

Article E: Required Improvements

Sec. 14-1-50 Improvements Required.

(a) **General Requirement.**

- (1) In accordance with the authority granted by Sec. 236.13 of the Wisconsin Statutes, the Village of Elmwood hereby requires that, as a condition of Final Plat or certified survey approval, the subdivider agree to make and install all public improvements required by this Chapter and that the subdivider shall provide the Village with security, of the Village's choice, to ensure that the subdivider will make the required improvements. As a further condition of approval, the Village Board hereby requires that the subdivider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or certified survey map, fall within the public right-of-way.
- (2) As a condition for the acceptance of dedication of public rights-of-way, the Village may require, at the Village's choice, that the public ways have been previously provided with all necessary facilities constructed to Village specifications, including, but not limited to, sewerage, storm drainage, water mains and services, grading and improvement of the streets and other public ways, sidewalks, street signing, street lighting and such other facilities required by the Village Board.

(b) **Options.**

- (1) The required public improvements shall be installed by the subdivider at his/her cost; or
- (2)
 - a. The subdivider may petition the Village for the installation of the required public improvements through the Special Assessment B Bond process as provided for in Sec. 66.54(10), Wis. Stats., or another acceptable special assessment process with the special assessments being payable at the time of lot sale, payable in a maximum of seven (7) annual installments together with interest.
 - b. The Village may enter into a recapture agreement with the subdivider agreeing to require payment of recapture costs of public improvements from those properties benefitting from the improvements. The Village shall prohibit development on those properties until payment has been made. The subdivider may contract directly with adjacent property owners and/or subdividers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.
 - c. In addition to the above, the Village may enter into an agreement to reimburse the subdivider, at the end of the seven (7) year period, for his/her cost (at the time of construction) of those oversized improvements constructed within the proposed land division, but which are oversized to serve lands beyond the boundaries of the land division or other lands within the subdivider's control, and

which have not, during the seven (7) year period, been reimbursed to the subdivider. Said payment shall be only for the actual additional cost of constructing the oversized improvements within the boundaries of the land division and shall not provide for payment of any interest. The Village shall then establish special assessments against those benefitting properties outside the proposed land division boundaries or the subdivider's control for those costs. To be eligible to proceed under this provision, the land division must occur within development areas identified in the Village's Master Plan or other adopted comprehensive development or public facilities plan.

- (3) Any workable combination of the above determined by the Village Board as acceptable.
 - (4) If the Village finds that Village construction of such public improvements would not be warranted as a special assessment to the intervening properties, or as a governmental expense until some future time, the developer shall be required, if he/she wishes to proceed with the development, to obtain necessary easements or right-of-way and construct and pay for such public improvement extensions.
- (c) **General Standards.** The required public improvements shall be installed in accordance with the engineering standards and specifications which have been adopted by the Village Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with established engineering practices, approved prior to the start of construction by the Village Engineer. When new or revised standards and/or specifications have been adopted by the Village, work on public improvements not begun within eighteen (18) months of the date of Final Plat adoption shall be made to the new or revised standards and/or specifications. The Village Engineer shall review and approve the construction plans, specifications and calculations for the construction of the required public improvements.
- (d) **Project Manager.** The subdivider shall designate a project manager who shall be readily available on the project site during the construction of the required public improvements. The project manager shall be granted authority on behalf of the subdivider to make decisions related to the construction of the required public improvements as they may arise during the course of the construction. The project manager shall also be responsible for the scheduling and coordination of the required work to construct the required improvements. Correspondence with or verbal orders to the designated project manager shall have the same authority as with the subdivider directly.

Sec. 14-1-51 Required Agreement Providing for Proper Installation of Improvements; Surety.

- (a) **Contract.** The Village may require that the subdivider enter into a contract with the Village for land division improvements agreeing to install improvements as herein provided

before final approval of any plat, certified survey or land division. The contract form shall be provided by the Village and may provide for a phasing of public improvements construction, providing such phasing is approved by the Village Board. The Village reserves the right to control the phasing through limits, sequence, and/or additional surety so as to provide for continuity of streets, sewers, water mains, and other necessary public improvements within and between the phases.

