

# Ordinance 1-02

TOWN OF HAYWARD

PLAT AND SUBDIVISION REVIEW ORDINANCE

ORDINANCE NO. 1-02

As amended through Dec 9, 2014

Adopted Nov 13, 2001

Amended June 14, 2005

Amended Apr 12, 2011

Amended Dec 9, 2014

The Town Board of the Town of Hayward does ordain as follows:

## Section 1: **Title/Purpose/Definition**

This ordinance is entitled the “Town of Hayward Plat and Subdivision Review Ordinance”

A. Purpose: To promote the public safety and the public welfare of persons living within the Town of Hayward by insuring that plats and subdivisions within the Town of Hayward meet certain minimum standards established by the Town, including, but not limited to, standards for width of private roads, driveways, and access roads in order to allow the provision of fire department, health, emergency and other services to dwellings erected or to be erected within such plats and subdivisions.

***B. Definition: Applies to land completely or partially in the Town of Hayward.***

***“Subdivision” – A division, regardless of reason, of a lot, parcel, or tract of land into 2 or more lots, parcels, or tracts.”***

## Section 2: **Authority**

The Town of Board of the Town of Hayward has the specific statutory authority, powers and duties, pursuant to the specific sections noted in Chapter 236, Wis. Stats., this ordinance and/or by its adoption of village powers under Sec. 60.10, Wis. Stats., to regulate, control, license, register or permit in the Town of Hayward persons engage in certain uses, activities, businesses or operations, to assess these persons with appropriate fees for licenses, registrations or permits as noted herein and the enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations and permits.

## Section 3: **Administration**

A. The Town Board of the Town of Hayward shall approve or disapprove any plats and subdivisions submitted to it.

B. The Town Board of the Town of Hayward shall, prior to approval or disapproval of the plat, receive technical recommendations regarding the following items in a preliminary plat. The items are:

a. road, alley or driveway construction

b. rain, snow and water control

Section 4:     **Exemptions**

This ordinance does not apply to:

a. cemetery plats

b. assessor's plats, except as noted in Chapter 236, (1988-1989) Wis. Stats

c. transfers by court order

d. easements

e. mortgages

f. leases for less than ten (10) years

Section 5:     **General Provisions**

A. No person shall sell, transfer or lease any parcel of land in any proposed subdivision in the Town of Hayward prior to the approval of the subdivision or plat from the Town Board of the Town of Hayward and prior to the subdivision or plat being recorded in the Office of the Register of Deeds in Sawyer County, Wisconsin.

B. The Town Board of the Town of Hayward shall not approve any plat of any proposed subdivision in the Town of Hayward which does not comply with this ordinance.

C. The Town Board of the Town of Hayward shall, in its approval, approval on condition, or disapproval of the subdivision or plat, consider the following:

a. **Compliance with the Town of Hayward Comprehensive Plan 2009-2030, adopted by Town of Hayward Ordinance # 04-2009 on February 17,2009. The Comprehensive Plan is hereby included as part of this Ordinance, specifically, but not limited to, Chapter 3 Future Land Use. Details of the Comprehensive Plan are included on the Town of Hayward web site, "townofhayward.com".**

b. the possible drainage problems for persons as a result of the subdivision development..

c. the possible erosion problems for persons as a result of the subdivision development.

d. the possible problems arising for persons as a result of inability to provide,fire, police, emergency services over the roads and driveways with the subdivision, as a result of the subdivision development.

e. other factual information affecting the safety, health, and welfare of persons as a result of the subdivision development.

D. If the Town Board of the Town of Hayward determines, as a result of the above noted considerations or for other reasons that the subdivision development is likely to be harmful to the health, safety, or welfare of future

residents in the proposed subdivision and in the Town of Hayward, the land shall not be approved for subdivision development by the Town Board of the Town of Hayward, and the plat shall not be approved by the Town Board of the Town of Hayward.

E. The Town Board of the Town of Hayward shall, prior to approval, approval on condition or disapproval of the preliminary subdivision or plat, determine if any land to be dedicated to public use is suitable for public use. If the Town Board of the Town of Hayward determines the land is unsuitable for public use, it may refuse such dedication or rearrange the private lots to include the public land in question and therefore eliminate this public land from dedication. *As a condition of final plat approval, the entity developing the subdivision or plat shall prepare and record a deed and CSM of said public land. The deed must be issued to the Town of Hayward, or other public government entity.* Upon final plat approval, any land dedicated to public use shall be considered to be accepted by the public, including the Town of Hayward, for the purpose designated in the plat.

