall be in compliance with all the provisions of this Ordinance and those sections of Chapter 236, Wis. Stats., relating to subdivision defined under Section 236.02(8), including review procedures by state agencies having authority to object to plats.
- B. This shall not pertain to those transfers or divisions of land specifically excluded by Chapter 236 Wis. Stats, namely:
 1. Transfers of interests in land by will or pursuant to court order;
 2. Leases for a term not to exceed 10 years, mortgages, or easements;
 3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Ordinance for the Town and by other applicable laws or ordinances;
 4. Cemetery plats made under Section 157.07 and assessor's plats, unless specifically required by the Town made under Section 70.27 Wis. Stats., but such assessor's plats shall comply with Section 236.15(a) to (g) and 236.20(1) and (2)(a) to (e) Wis. Stats.
 5. The sale or exchange of parcels of public utility or railroad right-of- way to adjoining property owners if the Town Board and County Planning Agency approve such sale or exchange on the basis of applicable ordinances and the provisions of Chapter 236 Wis. Stats.
- C. Any division of land into less than the original 40 (forty) acre government survey will be surveyed and mapped by a surveyor, registered under Chapter 443 Wis. Stats., with two (2) copies to the Town of Kildare.

Section III - Improvements

A. Before final approval of any plat or partial plat the subdivider shall install required street and assessable improvements or, if such improvements are not installed at the time that the final plat or partial plat is submitted for approval, the subdivider shall, before recording the plat or partial plat, enter into a contract with the Town of Kildare agreeing to install the required road improvements and shall file with said contract a surety bond meeting the approval of the Town Attorney as a guarantee that such improvements will be completed by the subdivider or his/her subcontractors not later than one (1) year from the date of recording of the plat or partial plat, or later if specified. Forfeiture of surety bond will be required if roads are not completed by the time specified. Seven (7) calendar days prior to the time each improvement is to be installed and upon its completion, the subdivider must notify the Town of Kildare so that adequate inspection can be made.

a. Public Streets:

- a. The subdivider may be required to dedicate land for and improve public streets. Public streets shall be designed and located to take into account:
 - 1) Existing and planned streets;
 - 2) Public convenience and safety, including facilitating fire protection, snow removal and pedestrian traffic;
 - 3) Further re-subdivision possibilities.
- b. Width: Public streets shall be of the right-of-way, roadway and surface width specified by Town of Kildare Resolution dated December 10, 1975. Town roads shall be at least four (4) rods right-of-way width, twenty-four (24) feet roadway width, and twenty (20) feet surface width except where Section 86.26 Wis. Stats. requires larger minimum standards. When cul-de-sacs are an integral portion of a road network in a subdivision, their diameter shall be two hundred (200) feet minimum. Bridges shall conform to Section 86.26(3) Wis. Stats.
- c. Construction Standards for Public Streets: Construction shall be according to Town of Kildare road standards and Town of Kildare Town Board Resolution dated December 10, 1975.
 - 1) Grading and Excavation. All topsoil shall be graded back to reuse for final grade. All rubbish and/or tree stumps shall be removed from the

site or burned outside the roadway and completely covered with soil to a natural grade.

- 2) Base. Road base shall be a good quality road gravel with crushed stone to a minimum of six (6) inches thick and well compacted. A minimum of twenty-four (24) feet wide shall be allowed to accommodate a minimum of twenty-four (24) inch shoulders on either side of the road. The road shall be graded with a minimal crown to shed water to either side.
 - 3) Road Surface. The surface may be either a hot-mix asphalt on a cold mix with a minimum of two (2) inches thick after compacting and rolling.
 - 4) Ditches. All ditches shall be a minimum of twelve (12) inches deep and wide enough to allow a gradual grade for holding and carrying water in severe cases of excessive rains. Culverts shall be used to carry water from side-to-side in critical areas of the road. Culverts shall be of the ribbed, galvanized type with a minimum of fifteen (15) inches in diameter and long enough to collect and deposit water in ditches. A final grade of topsoil shall be applied and grass seed or sod shall be laid to prevent future erosion.
 - 5) Cul-de-sacs. A minimum of a two hundred (200) foot turnaround shall be maintained at the end of the road. This two hundred (200) foot diameter shall be from the outside to outside edges of the cul- de-sac.
- d. When a subdivision is in two (2) townships, an approved road shall be centered on said township line and extend the full length of the development involving the township lines.
 - e. When a subdivision is developed only using existing roads, and other development is possible, provisions shall be made to provide necessary road or roads for possible future development at a later date.
 - f. A minimum of seven (7) calendar days advance notice shall be given to the Town Board prior to proceeding with construction and for inspection construction.

