

THE SUBDIVISION ORDINANCE FOR THE TOWN OF CLIFTON  
PIERCE COUNTY, WISCONSIN

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SECTION 1-STATEMENT OF PURPOSE

The purpose and intent of this Ordinance is to promote the public health, safety and general welfare by assuring that land used for Subdivisions is placed in its most appropriate use, that Subdivisions occur in a well designed and orderly manner so as to provide the best possible environment for human habitation, and that adequate provisions are made for public services required or affected by Subdivisions.

SECTION 2-JURISDICTION AND DEFINITION OF SUBDIVISION

A. This ordinance shall apply to all Subdivisions, which occur or are proposed to occur within the geographic limits of the Town of Clifton, Pierce County, Wisconsin.

B. "Subdivision" means the division of a lot, parcel or tract of land which existed on the effective date of this ordinance by the owner thereof, or his agent, for the purpose of transfer of ownership or building development, where:

1. The act of division creates five or more parcels or building sites of 20 acres each or less in area; or
2. The act of division creates five or more parcels or building sites of 20 acres each or less in area by successive divisions within a five year period.

### SECTION 3-COMPLIANCE

A. The approving authority shall be the Town Board of the Town of Clifton, after recommendation of the Planning Commission of the Town of Clifton.

B. Approval by the Town Board shall be required prior to the division of a lot or parcel or tract of land within the jurisdiction of this Ordinance into one or more new lots, parcels or tracts when the lots, parcels or tracts being created are Subdivisions, unless the Subdivision is included within one or more exemptions listed in Wis. Stat. 236.03(2) or 236.45(a)(1-3).

C. The following activities are declared to be violations of this Ordinance:

1. To convey, offer to convey or contract to convey a Subdivision or a lot, tract or parcel within such a Subdivision without having had the Subdivision approved pursuant to this ordinance; or
2. To record a survey map, a plat, or a metes and bounds description or a lot, parcel or tract, thereby creating a Subdivision without such Subdivision having been approved pursuant to this Ordinance; or
3. To fail to comply with all standards of this Ordinance and all conditions which are imposed by the Town Board in the course of its review and approval of a Subdivision.

### SECTION 4-PROCEDURE FOR TOWN REVIEW OF SUBDIVISIONS

A. Applications for Subdivisions shall be submitted to the Town Board in the same form submitted to Pierce County. The application can be submitted to the Town Board by the subdivider prior to its submittal to Pierce County. The Town Board shall receive preliminary and final versions of Subdivisions plats pursuant to the above procedure. The subdivider shall notify all abutting landowners of the time and place of review of preliminary and final plats. The Town Board shall reject any plats which have not had review and action by appropriate agencies prior to being submitted to the Town Board. The Planning Commission shall receive 9 copies of all preliminary and final Subdivisions for their review. Such rejection shall be without prejudice and the subdivider shall be advised to submit the plat pursuant to this Section and Chapter 17.32 of the Pierce County Ordinance. This is not to eliminate preapplication consultation as per Section

17.32.010 Pierce County Ordinance. The Town Board shall review and approve or disapprove the application within 45 days (60 days in the case of the final plat), based upon compliance with the standards of Section 5 of this Ordinance.

B. Additional procedural rules.

1. Recording of approvals.

(a) As to preliminary plats, when the Town Board determines to approve a preliminary plat of a Subdivision, the decision shall be stated in a letter sent to the applicant with a copy sent to the County Zoning Administrator. Also the Chairman of the Planning Commission and the Town Board will sign and date the approved plans.

(b) As to final plats, when the Town Board determines to approve a final plat of a Subdivision, the Chairman and Clerk of the Town Board shall certify the approval on the face of the plat in a space provided for that purpose. A copy of the plat with the signed certificate shall be sent to the County Zoning Administrator.

2. Conditions of approval.

The Town Board may impose conditions upon its approval of a Subdivision, provided that such conditions shall be stated in writing and given to the applicant and shall be limited to requiring compliance of the Subdivision with the standards of this Ordinance, other Town Ordinances, Pierce County Ordinances, or Chapter 236 of the Wisconsin Statutes.

3. Disapprovals.

When the Town Board determines to disapprove a Subdivision it shall place a written statement of the reasons for the rejection in the minutes of the meeting at which the decision was made and shall supply the applicant with a copy of the minutes or a written statement of the reasons contained therein within 15 days of the action.

