

**8.10 PRIVATE ACCESS POINTS TO LAKES AND STREAMS**

All points of access to any Town lake or stream shall conform to the applicable provisions of the Walworth County Zoning Ordinance and the Walworth County Shoreland Zoning Ordinance. The purpose of this section is to promote the comfort, health and safety of the Town and its citizens and to preserve and protect the environmental and water quality of all Town lakes and streams.

- A. All Points Providing Access whether by easement, deed or plat reservation to any Town lake or stream from more than one dwelling unit on lots, which do not front directly on the water, shall have a minimum width of seventy-five feet at the normal high water line.
- B. In Order to Carry Out the intent and purpose of these regulations, the Town Plan Commission and/or Town Board may require the subdivider to install such improvements in the access area as may be necessary to further the maintenance of safe and healthful conditions and prevent and control water pollution. When appropriate, the Town Plan Commission and/or Town Board may require the subdivider to record restrictions pursuant to Section 236.293 of the Wisconsin Statutes, to provide for the continued maintenance of the required improvements and/or to prohibit the subsequent grant of access to lakes and streams following an approval of a plat of subdivision which has not incorporated access as part of its final plat.
- C. The Town Plan Commission and/or Town Board may specify additional conditions, such as landscaping architectural design, type of construction, construction commencement and completion dates, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, flood-proofing, ground cover, diversions, silting basins, terraces, stream bank protection, planting screens, operational control, hours of operation, or increased yards, upon a finding that these are necessary to fulfill the purpose and intent of this section.
- D. The Town Plan Commission and/or Town Board when applying the provisions of this Section shall afford the subdivider and any other interested party an opportunity to present evidence and be heard at a public hearing.



**SECTION 9.00 REQUIRED IMPROVEMENTS****9.01 SURVEY MONUMENTS**

The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Review Specialist .

**9.02 GRADING**

A. After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Town Board, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Board, upon recommendation of the Town Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to sub-grade.

B. Cut and filled land shall be graded to a maximum slope of one on four or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.

**9.03 SURFACING**

After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations, the Town comprehensive plan or comprehensive plan components, and any other applicable regulations. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town Engineer.

**9.04 CURB AND GUTTER**

The Town Board may require the subdivider to construct concrete curb and gutters in accordance with plans and standard specifications approved by the Town Plan Commission, upon recommendation of the Town Engineer.

**9.05 RURAL STREET SECTIONS**

When permanent rural street sections have been approved by the Town Board, 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 Town Plan Commission, upon recommendation by the Town Engineer, and as set forth in Sections 9.08.A and 9.14 of this Ordinance.

**9.06 SIDEWALKS**

In all subdivisions the Town may require the subdivider to construct a concrete sidewalk on both sides of all streets within the subdivision. The construction of all sidewalks shall be in

accordance with plans and standard specifications approved by the Town Plan Commission, upon recommendation of the Town Engineer.

#### **9.07 PUBLIC SANITARY SEWERAGE**

When public sewer facilities are available, or when it is proposed to establish a private sanitary sewerage system to serve two or more lots, the subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:

- A. The Town Board shall, for residential lots, require the installation of sewer laterals to the street lot line.
- B. The Size, Type, and Installation of all sanitary sewers and sanitary laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town Plan Commission, upon recommendation of the Town 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"; however, upon written approval of the Town Engineer, the trenches may be backfilled with excavated material meeting the requirements of the "Standard Specifications." If excavated material is allowed for backfill, it shall be compacted by mechanical methods, meeting the approval of the Town Plan Commission, upon the recommendation of the Town Engineer.
- C. Where a Town Sanitary District has been created pursuant to Section 60.71 or Section 60.72 of the Wisconsin Statutes for the purpose of providing and constructing sanitary sewers, such plans and standard specifications shall further be subject to review and approval by the Town Sanitary District Commission.
- D. Where an Inland Lake Protection and Rehabilitation District has been formed and authorized to exercise sanitary district powers pursuant to Section 33.22 of the Wisconsin Statutes for the purpose of providing and constructing sanitary sewers, such plans and standard specifications shall further be subject to review and approval by the Lake District Commission.
- E. The Subdivider Shall Assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed subdivision, except for the added cost of installing sewers greater than eight inches in diameter which are necessary to serve tributary drainage areas lying outside the proposed subdivision. In addition, the subdivider shall pay to the Town or Town Sanitary District a sanitary sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the same ratio as exists between the total area of the proposed plat and the total drainage area to be served by the larger sewers.