(b) **Financial Guarantees.**

- (1) The subdivider shall file with said contract, subject to the approval of the Village Attorney, a bond, a certificate of deposit, irrevocable letter of credit or certified check in an amount equal to one hundred ten percent (110%) of the estimate of the cost of the improvements, as determined by the Village Engineer; said filing of surety shall guarantee that such improvements will be completed by the subdivider or his contractors not later than eighteen (18) months from the date of recording the final plat or certified survey map. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Village. When a letter of credit is posted as security, the Village must be the beneficiary.
- (2) However, the subdivider may elect, with the approval of the Village, to install the improvements in construction phases provided that:
 - a. The phases are specified in the contract for land division improvements;
 - b. The developer submits surety in an amount equal to one hundred ten percent (110%) of the estimated costs of improvements next required by the installation and construction schedules as determined by the Village Engineer. Improvements constructed during the first stage and each successive stage of construction shall not be accepted nor shall any building permit be issued for construction within the completed area of the subdivision or comprehensive development until the security required for the next stage of construction has been posted with the Village.
 - c. The developer records deed restrictions approved by the Village Attorney which specify that the lots which are included in future construction phases of the land division will not be transferred or sold unless the Village's approval is obtained;
 - d. The subdivider minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
 - e. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
- (3) The time limit for completion of a phased improvement program shall take into account the needs and desires of the Village and adjacent property owners for street and other improvements to serve lands adjacent to and within the land division.
- (4) As work progresses on installation of improvements constructed as part of the contract, the Village Engineer, upon written request from the subdivider from time to time, is authorized to recommend to the Village Clerk-Treasurer a reduction in the

amount of surety as hereinafter provided. When portions of construction (water, sanitary sewer, street, sidewalk, greenway or other improvements) are completed by the subdivider and determined acceptable by the Village Engineer, the Village Clerk-Treasurer is authorized, in his/her sole discretion, upon submission of lien waivers by the subdivider's contractors, to reduce the amount of surety. The amount of surety remaining shall be equal to one hundred ten percent (110%) of the estimate of the Village Engineer of costs of work remaining to be completed and accepted and to insure performance of the one (1) year guarantee as specified in Subsection (d) below against defects in workmanship and materials on work accepted. When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the Village Engineer are valid for noncompletion, the Village Clerk-Treasurer is authorized, in his/her sole discretion, to accept a reduction in the amount of surety to an amount in the estimate of the Village Engineer, sufficient to cover the work remaining to be completed, including performance of the one (1) year guarantee period against defects in workmanship and materials. As a further guarantee that all obligations under contract for work on the development are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on the street right-of-way to be dedicated shall be approved for such work by the Village Engineer prior to commencing construction. The Village Board, at its option, may extend the bond period for additional periods not to exceed one (1) year each.

- (5) Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this Section.
 - (6) The subdivider shall agree in the development contract to pay all Village legal fees, Village engineering fees, Village administrative fees, street and sidewalk assessments, specifically all area charges for sanitary sewer mains and all water main assessments, including where the land division abuts existing streets which are not improved within the Village standard street improvements (including, but not limited to curb and gutter, local storm sewer, sidewalks and a bituminous pavement).
- (c) **Waiver of Special Assessment Notice and Hearing.** The subdivider shall file with said contract, subject to the approval of the Village Attorney, a waiver of special assessment notices and hearings such that the subdivider, his/her heirs and assigns (including purchasers of property from the subdivider), waive notice and hearing for and authorize the assessment for any and all of the required public improvements in phases of the land division intended for future development in accordance with Sec. 66.60(18), Wis. Stats.
- (d) **Improvement Guarantee.** The subdivider shall include in said contract an instrument of public improvement guarantee by irrevocable letter of credit, certified check, cash escrow

deposit, or performance bond whereby a bonding company [with assets exceeding Ten Million Dollars (\$10,000,000.00) and authorized to do business in the State of Wisconsin] guarantees maintenance, repair, replacement by the developer of said public improvements which deteriorate or fail to meet performance or operating standards during the bond term, or any penalties which may be incurred as a result thereof, equal to fifteen percent (15%) of the Village Engineer's estimate of the cost of the public improvements. If within one (1) year after the date of final acceptance of any public improvement by the Village Board (or such longer period of time as may be prescribed by laws or regulations or by the terms of any special guarantee required by the terms of said contract as may be necessary due to the phasing of the construction of public improvements), any work on any public improvement is found to be defective, the subdivider shall remove it and replace it with nondefective work in accordance with written instructions given by the Village Engineer. If the subdivider does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk of loss or damage, the Village may cause the removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the performance bond or improvement guarantee instrument.