4. Extension of time periods.

The time periods provided for in Section 4.A. of this Ordinance may be extended by agreement with

the subdivider. The County Zoning Administrator shall be promptly notified of any such extensions.

5. Failure to act within time period.

The failure of the Town Board to act within the time periods specified shall be deemed an approval of the application, unless said time period had been extended as provided herein. Upon written request by the applicant, the Clerk of the Town Board shall issue a letter or execute a certificate of approval following an approval under this paragraph.

6. Appeals.

Any person aggrieved by the failure of the Town Board to approve a Subdivision may appeal the rejection to the Town of Clifton Board of Appeals or the courts as provided in Section 236.13 (5) of the Wisconsin Statutes.

SECTION 5-STANDARDS FOR SUBDIVISIONS OUTSIDE THE EXTRATERRITORIAL AREAS OF THE CITY OF RIVER FALLS, WISCONSIN.

A. Statement of Intent.

Section 5 of this Ordinance contains standards for selected aspects of land subdivisions. The Town is governed by the Pierce County Subdivision Ordinance. That Ordinance is comprehensive in character and addresses more features or aspects of land subdivision than are addressed by the standards of Section 5 of this Ordinance. Where the standards of Section 5 are more restrictive than standards of the County Ordinance, the more restrictive standards shall apply.

Where the County Ordinance is more restrictive or where the County Ordinance sets standards for aspects of subdividing which are not addressed by standards of this Town Ordinance, the County Standards shall apply.

B. Suitability of land for subdividing.

No land shall be used for a Subdivision which is held unsuitable for such use by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation severe erosion potential, unfavorable topography, inadequate water supply or sewage capabilities, or any other feature or circumstance likely to result in the imposition of unreasonable costs to remedy severe or

avoidable problems or to be harmful to the health, safety or general welfare of the future residents of the Subdivision or the community.

C. Conditions imposed by the Town Board.

The Subdivision shall be designed, executed and constructed in such a manner as will protect the public safety, health and general welfare and permit the economical and efficient provision of public services, and the Town Board may impose standards and conditions upon any Subdivision to accomplish these objectives.

D. Road Standards.

1. Each lot in a Subdivision shall have usable access to a street or road which connects the lot to an existing public street, road or highway. Such access shall meet the minimum specifications as set by the Town of Clifton.
2. All streets or roads which are proposed to be established within the Subdivision to meet the requirements of Paragraph 1 above shall have right of way width and grade characteristics as would qualify the street or road for allotment of state highway funds pursuant to Sections 86.30 and 86.31 of the Wisconsin Statutes.
3. (a) All such roads and streets shall be designed, graded and constructed at the expense of the subdivider in such a manner as will fully satisfy the standards of Section 86.26 of the Wisconsin Statutes and the Town of Clifton as to roadway width, surface width, bridge widths and designs loads.  
(b) If a street or road located within a proposed subdivision is to be dedicated and accepted by that town, any such road or street shall be paved with hot mix blacktopping material of a type and quality equivalent to hot blacktopping as used by the Town of Clifton, and approved by the Town of Clifton prior to acceptance by the Town of Clifton.  
(c) The Town Board shall specify the requirements to be met as to street signs, street lights, culvert posts and rails, with the costs of such lights, signs, posts or rails to be paid by the subdivider.

4. The requirements of the above paragraphs 2. and 3. shall apply to all streets and roads specified in above paragraph 1. At the time of application to the Town Board for approval of a Subdivision the applicant shall identify the streets and roads within the Subdivision which meet the definitions of paragraph 1. and 2. and shall submit a schedule for the required construction and surfacing, identifying for all accesses, streets and roads whether the required construction will occur:
  - (a) Before final approval is proposed to be given to the Subdivision; or
  - (b) Shortly after such final approval (such as during the next construction season); or
  - (c) At a later time.

The Town Board shall specifically review this schedule. The schedule of access, road and street construction shall be approved as submitted or with modifications. The schedule or construction so approved shall be a binding and enforceable condition of the Town's approval of the Subdivision. A financial guarantee, as specified in Section 7, shall be required to assure that construction will occur according to the approved schedule.

5. All roads and streets identified in the above paragraph 2. shall be offered for dedication to the Town. Dedications which are to be accepted by the Town shall be accomplished pursuant to the provisions of Section 236.10(3) and 236.29 of the Wisconsin Statutes.
6. All the roads and streets which are not to be dedicated to the Town, for reason of their not meeting the identification under the above paragraph 4., or because the Town Board declined to accept an offer of dedication, shall be identified on the face of the plat as private roads or private streets. The Town Board shall also require that the plat contain a statement warning lot purchasers that town obligations as to maintenance do not extend to such non-dedicated roadways. All costs will be born by the road association which be formed by covenants in the deed. ↑  
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E. Storm Sewers.