Section IV - Plat Approval Procedures

A. GENERAL PROCEDURES

1. Filing. If the Town is used as a forwarding agency, the subdivider shall file fifteen (15) or more legible copies of the preliminary or final plat with the Town Clerk who shall note the date of filing on each print, If another approval agency is used as the forwarding agency, at least six (6) copies of the plat and two (2) copies of percolation and boring data shall be forwarded to the Town Clerk.
2. Forwarding of Plats. Within two (2) business days after a preliminary or final plat has been submitted for approval, the Town Clerk shall forward the specified number of copies to the following agencies authorized to object to the plat, along with a list of all agencies authorized to object or approve the plat:
 - a. State Agencies. Two (2) copies for the Director, Division of Local and Regional Planning, Department of Local Affairs and Development, State of Wisconsin, and, in addition, two (2) copies for each of the other state agencies which have authority to object to the plat:
 - 1) Division of Highways. Two (2) copies for the Division of Highways, Department of Transportation. State of Wisconsin, if the subdivision abuts or adjoins a state trunk or connecting street.
 - 2) Division of Health. Two (2) copies for the Division of Health, Department of Health and Social Services, State of Wisconsin, if the subdivision is not served by a public sewer and provision for such service has not been made.
 - b. County Planning Agency. Four (4) copies to the County Planning Agency.
 - c. Town Clerk. Two (2) copies to the Town Clerk for review by the Town Board.
 - d. Town Plan Commission. Two (2) copies to the Plan Commission for its comments on the general design of the plat.
3. Objections to Plat. Within twenty (20) calendar days of the date of receiving the copies of the plat, any agency having the authority to object shall notify the subdivider and all approving or objecting authorities of any objection or, if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The Plan Commission shall make its report to the Town within the same twenty (20) day period.

- a. Objections Must Be Satisfied. The plat shall not be approved or deemed approved until all objections have been satisfied.
- b. Failure to Act. If the agency having the authority to object fails to act within the twenty (20) calendar day limit, it shall be deemed to have no objection to the plat.

4. Approvals to Plat

- a. Preliminary Plat. The subdivider shall submit a preliminary plat in sufficient detail to determine whether the final plat will meet layout requirements. The subdivider shall also submit data required by the State Division of Health regarding percolation tests and soil borings.
 1. Approval or Rejection. Within forty (40) calendar days of the date of submittal, the Town shall take action to approve, approve conditionally, or reject such plat and shall state in writing any conditions of approval or reasons for rejection.
 2. Failure to Act. Failure of the approving authority to act within forty (40) calendar days shall constitute an approval of the preliminary plat unless the time is extended by agreement with the subdivider.
 3. Approval Required Prior to Construction. No subdivider shall proceed with any construction work, including grading, until the preliminary plat has been approved.
 4. Principles of Design. The design principles of this Ordinance shall apply to subdivisions within the Town.
- b. Final Plat. If the final plat conforms substantially to the layout shown in the preliminary plat as approved, including any conditions of that approval, it shall be entitled to approval with respect to such layout.
 1. Submission Date. If the final plat is submitted within six (6) months of the last required approval of the preliminary plat, the Town shall take action to approve or reject the plat. If the final plat is not submitted within said six (6) months, the Town may refuse to approve the final plat and may require resubmittal of the preliminary plat.
 2. Plat Portion of Preliminary Plat. The final plat may, if permitted by the Town, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.