- (e) **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the Village, the subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats., or as may be required by the Village Engineer. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Village Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a surety to insure the placing of such monuments within the time required. On behalf of the Village, the Village Clerk-Treasurer is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the Village Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half (1/2), one quarter (1/4), one quarter-one quarter (1/4-1/4), or other such section monument, the established monument shall be preserved and/or fully restored by the subdivider at his cost.

Sec. 14-1-52 Required Construction Plans; Village Review; Inspections.

- (a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-30, engineering reports shall be submitted simultaneously with the filing of the

Preliminary Plat. At the Final Plat or certified survey stage, construction plans and specifications for the required improvements conforming in all respects with the standards of the Village Engineer and the ordinances of the Village shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Said plans and specifications shall be accompanied by such supporting calculations and reports as required by the Village Engineer to enable him to review the plans and specifications. Such plans and specifications, together with the quantities of construction items, shall be submitted to the Village Engineer for his approval and for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Final Plat or certified survey with the Village Clerk-Treasurer or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public 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 Open 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 comply with the Village's Erosion Control Chapter (Building Code), if applicable.
 - (6) **Planting Plans** showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (7) **Additional** special plans or information as required by Village officials.
- (b) **Action by the Village Engineer.** The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Village ordinances and design standards recommended by the Village Engineer and approved by the Village Board. If the Village Engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed and construction commenced.
- (c) **Construction and Inspection.**
- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Engineer upon

receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building permits shall not be issued until all improvements up through concrete curb and gutter are satisfactorily completed.

- (2) During the course of construction, the Village Engineer shall make such inspections as he or the Village Board deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Village for such inspections. This fee shall be the actual cost to the Village of inspectors, engineers and other parties necessary to insure satisfactory work.
- (d) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made two (2) copies of record plans showing the actual "as-built" location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion. Such plans shall be filed with the Village Clerk-Treasurer.

Sec. 14-1-53 Street Improvements.

The subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter, particularly Sections 14-1-70 and 14-1-71:

- (a) **General Considerations.** The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (b) **Construction Standards.** Construction of all streets shall conform to the current standards as established by the Village in this Chapter and elsewhere and shall be subject to approval of the Village Engineer before acceptance.
- (c) **Conform to Official Map.** The arrangement, width, grade and location of all streets shall conform to the Official Map.
- (d) **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the Village, the subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats., or as may be required by the Village Engineer. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Village Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a survey to insure the placing of such monuments within the time required. On

behalf of the Village, the Village Clerk-Treasurer is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the Village Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half (1/2), one-quarter (1/4), one-quarter one-quarter (1/4-1/4), or such other section monument, the established monument shall be preserved and/or fully restored by the subdivider at his cost.

- (e) **Street Construction.** After the installation of all required utility and storm water drainage improvements, the subdivider shall prepare for surfacing all roadways in streets proposed to be dedicated, to the widths prescribed by these regulations, by placing crushed rock on said roadways and, in addition, shall surface said street, in a manner and quality consistent with this Chapter and plans and specifications approved by the Village Engineer. Construction shall be to Village standard specifications for street improvements.
- (f) **Street Cross Sections.** When permanent street cross sections have been approved by the Village, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Village Engineer.

Sec. 14-1-54 Curb and Gutter.

In any subdivision or minor land division, the Village Board shall require the subdivider to construct concrete curb and gutter in accordance with plans and standard specifications approved by the Village Board, upon the recommendation of the Village Engineer. Concrete curb and gutter shall be installed when deemed necessary for erosion control, surface water drainage or run-off management. 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. Where required, the subdivider shall install concrete curb and gutter along both sides of all streets and boulevards shown on the plat. The cost of the curb and gutter required inspection, supervision and engineering fees shall be paid for by the subdivider. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

Sec. 14-1-55 Sidewalks and Bikeways.