#### Section 6: **Deed Restrictions**

*The Town of Hayward may, at its discretion, require deed restrictions to be placed upon the subject parcel and/or resulting parcels as part of the subdivision approval. The deed restriction(s) will be presented on the Town's approved "Restrictive Covenants" document. The Restrictive Covenants document must be prepared and presented for approval simultaneously with the subdivision document. Cost of preparation and recording will be the responsibility of the applicant. Both approved documents must be presented to the County for approval and recording. The current applicable filing fee payable to: Sawyer County Register of Deeds must accompany the documents. Any person recording a subdivision document without the required Restrictive Covenants will be subject to legal action.*

#### Section 7: **Roadways**

A) No road or highway which is not part of a subdivision, shall be dedicated to or shall be accepted as dedicated or laid out by the Town Board of the Town of Hayward, unless such road or highway is at least 66 feet in width. A separate ordinance adopted by the Town of Hayward establishes the appropriate standard for back roads.

B) No plat of any subdivision shall be approved by the Town Board of the Town of Hayward pursuant to Chapter 236, Wis. Stats., unless such plat shall provide that all roads, lanes, highway, or other public ways shown thereon, which it are intended to be dedicated to the Town and are intended to become town roads, shall be at least 66 feet in width and unless each lot shall have an access to such 66 foot wide public road, except as provided hereafter.

C) Prior to the acceptance of the subdivision plat, as described above, sub divider shall enter into an agreement with the Town of Hayward that the roads, lanes, highways or other public ways shown in the plat, which are not intended to be dedicated to the Town or be laid out as town roads, shall be constructed in accordance with the following specifications:

a. the roads, lanes, highways or other public ways shall be graded so that there is a minimum of 28 feet between the outer edge of one shoulder and the outer edge of the opposite shoulder.

1. the drainage ditches on either side of said road, lane, highway or other public way shall have at least 3 feet of side slope outside of the shoulders, for every foot of depth and shall be at least one foot deep.

c. the roadway shall be 28 feet wide (22 feet being the traveled surface and 3 feet being each shoulder) and surface with 3000 yards of gravel, no larger than 3/4 inch gravel, for each mile of said bed.

d. wherever the contours of the land make it necessary that drainage waters be carried across any road, lane, highway or other public way, a culvert, approved as to size and length by the Town Board, shall be installed; in no case shall the culvert be less than 12 inches in diameter, nor less than 34 feet in length.

e. easements shall be provided for all drainage waters wherever, in the estimation of the Town Board, such easements may be necessary.

D) Every dead-end road, lane, highway or other public way shall be provided with a cui- de- sac at least 100 feet in diameter.

**Section 8: Bonds**

The Town Board, as a condition precedent to the approval of the subdivision shall require the subdivider to file a performance bond with the Town Clerk guaranteeing compliance with the terms and conditions of the contract specified in Section 7 hereof. Such bond shall be in such amount and with such sureties as shall meet with the approval of the Town Board.

**Section 9: Sale of Property**

No owner of any land abutting upon any road accepted by the Town Board under the terms of this ordinance and no owner of any land abutting upon any road, lane, highway or other way accepted as a part of a subdivision pursuant to the terms of this ordinance, shall offer for sale any of such land unless such proposed road, lane, highway or other way within such area has been constructed according to the terms and provisions hereof. The Town Board may waive compliance with this section upon the filing of a surety bond as herein provided.

**Section 10: Condominiums**

Although this ordinance does not apply to condominiums created in the Town of Hayward, the Town of Hayward, for the same reasons associated with the public safety and welfare, requests that the declarants of any condominium created within the Town of Hayward, comply with the provisions of this ordinance, as it relates to the creation of roads within the condominium, both those provisions of the ordinance which affect roads which are intended to be dedicated to the Town of Hayward and become town roads, and those roads within the condominium which are intended to remain as private roads.

**Section 11: Enforcement**

This ordinance shall be enforced in accordance with the provisions of Sections 236.30, 236.31, 236.32, and 236.335, Wisconsin Statutes.

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**Section 12: Severability**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more of the provisions may be declared invalid. If any of the provisions of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person or circumstances shall not be affected.

*This ordinance was adopted by the Town Board of the Town of Hayward on November 13, 2001, amended on June 14, 2005, April 12, 2011, and December 9, 2014*

*Original Ordinance and all Amendments on file at Town of Hayward.*