If deemed necessary, the Town Board may determine with the assistance of a civil engineer hired for such purposes, whether a storm sewer system shall be required for a proposed subdivision, and if so, the type and size thereof. All costs and expenses incurred regarding the hiring of such engineer by the Town Board shall be borne by the subdivider. Further, all costs and expenses for the installation of the storm sewer as well as any curb and gutter required, shall be borne by the subdivider.

F. Sanitary Sewer Requirements.

1. Any lot under three acres shall be served by a central sanitary sewer system. For lots between three acres or greater and up to five acres or less, the Town Board may determine with the assistance of a civil engineer hired for such purposes, whether a central sanitary sewage collection system, with an adjoining or connected treatment plant, shall be required for a proposed subdivision, and if so, the type and requirements thereof. All costs and expenses incurred regarding the hiring of such civil engineer shall be borne by the subdivider. Further, all costs regarding the installation of any required central sanitary sewage collection system and treatment plant, shall be borne by the subdivider.
2. The Town Board shall have the authority to review the distribution of costs and expenses of central sanitary sewage collection systems and treatment plants, and may reject a proposal which would unreasonably burden land owners who will not be immediately served by the system.
3. All costs of maintenance and operation of the central sanitary sewage collection systems and treatment plants shall be borne by the benefitted property owners through a Sanitary Sewer district which shall consist of said benefitted property owners. Such agreement as is necessary to embody this Sanitary Sewer district shall be recorded on each deed and bill of sale as binding covenants.

G. Central Water Distribution Requirements.

1. Any lot under three acres shall be served by a central water distribution system. For lots between three acres or greater and up to five acres or less, the Town Board may determine, with the

assistance of the Civil Engineer hired for such purposes, whether a central water distribution system shall be required for a proposed subdivision, and if so, the type and requirements thereof. All costs and expenses incurred regarding the hiring of such civil engineer shall be borne by the subdivider. Further, all costs regarding the installation of any required central water distribution system shall be borne by the subdivider.

2. The Town Board shall have the authority to review the distribution of costs and expenses of central water distribution systems, and may reject a proposal which would unreasonably burden land owners who will not be immediately served by the system.
3. All costs of maintenance and operation of the central water distribution systems shall be borne by the benefitted property owners. This requirement shall be recorded on each deed and bill of sale as binding covenants.

H. Minimum Lot Sizes.

In order of intended use of lot, Sewage Service and Minimum Lot Area:

Intended use of Lot	Sewage Service	Minimum Lot Area
Single Family Residence	Unsewered	Greater than five (5) acres.
Single Family Residence	Necessity of sewer and central water to be determined by the Town Board.	Three (3) to five (5) acres.
Single Family Residence	Central water and sewer required.	Under three (3) acres but not less than two (2) acres.



**SECTION 6-STANDARDS FOR SUBDIVISIONS INSIDE THE EXTRATERRITORIAL  
AREA OF THE CITY OF RIVER FALLS, WISCONSIN**

In the Extraterritorial Zoning Area of the City of River Falls, the standards of Section 5 apply, however, the subdivider has the following options:

A. Complete the systems required under Section 5. E. and Section 5. F. or

B. Have a Resolution passed by the City Council of the City of River Falls stating that the proposed subdivision will be annexed into the City and thus will have City sewer and water extended to the proposed lots within a 5 year period.

C. Minimum Lot Sizes.

In order of intended use of lot, Sewage Service and Minimum Lot Area:

Intended use of Lot	Sewage Service	Minimum Lot Area
Single Family Residence	Unsewered	Greater than five (5) acres.
Single Family Residence	Necessity of sewer and central water to be determined by the Town Board.	Three (3) to five (5) acres.
Single Family Residence	Central water and sewer required.	Under three (3) acres but not less than one-half ( $\frac{1}{2}$ ) acre.