- (a) **Specifications.** In all subdivisions, the Village Board shall require subdividers to construct a concrete sidewalk on both sides of all streets, unless waived by action of the

Village Board. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Village Board, upon the recommendation of the Village Engineer. All required sidewalks shall satisfy the design specifications in Section 6-2-2.

- (b) **Extra-Sized Sidewalks.** 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 Chapter if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.
- (c) **Location.** The subdivider shall be required to provide sidewalks and bikeways to Village specifications as follows:
 - (1) Sidewalks and bikeways shall normally be located as far from the traffic lane as is possible, but not closer than six (6) inches to the right-of-way line. Where, as a result of such major obstructions as large and established trees, steep hills, drainageways, or major utility lines, the construction costs of the sidewalk or bikeway in its normal location would be prohibitive, sidewalks or bikeways may be located elsewhere within the street right-of-way, or within an easement, with the approval of the Village Engineer.
 - (2) Sidewalks and bikeways constructed at street intersections or within five (5) feet of a legal crosswalk shall include provisions for curb ramping as required by Sec. 66.0911, Wis. Stats., and in accordance with Village standards in Title 6, Chapter 2.
 - (3) In all cases where the grades or sidewalks or bikeways have not been specifically fixed by ordinance, the sidewalks and bikeways shall be laid to the established grade of the street [Ref. Sec. 66.0907, Wis. Stats.].
- (d) **Bikeways.**
 - (1) Bikeways shall be designed to serve both pedestrian and bicycle traffic in areas where the majority of the adjoining lots do not have frontage or access to the street, are not being served by a bikeway, or in high traffic areas. In general, those lots which do not front or have access on the street in question are not the generating or terminating point for the pedestrian or bicycle traffic.
 - (2) More specifically, bikeways shall be designed to transport the majority of pedestrian or bike traffic through the area as opposed to serving the adjoining lots as a sidewalk does.
 - (3) Bikeways shall not be installed in lieu of sidewalks. However, where permitted by Village ordinance, persons may ride a bicycle upon public sidewalks.
- (e) **Construction Standards.** Bikeways shall be constructed according to Section 14-1-72(e).

Cross-Reference: Section 6-2-2.

Sec. 14-1-56 Sanitary Sewerage System.

- (a) When public sanitary sewerage facilities are available to the subdivision plat, the subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. All sanitary sewers shall be in accordance with NR 110, Wis. Adm. Code. The subdivider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer of adequate capacity and depth from where it exists to the land division in question as well as providing all sanitary sewer work within the land division. Such required improvements shall be dedicated to the Village upon such terms and conditions as the Village Board may determine.
- (b)
 - (1) Sanitary sewers, including all related items (manholes, wyes, tees, stubs for future extensions, etc.), shall be installed meeting the specifications and requirements of the Village. Installation shall be required all the way across each lot. Where sewers larger than ten (10) inches in diameter are required solely to serve areas outside the subdivision, the land owner shall be responsible only for the costs of the sewers necessary to serve the area within the subdivision. The difference in the costs of the sewers necessary to serve the subdivision and the costs of the sewers actually installed, as determined by the Village Engineer, shall be borne by the developer, with the right of recoupment, without inflation or interest adjustment in the recoupment amount (See Section 14-1-65).
 - (2) In addition, the subdivider shall pay to the Village a sanitary sewer connection fee based on the added cost of installing larger sewers and lift stations in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.
 - (3) The subdivider shall install sanitary sewers in accordance with this Code and specifications of the Village Board, upon the recommendation of the Village Engineer, when it is determined that the proposed subdivision lies within a public sanitary sewer service area and sanitary sewer facilities are programmed to be extended to the proposed subdivision within six (6) years. Until such time as the public sewers within the subdivision can be connected to the community public sewer system, they shall be temporarily capped. No private or public use shall be connected to the sewers within the subdivision until such sewers are connected to the larger community system. The subdivider shall indicate on the face of the plat that the owner of private uses within the subdivision shall connect such uses to the sewers in the subdivision at the time such sewers are connected to the community sewer system, and that the Village is held harmless for any damages or costs incurred to disconnect and abandon any onsite sanitary sewer disposal system then in place and any costs associated with connection to the public sewer mains.
- (c) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. Where public sanitary sewers of adequate capacity are determined by the Village Engineer to be available, extensions of the public sanitary sewer system shall be made so as to provide sewer service