3. Approval of Rejection. The Town Board shall take action to approve or reject the final plat within sixty (60) calendar days of its submission, unless the time is extended by agreement with the subdivider. If a plat is rejected, the reasons therefore shall be stated in the minutes of the meeting and a copy thereof or a written statement of the reasons supplied the subdivider and all objecting and approving authorities.
4. Failure to Act. If the Town fails to act within sixty (60) calendar days of submittal and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the final plat shall be deemed approved and, upon demand, a certificate to that effect shall be made upon the face of the plat by the Clerk of the Town.
5. Penalty. Any subdivider or his/her agent who offers or contracts to convey or conveys any subdivision, or lot or parcel of land which lies in a subdivision, knowing that the final plat thereof has not been recorded with the County Register of Deeds, may forfeit not more than one thousand dollars (\$1,000.00) or, in default of payment of such forfeiture, may be imprisoned in the county jail until payment thereof, but not exceeding six (6) months; except where the preliminary or final plat of the subdivision has been filed for approval with the Town, an offer or contract to convey may be made if that offer or contract states on its face that it is contingent upon approval of the final plat and shall be void if such plat is not approved.
6. Fee. Applicant shall reimburse the Town for its full cost for Town engineering and planning commission services, administration and inspection of the preliminary and final plat and the improvements installed therein. The Town may require that part or all of this fee be paid prior to granting approval to the final plat, or may require a bond, letter of credit, or other financial guarantee to enforce payment of such fees. Unless the Town notifies the developer within twenty (20) calendar days after receipt of the preliminary or final plat, the fee shall be as follows:
 - a) The developer shall pay to the Town a fee amounting to twenty-five dollars (\$25.00) plus one dollar (\$1.00) for each lot or parcel shown on the preliminary plat to assist in defraying the cost of reviewing the plat. In addition, the developer shall pay to the Town, prior to approval of a final plat of a subdivision, a fee to defray the cost of checking improvement plans and

inspecting improvements amounting to twenty-five dollars (\$25.00) plus one dollar (\$1.00) per lot as shown on the final plat.

- b) At the time of filing of the certified survey map, the subdivider shall pay to the Town a fee of twenty-five dollars (\$25.00) plus one dollar (\$1.00) for each lot shown.

- 7. Surety. Whenever the improvements required by this Ordinance have not been installed and accepted by the Town prior to approval of the final plat, the final plat shall not be approved until the subdivider has legally guaranteed their installation by filing an adequate surety bond, performance bond, cash or certified check approved by the Town Attorney with the Town Clerk.

- B. MINOR DIVISION. In the event that a development constitutes a minor division as defined by this ordinance, the developer may, at his/her option, substitute for a plat or plats one or more certified survey maps. Such certified survey maps shall be subject to all the procedures, rules, requirements and regulations of plats as set forth in this Ordinance.

Section V - Variances

- A. PURPOSE. The purpose of this section is to provide regulations which enable the Town to hear and decide requests for permitted variations from the terms of this Ordinance as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Ordinance would result in practical difficulty or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done, as provide by Section 62.23(7)(0(7) Wis. Stats.
- B. INITIATION OF A REQUEST FOR APPROVAL OF VARIANCE. Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) of the subject property, or their legally authorized representative(s).
- C. APPLICATION REQUIREMENTS. All applications for variances shall be submitted to the Town Clerk, or a designee, who shall determine if the application is complete. A complete application shall contain all of the following:
 - 1. Applicant Information. Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site;

2. **Ownership Map.** A map of the subject property showing all lands for which the variance is proposed, and all other lands within two hundred (200) feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the Town tax records. Said map shall clearly indicate the current usage of the subject property and its environs. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one (1) inch equals eight hundred (800) feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
3. **Description.** A written description of the proposed variance, providing specific reference to those sections of this Ordinance from which the Applicant seeks relief, and describing the specific terms, conditions and requirements of the variance proposed for the subject property.
4. **Site Plan.** A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Subsection V.C;
5. **Written Justification.** Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standard set out in Subsection E.5, below.