**9.08 STORM WATER DRAINAGE FACILITIES**

The subdivider shall construct storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, and open channels, water retention structures, and settling basins adequate to serve the proposed subdivision. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be designed so as to prevent and control soil erosion and sedimentation and all storm water drainage facilities must meet the requirements of the Walworth County Land Disturbance Erosion Control and Storm water Management Ordinance. In addition:

- A. Unpaved Road Ditches and Street Gutters shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow exceeds four feet per second on soils having a severe or very severe erosion hazard, or exceeds six feet per second on soils having moderate, slight, or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes, or other energy dissipating devices approved by the Town Plan Commission, upon the recommendation of the Town Engineer.
- B. Shoreland Drainage Facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, and the size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications of all applicable Walworth County Ordinances and approved by the Town Plan Commission, upon the recommendation of the Town Engineer.
- C. Where a Town Sanitary District has been created pursuant to Section 60.71 or Section 60.72 of the Wisconsin Statutes for the purpose of providing and constructing surface drainage facilities, storm sewers or other drainage improvements, such plans and standard specifications shall further be subject to review and approval by the Town Sanitary District Commission.
- D. Where an Inland Lake Protection and Rehabilitation District has been formed and authorized to exercise sanitary district powers pursuant to Section 33.22 of the Wisconsin Statutes for the purpose of providing and constructing surface drainage facilities, storm sewers or other drainage improvements, such plans and standard specifications shall further be subject to review and approval by the Lake District Commission.
- E. The Subdivider Shall Assume the cost of installing all storm sewers within the proposed subdivision, except for the added cost of installing storm sewers greater than 24 inches in diameter, which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Town or Town Sanitary District a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in

proportion to the same ratio as exists between the total area of the proposed plat and the total drainage area to be served by the larger sewers.

#### 9.09 WATER SUPPLY FACILITIES

When public water supply and distribution facilities are available to the subdivision plat, or when it is proposed to establish a private water supply and distribution system to serve two or more lots, the subdivider shall cause 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. Private water systems, when required by the Town, shall be provided by the subdivider in accordance with the standards of the Wisconsin Department of Health and Social Services. In addition:

- A. The Town Board shall require the installation of water laterals to the street lot line.
- B. 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 Town Board. The latest revision of the "Standard Specifications for Sewer and Water Construction in Wisconsin" shall govern all work.
- C. Where a Town Sanitary District has been created pursuant to Section 60.71 or Section 60.72 of the Wisconsin Statutes for the purpose of providing a system, or systems, of water works, such plans and standard specifications shall also be subject to review and approval by the Town Sanitary District Commission.
- D. Where an Inland Lake Protection and Rehabilitation District has been formed and authorized to exercise sanitary district powers pursuant to Section 33.22 of the Wisconsin Statutes for the purpose of providing a system, or systems, of water works, such plans and standard specifications shall further be subject to review and approval by the Lake District Commission.
- E. The Subdivider Shall Assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed subdivision except for the added cost of installing water mains greater than eight inches in diameter.

#### 9.10 OTHER UTILITIES

- A. The Subdivider shall cause gas, electric power, telephone, and cable television facilities to be installed, where available, in such a manner as to make adequate service available to each lot in the subdivision. All electrical, or telephone, or cable television service shall be located underground conducts. Where such services are not available at the time the land division is approved, a restrictive covenant shall be recorded with the plat requiring the underground installation of utilities when they become available.
- B. Plans indicating the proposed locations of all gas, electrical power, telephone distribution, cable television and transmission lines required to service the plat shall be approved by the Town Board.

**9.11 STREET LAMPS**

The Plan Commission may require the subdivider to install street lamps along all streets to be dedicated, of a design approved by the Town Engineer. Such lamps shall be placed at each street intersection and at such mid-block intervals as may be required by the Town .

**9.12 STREET NAME SIGNS**

The subdivider shall install at the intersection of all public and private streets to be dedicated a street sign of a design specified by the Town Board.