**SECTION 7-FINANCIAL GUARANTEE**

If the facilities and improvements required under this Ordinance have not been fully installed at the time the plat is submitted for final approval, the subdivider shall file with the Town Treasurer, a surety bond executed by the subdivider as principal and a responsible bonding company duly licensed and authorized to do business in the State of Wisconsin as surety, payable to the Town of Clifton, and conditioned upon the faithful performance and payment of any and all work to be performed by the

subdivider pursuant to this Ordinance; or other satisfactory financial guarantee for this purpose. Such bond or such other financial guarantee shall be approved by the Town Attorney and shall be of an amount determined by a civil engineer hired by the Town for such purpose to amply cover the cost of completing said facilities and improvements.

#### SECTION 8-ENGINEERS APPROVAL

The adequacy of any facilities or improvements and the proper installation thereof shall be subject to the approval of a civil engineer hired for such purpose by the Town of Clifton. All costs and expenses incurred regarding hiring of such engineer by the Town Board shall be borne by the subdivider.

#### SECTION 9-ISSUANCE OF BUILDING PERMITS

No building permit for any lot within a subdivision shall be issued by the Town of Clifton until the improvements required by Section 5 or Section 6 hereof have been completed in compliance with the standards herein.

#### SECTION 10-DEFINITIONS

Definitions as to key words and phrases in this Ordinance shall be as defined in Chapter 17.08 of the Pierce County Zoning Ordinance, unless otherwise defined in this Ordinance.

#### SECTION 11-ENFORCEMENT

Any activity which fails to satisfy the standards of this Ordinance shall be a violation of the Ordinance, regardless of whether knowledge of or intent to violate was present, and shall subject the party or parties who were responsible for non-compliance or who aided or abetted the non-compliance to an injunction action which demands that the condition constituting the violation be ceased or cured and that remedial actions to achieve compliance be undertaken, and/or a forfeiture in an amount of not less than \$500 nor more than \$1000. Each day during which such violation exists is a separate offense. In addition, the Town Board may order an assessor's plat pursuant to the provision of Section 70.27 of the Wisconsin Statutes whenever the conditions specified in that Section are found to exist.

SECTION 12-SEVERABILITY

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 13-EFFECTIVE DATE

This ordinance shall become effective on the date of approval by the Clifton Town Board, and shall supersede any conflicting subdivision requirements in effect at the time of its effective date.

APPROVED: 11-12-91

By: LeRoy Peterson  
LeRoy Peterson, Town Chairman

ATTEST:

By: Starla Deiss  
Starla Deiss, Town Clerk

PUBLISHED: \_\_\_\_\_  
EFFECTIVE: \_\_\_\_\_

**AMENDMENT TO SUBDIVISION ORDINANCE  
OF THE TOWN OF CLIFTON**

**WHEREAS**, the Town has authority under §236.45(2) to adopt ordinances regulating subdivision of land within the Town; and

**WHEREAS**, the Town Board did adopt a subdivision ordinance known as "The Subdivision Ordinance for the Town of Clifton" on November 12, 1991; and

**WHEREAS**, the Plan Commission for the Town of Clifton has recommended changes to said Subdivision Ordinance and the meeting whereat these proposed changes were considered was preceded by a Class 2 Notice;

**NOW THEREFORE**, the Subdivision Ordinance of the Town of Clifton is hereby amended as follows:

Section 1. Section 2B1 is amended to change the word "five" to "two".

Section 2. Section 2B2 is hereby amended to change the word "five" contained in the first line thereof to read "two".

Section 3. Section 5B is amended to change the words "rock formation sever" in the third line to read "rock formation, severe".

Section 4. Section 5H is amended in its entirety to read as follows: "The minimum lot size in any subdivision shall be 3 acres; however, any lot under 5 acres shall be served by a central water and sewer system unless special exception is made by the Town Board upon recommendation of the Plan Commission."

Section 5. Section 5I is created to read as follows:

**"5I SETBACKS.**

1. Setback from roads. The minimum setback for all structures from the center of an adjoining Town road or private roadway shall be 100 feet.
2. Setback from boundary lines. The minimum side yard or rear yard setback for any structure shall be 20 feet."

Section 6. Section 11 is amended to delete the word "of" at the end of the second line thereof.

Section 7. This Ordinance shall take effect upon passage and publication.

Passed and adopted 5-6-03, 2003

TOWN OF CLIFTON

By: LeRoy Peterson  
LeRoy Peterson  
Town Chair

Attest: Judith Clement Lee  
Judith Clement Lee  
Town Clerk

I, the undersigned, Judith Clement Lee, hereby certify that I published this Ordinance in the River Falls Journal on the 6<sup>th</sup> day of May, 2003.