D. REVIEW BY TOWN CLERK/PLAN COMMISSION/BUILDING INSPECTOR.

1. The Town Clerk, or designee, shall determine whether the application fulfills the requirements of Section C, above. If the Town Clerk determines that the application does not fulfill the requirements of Section C, above, s/he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Town Clerk determines that the application does fulfill the requirements of Section C, above, s/he shall notify Applicant and forward the application to the Plan Commission/ Building Inspector for further action. The Plan Commission and Building Inspector shall review and evaluate the application and shall comment in writing to the Town Board on the variance requested in the application, taking into consideration the review standards of Subsection E.5, below. If the Town Clerk determines that the application does not fulfill the requirements of Section C, above, s/he shall notify Applicant and forward the application to the Plan Commission and Building Inspector for further action.
2. The Plan Commission and Building Inspector shall review and evaluate the application and shall comment in writing to the Town Board on the variance requested in the application, taking into consideration the review standards of Subsection E.5, below. The

Plan Commission's and Building Inspector's written comments shall be submitted to the Town Board on or before the Public Hearing described below. A copy thereof shall also be provided to the Applicant.

3. The Plan Commission and the Building Inspector shall not refer the application to the Town Board and no one shall place the application on the Board's agenda until the Plan Commission and the Building Inspector, or designee, have certified that the application is complete.

E. REVIEW AND DETERMINATION BY TOWN BOARD

1. Submission to the Town Board Required. No variance shall be granted except by review and action of the Town Board pursuant to this Subsection.
2. Public Hearing. The Town Board shall schedule a reasonable time and place for a public hearing to consider the application within thirty (30) calendar days after filing of the complete application. The applicant may appear in person, by agent, and/or attorney.
3. Notice. Notice of the requested variance and the public hearing shall conform to the requirements of Section 62.23(7)(e) Wis. Stats. Said notice shall contain a description of the subject property and the proposed variance. In addition, at least ten (10) calendar days before said public hearing, the Town Clerk shall mail an identical notice to the Applicant of the proposed variance; to the clerk of any municipality whose boundaries are within one thousand (1000) feet of any portion of the subject property; and to all property owners within 200 feet of the boundaries of the subject property as identified in Section C. above. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
4. Formal Decision. Within thirty (30) calendar days after the holding of the public hearing, or within an extension of said period approved by the Applicant and granted by the Town Board, the Town Board shall make its findings and its determination regarding the application as a whole. The Town Board may request further information and/or additional reports from the Building Inspector and/or the Applicant. The Town Board may take final action on said request for approval of the requested variance at the time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. The Town Board shall make a written report of its finding and determination concerning the standards of Subsection E.5, below.
5. Standards of Review. The following factors shall be considered by the Town Board in making its decision, and shall be addressed in the Board's official written decision:

- a. Whether the requested variance is in harmony with the recommendations of any Town planning.
- b. What exceptional or extraordinary or special factors are present which apply only to the subject property. The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same areas. Specifically:
 - 1) The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable subdivision regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;
 - 2) Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
 - 3) Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be self-imposed hardships;
 - 4) Violations by, or variances granted to, neighboring properties shall not justify a variance;
 - 5) The alleged hardship shall not be one that would have existed in the absence of any Town ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)
- c. In what manner do the factors identified in Subsection b, above prohibit the development of the subject property in a manner similar to that of other properties under the same area? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

- d. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.
 - e. Would the granting of the proposed variance as depicted on the required site plan (See Section V.C.4, above) result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this Ordinance, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Town or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters,
 - f. Have the factors which present the reason for the proposed variance been created by the act of the application or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of this Ordinance? The response to this question shall clearly indicate that such factors existed prior to the effective date of this Ordinance and were not created by action of the Applicant, a previous property owner, or their agent.
 - g. Does the proposed variance involve the regulation of land uses found in this or any other ordinance? The Variance procedure cannot be employed to obtain a change or modification of land use. Therefore, the response to this question shall clearly indicate that the requested variance does not seek to change nor modify the use of the subject property.
- 6) Additional Requirements in Floodland Districts. No variance shall be granted when it is found:
- a. Filling and development contrary to the purpose and intent of the Floodplain Overlay District (FP) would result.
 - b. A change in the boundaries of the Floodplain Overlay District (FP) would result.
 - c. A lower degree of flood protection than a point two (2) feet above the one hundred (100) year recurrence interval flood for the particular area would result.

d. Any action contrary to the provisions of Subchapter NR-116 of the Wisconsin Administrative Code would result.