**9.13 STREET TREES**

The Plan Commission may require the subdivider to plant at least one tree of a species acceptable to the Plan Commission and at least 2 1/2 inches in diameter at breast height (dbh) for each 50 feet of frontage on both sides of all streets to be dedicated. The required trees shall be planted in the lawn area of the right-of-way in accordance with plans and standard specifications approved by the Plan Commission. In lieu of planting street trees, the subdivider may, at the time of final plat approval or certified survey map approval, pay a tree fee to the Town Treasurer of \$100.00 for each tree to be planted. Monies collected for tree planting shall be kept in a special tree planting fund for that purpose.

**9.14 SEDIMENT CONTROL**

The subdivider shall plant those grasses, trees, and vines, of species and size specified by the Town Board, necessary to prevent soil erosion and sedimentation. Planting shall be consistent with all Walworth County Land Disturbance Erosion Control and Storm water Management Ordinance standards. In addition:

- A. The Town Board may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.
- B. Tree Cutting and Shrubbery Clearing shall not exceed 50 percent of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, and to preserve and improve scenic qualities. (See Sections 10.04 and 10.05 of this Ordinance.)
- C. Paths and Trails in wooded and wetland areas shall not exceed 10 feet in width unless otherwise approved by the Town Board, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.
- D. Earth Moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to minimize disturbance of the natural fauna, flora, watercourse, water regimen, and topography. (See Section 10.04 of this Ordinance.)

- E. The Town Engineer or Plan Commission may request that the Walworth County Land Conservation Committee, the State District Fish and Game Manager, or the State District Forester, as appropriate, review any vegetation cutting, clearing, or earth moving associated with the subdivision.



## **SECTION 10.00 CONSTRUCTION**

### **10.01 COMMENCEMENT**

No construction or installation of improvements shall commence in a proposed land division until the final plat or certified survey map has been approved by the Town Board and the Town Review Specialist has given written authorization.

### **10.02 BUILDING PERMITS**

No building permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met.

### **10.03 PLANS**

The following plans and accompanying construction specifications shall be required by the Town Plan Commission and reviewed by the Town Engineer before installation of improvements is authorized:

- A. Street Plans and Profiles showing existing and proposed grades, elevations, and cross sections of required improvements.
- B. Sanitary Sewer Plans and profiles showing the locations, grades, sizes, elevations, and materials of required facilities.
- C. Storm Sewer and Open Channel Plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
- D. Water Main Plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- E. Erosion and Sedimentation Control Plans showing those structures necessary to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. The erosion and sedimentation control plan shall include information on the length of time that soil will be exposed, and plans and structures, such as fences and tree wells, intended to protect existing vegetation. Such plans shall meet the requirements set forth in the Walworth County Land Disturbance Erosion Control and Stormwater Management Ordinance.
- F. Planting Plans showing the locations, diameter at breast height (dbh), and species of any required street trees.
- G. Additional Special Plans or information as required.

**10.04 EROSION AND SEDIMENTATION CONTROL**

The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Town Plan Commission, upon recommendation of the Town Engineer and the Walworth County Land Conservation Committee. In addition:

- A. All Erosion and Sedimentation Control Plans shall incorporate best management practices to reduce soil loss during construction to 10 percent of the gross soil loss as estimated by the universal soil loss equation.
- B. Sod Shall Be Laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
- C. Temporary Vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
- D. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
- E. Sediment Basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

**10.05 EXISTING FLORA**

The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Trees shall be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

**10.06 INSPECTION**

The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Town Engineer to provide for inspection. The Town Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

**SECTION 11.00 FEES****11.01 GENERAL**

No application filed pursuant to this Ordinance shall be considered complete until all fees due pursuant to this Ordinance shall have been paid. Every approval granted and every permit issued pursuant to this Ordinance, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of the required fees. The failure to fully pay such fee when due shall be grounds for the Town of Sugar Creek to refuse to process, or to continue to process, an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee relates.

In no event shall such unpaid fees remain unpaid at the time any approval granted by the Town of Sugar Creek is recorded, as and in such case, the Town of Sugar Creek shall charge a fee double to that which remains unpaid at the time of recording. In addition, the violation of this Section regarding prompt payment of fees shall also entitle the Town to recover actual attorney's fees and other costs of prosecution.

Before being entitled to record a plat or certified survey map, the subdivider shall pay all fees to the Town Clerk in accordance with the "Town of Sugar Creek Fee Schedule," available in the office of the Town Clerk.