- to each lot. Gravity sanitary sewers shall be extended to the land division and to each buildable lot in accordance with Village Comprehensive Sanitary Sewer Plans as determined by the Village Engineer. Sewerage service lines of the sizes and materials required by the Plumbing Inspector shall be installed from the sanitary sewers to the property line of every lot in the subdivision. This installation will be coordinated with the installation of sanitary sewers. The Village Board shall require the installation of sewer laterals to the street lot line for residential lots. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer. The latest revision of the "Standard Specifications for Sewer and Water Construction in Wisconsin" shall govern all work. All sanitary sewer and sanitary sewer lateral trenches within proposed streets shall be backfilled with granular material meeting the requirements of the "Standard Specifications" and/or Title 6, Chapter 2 of this Code of Ordinances, whichever is more restrictive. All sanitary sewer facilities shall be floodproofed.
- (d) The ends of the services for each lot shall be accurately measured and recorded with the Village Engineer and marked in the field with appropriate staking.

Sec. 14-1-57 Water Supply Facilities.

- (a) (1) When public water supply and distribution facilities are available, as determined by the Village Board, to the subdivision plat or land division, or when it is proposed to establish a private water supply and distribution system to serve two (2) 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 subdivision. There shall be provided a water supply system in conformity with the master plan of the water system as approved by Village utilities. The subdivider shall install and connect Village water to serve all lots subject to specifications and inspection by Village utilities and the State of Wisconsin. Such required improvements shall be dedicated to the Village upon such terms and conditions as the Village Board may determine. The subdivider shall pay all costs of connecting adequate Village water, including bringing water mains from where they exist to the land division in question, providing all water works within the land division, and looping the water mains in all locations deemed important and financially feasible by the Village Engineer. The subdivider shall provide for a minimum watermain diameter of eight (8) inches and the location of public fire hydrants along the public streets at not greater than a four hundred fifty (450) foot spacing for residential areas or a six hundred (600) foot spacing for commercial areas. Fire hydrants which have not passed testing or have not been operationalized shall be covered with securely attached bags to preclude their being inadvertently used by the Fire Department in an emergency situation.
- (2) The subdivider shall be responsible for the installation, and cost thereof, of public water supply facilities. Plans for such water facilities shall be approved by the

- Village Engineer. Supervision and engineering fees shall be paid for by the subdivider.
- (3) Unless otherwise excepted by the Village Engineer, water mains shall not be located within five (5) feet of other underground utilities.
 - (4) Where water mains larger than ten (10) inches in diameter are required solely to serve areas outside the subdivision, the land owner shall be responsible only for the costs of the water mains necessary to serve the area within the subdivision. The difference in the costs of the water mains necessary to serve the subdivision and the costs of the water mains actually installed, as determined by the Village Engineer, shall be borne by the developer, with the right of recoupment, without inflation or interest adjustment in the recoupment amount. Installation shall be required all the way across each lot.
 - (5) The rules of the Village's utilities on file with the Wisconsin Public Service Commission are hereby adopted by reference and made a part hereof as though fully set forth herein.
- (b) (1) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the land division. Extensions of the public water supply system shall be designed so as to provide public water service to each lot and required fire flow protection to each hydrant. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer.
- (2) The Village Board shall require the installation of water laterals to the street lot line.
 - (3) The subdivider shall assume the cost of installing all water mains, water laterals and water system appurtenances within the proposed subdivision necessary to provide adequate flow and pressure, as determined by the Village Engineer. Where water mains larger than necessary to provide adequate flow and pressure are required to serve areas beyond the proposed subdivision, the difference in costs, as determined by the Village Engineer, shall be borne by the developer, with the right of recoupment, without inflation or interest adjustment in the recoupment amount.
 - (4) The subdivider shall install water mains in accordance with this Code and specifications of the Village Engineer when it is determined that the proposed subdivision lies within a public sanitary sewer service area and water main facilities are programmed to be extended to the proposed subdivision within six (6) years. Until such time as the public water mains within the subdivision can be connected to the larger community water supply system, they shall be temporarily capped. No private or public use shall be connected to the water mains within the subdivision until such water mains are connected to the larger community water supply system. The subdivider shall indicate on the face of the plat that the owner of private uses within the subdivision shall connect such uses to the water mains within the subdivision, and that the Village is held harmless for any damages or costs incurred to disconnect and abandon any onsite water supply system then in place, and any costs associated with connection to the public water mains.

