

ORDINANCE# 2-14-11  
Township of Waterford  
County of Racine and State of Wisconsin

**An Ordinance amending the Chapter of the Town of Waterford  
Municipal Code dealing with Subdivisions and Minor Land Division**

THE TOWN BOARD, of the Township of Waterford, at its regular and duly-noticed monthly meeting, does hereby pass and adopt the following Ordinance relating to bringing Chapter 10 of the Town of Waterford Ordinances into compliance with Wisconsin Statutes Chapter 236.

Purpose: 2009 Wisconsin Act 376 was enacted on May 18, 2010. The Act amends and renumbers several sections of Wisconsin Statutes Chapter 236. Section 12 of the Act makes local ordinances inconsistent with certain provisions of Chapter 236 inapplicable and unenforceable as of January 1, 2011. The purpose of this Ordinance is to add a statement of conformity with Wisconsin Statutes Chapter 236 to the Town of Waterford Land Division Ordinance and to amend those portions of said Ordinance which are inconsistent with Wis. Stat. Ch. 236 so that the Ordinance remains applicable and enforceable.

WHEREAS, pursuant to Wis. Stat. § 236.45(4), the following changes to the Town of Waterford Land Division Ordinance have been recommended by the Town Planning Commission and approved by the Town Board after hearing public comment on the proposed changes at a duly-noticed public hearing held on the 14<sup>th</sup> day of February 2011,

NOW THEREFORE, the Town Board of the Township of Waterford does hereby adopt and enact the following changes to the Town of Waterford Land Division Ordinance:

1. Town of Waterford Ordinance § 10.01(6) is hereby amended to read, “6. 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 Town and shall not be deemed a limitation or repeal of any other power granted by law. Nothing in the Town Ordinances is intended to be more restrictive than the time limits, deadlines, notice requirements and other provisions of Wisconsin Statutes Chapter 236 that provide protections for a subdivider. To the extent any provision of the Town Ordinances conflicts with the time limits, deadlines, notice requirements or other provisions of Wis. Stats. Ch. 236 that provide protections for a subdivider, the provisions of Wis. Stat. Ch. 236 shall apply.”

2. Town of Waterford Ordinance § 10.03(2)(C) is hereby amended to read, “(C) The Town Planning Commission is hereby designated as a recommending authority for all preliminary plats. The Town Clerk shall transmit a copy of the Preliminary Plat to all affected Town Boards, commissions or departments, and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Planning Commission within fifteen (15) days from the date the Plat is filed. The Preliminary Plat shall then be reviewed by the Town Planning Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it. The Town Board, at its next duly noticed meeting shall act upon the Preliminary Plat. The subdivider may construct the project in such phases as the Town Board approves, which approval may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of any surety bond or other security required by the governing body shall be limited to the phase of the project that is

currently being constructed. The Town Board may not require that the subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.”

3. Town of Waterford Ordinance § 10.03(4)(C) is hereby amended to read, “(C) The Town Planning Commission shall examine the Final Plat, within 45 days of its filing with the Town Clerk, as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat; this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Town Board. In examining the final plat, the Town Planning Commission shall apply only those requirements which were in effect on the date the preliminary plat was filed or, if no preliminary plat was filed, those requirements in effect on the filing date of the final plat.”

4. Town of Waterford Ordinance § 10.03(5)(B) is hereby amended to read, “(B) Submission. If the Final Plat is not submitted within thirty-six (36) months of the last required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat.”

5. Town of Waterford Ordinance § 10.03(5)(G) is hereby amended to read, “(G) Recordation. After the Final Plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider/developer for recording with the County

Register of Deeds. The Register of Deeds cannot record the Plat unless it is offered within twelve (12) months from the date of the last approval and within thirty-six (36) months of the date of first approval.”

6. Town of Waterford Ordinance § 10.03(7)(E) is hereby amended to read, “(E) Recordation. The subdivider/developer shall record the Map with the county register of deeds within 6 months after the date of the last approval of the Map and within 24 months after the first approval of the Map.”

PASSED AND ADOPTED this 14<sup>th</sup> day of February, 2011, to take effect upon posting and / or publication as required by law.

ROBERT E. LANGMESSER

Town Chairman

ATTEST:

TINA MAYER

Town Clerk