7. Effect of Inaction. If the Town Board fails to make a determination within thirty (30) calendar days after said public hearing, then the request for the variance shall be considered denied.

F. EFFECT OF DENIAL. No application for a variance which has been denied (in whole or in part) shall be resubmitted for a period of twelve (12) months from the date of said order of denial, unless the Building Inspector first determines that either (1) substantial and material new evidence has arisen, or (2) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.

G. LIMITED EFFECT OF A VARIANCE. Where the Town Board has granted a variance, such approval shall not change the use of either the building or premises, nor give it any new status as a "nonconforming use" other than that status which it held before the granting of the variance. Granting of a variance shall be considered unique to the variance granted, and shall not be construed as precedent for any other proposed variance.

H. STAY OF PROCEEDINGS. An application for a variance shall stay all legal proceedings further enforcement of any provisions of this Ordinance from which the Applicant is requesting a variance, unless the Building Inspector certifies to the Town Board after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Town Board or by a Court of Record. [State Law Reference: Section 62.23(7) (e)5., Wis. Stats.]

I. NOTICE TO DNR. The Town Board shall transmit a copy of each application for a variance to conservancy regulations in the Shoreland-Wetland Floodway, Floodplain Conservancy, or Floodway Fringe Overlay Zoning Districts, and a copy of all Shoreland floodland appeals, to the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten (10) days prior to any public hearings. Final action on the application shall not **be taken** for thirty (30) calendar days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variance to shoreland conservancy regulations or to floodland regulations, and a copy of all decisions to shoreland conservancy and floodland appeals, shall be transmitted to the DNR within ten (10) calendar days of the date of such decision.

J. FEE.

1. All applicants shall pay an application fee for a variance which shall be established by resolution of the Town Board.
2. Variance fees do not include, and are in addition to, building permit fees established by the Town, and other fees which may be imposed for driveways, or other Town charges and/or expenses.
3. A double application fee shall be charged by the Town if an application is submitted after the Applicant has committed an act or omission for which the Applicant now seeks a variance. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.
4. All applicants shall reimburse the Town for time spent by Staff and consultants in reviewing and processing the application, pursuant to Section V.E,
5. The Town may delay any and all actions and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered "complete" and ready for consideration until all fees have been paid.

Section VI - Minor Division

In the event that a development constitutes a minor division as defined by this Ordinance, the developer may at his/her option, substitute for a plat or plats, one or more certified survey maps. Such certified survey maps shall be subject to all the procedures, rules, requirements and regulations of plats as set forth in this Ordinance.

Section VII - Appeals

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Section 62.23(7)(3)10 to 15 Wis. Stats., within thirty (30) calendar days of notification of the rejection of the plat. For the purpose of such appeal, the term "Board of Appeals" means an "approving authority." Where the failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving authority or objecting agency is arbitrary, unreasonable or discriminatory.

Section VIII - Enforcement and Penalties

A. ENFORCEMENT. The Town may institute injunction or other appropriate action or proceeding to enjoin a violation of this Ordinance or any provision of Chapter 236 Wis. Stats adopted by reference.

B. PENALTIES. Except as otherwise expressly provided, any subdivider who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided by Sections 236.30 and 236.31 Wis. Stats. shall apply.

Section IX - Severability

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section X - Conflicting Provisions

- A. All other ordinance of the Town inconsistent herewith and to the extent such inconsistency and no further, are hereby repealed.
- B. This ordinance is to be liberally construed so as to comply with the desires of the Town of Kildare.
- C. Should any section, clause or provision of this Ordinance conflict with or be dissimilar from the provision of state law, county ordinances, or private covenants, the most restrictive shall be applied.

Section XI - Adoption and Effective Date

This Ordinance replaces Ordinance 4(c) and Ordinance 4(d) and shall be in force and effect from and after its passage and publication as provided by law.

INTRODUCED AND ADOPTED by the Town Board of the Town of Kildare at a regular meeting held on the _____ day of _____, _____.

Attest:

Town Clerk

Published _____ in the Juneau County Messenger

Posted _____ in three public places in the Town of Kildare:

Bulletin Boards at Town Hall, Country Corners Bait & Tackle, Clerk's Residence