Sec. 14-1-58 Storm Water Drainage Facilities.

Pursuant to Section 14-1-74, the subdivider shall provide storm water drainage facilities which include curb and gutter, manholes, catch basins and inlets, storm sewers, storm sewer laterals from the main to the lot line, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria and the sizes and grades to be determined by the Village Engineer. Such required improvements shall be dedicated to the Village upon such terms and conditions as the Village Board may determine.

Sec. 14-1-59 Other Utilities.

- (a)
 - (1) In so far as possible, all utilities, including but not limited to natural gas, telephone, cable television, electric, and water service, shall be installed underground with an affidavit by the subdivider that the maintenance of said public improvements will be guaranteed by the subdivider due to use of the improvements by purchasers and construction traffic.
 - (2) Prior to any maintenance, repair or replacement being performed by the developer during the bond period, it shall notify the Village Engineer at least one (1) work day prior to the doing of the work and obtain approval of the Village Engineer as to the nature and manner of work to be done.
- (b) The subdivider shall cause gas, electric power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution television cables and telephone lines from which lots are individually served shall be underground unless the Village Board, upon the recommendation of pertinent Village utilities or Plan Commission, specifically allows overhead poles for the following reasons:
 - (1) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
 - (2) The lots to be served by said facilities can be served directly from existing overhead facilities.
- (c) Plans indicating the proposed location of all gas, electrical power, cable television and telephone distribution and transmission lines required to service the plat shall be provided by the appropriate private utilities.

Sec. 14-1-60 Street Lamps.

The Village Board shall require the subdivider to install street lamps within eighteen (18) months of the Village's approval of the project along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Village Board.

Sec. 14-1-61 Street Signs.

- (a) The subdivider shall pay the costs of providing the street signing necessary to serve the development. Such signing shall include street name signs, traffic control signs, and such temporary barricades and "road closed" signs as may be required by the Village Engineer or Director of Public Works until the street improvements have been accepted by Village Board resolution.
- (b) The Director of Public Works shall have the authority to impose any restrictions to traffic on street improvements not yet accepted by the Village as he may deem necessary to protect the improvements from damage and to protect the safety of the public. Such restrictions shall include, but not be limited by enumeration to, weight restrictions, street closings, access restrictions, or the posting of temporary traffic control measures.

Sec. 14-1-62 Erosion Control.

The subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented, in compliance with Village ordinances. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

Sec. 14-1-63 Partition Fences/Hedges.

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or certified survey map. Rear yard fences shall not be permitted on zero-lot line lots.

Sec. 14-1-64 Easements.

- (a) **Utility Easements.** The Village Board, on the recommendation of appropriate departments, utilities and agencies serving the Village, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of

permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area. All such utilities shall be installed underground, as required in Section 14-1-59.

- (b) **Drainage Easements.** Drainage easements shall comply with the requirements of Section 14-1-74(f).
- (c) **Easement Locations.**
 - (1) Utility easements shall be at least fifteen (15) feet wide, unless the utilities, in writing, approve a narrower width, and may run across lots or alongside of rear lot lines (along front lot lines for gas and electric service). Such easements shall be located along rear lot lines, unless otherwise placed by the Village Engineer if rear yard placement is not feasible. Evidence shall be furnished the Village that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.
 - (2) All easements dedicated on final plat or certified survey maps for poles, cables or conduits for electricity, telephone or other private utility lines shall be noted thereon as "Utility Easement". All easements for storm and sanitary sewers, water and force mains, pedestrian walks and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.
 - (3) Village staff shall approve, prior to construction, the placement location of specific utilities using the easement.
- (d) **Deed Restrictions for Easements.** Deed restrictions shall accompany each final plat or certified survey map, and shall be filed in the Register of Deeds office. In addition to whatever else may be contained therein, such restrictions shall describe the location and width of utility and public easements which are being established; a description by reference to the final plat or certified survey map shall suffice. Such restrictions shall further recite that the utility companies and the public agencies using such easements are granted the right to place, and shall state that the elevation of such easements as graded by the subdivider may not be altered thereafter by him/her, or any subsequent landowner by more than six (6) inches.

Sec. 14-1-65 Extra-Sized and Off-Site Facilities.

When any public improvements of adequate capacity are not available at the boundary of a proposed land division, the Village, or its duly authorized representative, shall require, as a prerequisite to approval of a Final Plat or certified survey map, assurances that such improvement extensions shall be provided as follows in accordance with the following standards:

- (a) **Design Capacity.** All improvements within or entering or leaving the proposed development shall be installed to satisfy the service requirements for the entire service or

- drainage area in which the development is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service area involved.
- (b) **Extra-sized and Off-size Improvements.** Where improvements of adequate size needed to serve the development are not available at the boundary of the development, the subdivider shall proceed under one (1) of the alternatives as identified in Section 14-1-50.
 - (c) **Lift Stations.** Where sanitary or storm sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles, specifications and estimated operation and maintenance costs prepared for the installation of such facilities to the Village Engineer's requirements. Equipment similar to existing Village equipment shall be utilized whenever possible. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon by the Village Board. Gravity sanitary sewer service shall be employed whenever determined by the Village Engineer to be feasibly accessible.

Sec. 14-1-66 Acceptance of Improvements and Dedications.

- (a) **Acceptance of Improvements.** The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the Village or the public shall not be considered accepted by the Village for public ownership until such time as the required public improvements within the intended dedication or necessary because of the intended dedication have been completed and accepted by the Village Board by adoption of a resolution accepting such dedication. Improvements shall be dedicated to the Village free and clear of any encumbrances. The subdivider shall be responsible for and liable for the maintenance, safety and operation of all required public improvements until such time as the improvements are accepted by the Village Board by resolution. In the event the Village must take measures to maintain, operate or make safe a public improvement existing or required as a result of the land division but which has not yet been accepted by the Village, the costs of such measures shall hereby be determined to be Village-incurred costs to be reimbursed to the Village by the subdivider in accordance with the provisions of this Chapter.
- (b) **Inspection and Certification of Improvements.**
 - (1) After any of the following increments of the required improvements have been installed and completed, the subdivider shall notify the Village Engineer, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavits, in a form acceptable to the Village Engineer and approved by the Village Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys

are owned to any surveyor, mechanic, contractor, subcontractor, materialman or laborer after all required improvements have been installed. Acceptance of the improvements may be requested in the following increments:

- a. Sewer mains and services (either storm or sanitary).
 - b. Water mains and services.
 - c. Streets comprised of all grading, gravel, curb and gutter, culverts and paving.
 - d. Other miscellaneous appurtenances to the above increments such as sidewalks, bikeways, street lighting, street signing, etc.
- (2) The Village Clerk-Treasurer shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance and shall prepare a final billing for engineer, inspection and legal fees and submit it to the subdivider for payment. The Village Engineer shall conduct any necessary final inspections of the improvements and forward a report to the Village Clerk-Treasurer recommending either approval or disapproval. When the engineering, inspection, taxes, special assessments and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, the report of the Village Engineer, together with the recommendation of the Village Clerk-Treasurer, shall be forwarded to the Village Board for approval and acceptance of the improvements and dedications.

Sec. 14-1-67 Site Grading.

The subdivider shall be required to grade the full land division in accordance with the requirements of Section 14-1-76.

Sec. 14-1-68 through Sec. 14-1-69 Reserved for Future Use.