

## **Section 16: Trempealeau County Subdivision Ordinance**

### **16.1 TITLE**

This section shall be known, cited and referred to as the Trempealeau County Subdivision Ordinance.

### **16.2 AUTHORITY**

The provisions of this ordinance are adopted by the Trempealeau County Board of Supervisors pursuant to the authority granted in Sections 16.967, 59.51(2), and 236.45 of the Wisconsin Statutes.

### **16.3 PURPOSE**

This ordinance is adopted for the purpose of carrying out the declaration of legislative intent under section 236.45(1), Wis. Stats., and to meet with the following, express objectives:

To promote the public health, safety and general welfare.

To provide for the orderly development of Trempealeau County.

To provide for an orderly, precise and consistent means of preparing descriptions in real estate conveyance records.

To provide accurate and uniform land records for inclusion in the anticipated Trempealeau County Geographic Information System on a countywide basis.

### **16.4 ABROGATION AND GREATER RESTRICTIONS**

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

### **16.5 INTERPRETATION**

The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of this ordinance and Trempealeau County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

## **16.6 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 the ordinance shall not be affected thereby.

## **16.7 DEFINITIONS**

Terms used in this ordinance mean as follows:

“Certified Survey Map” means a map of land division prepared in accord with section 236.34, Wis. Stats. In this ordinance it may be referred to as either a Certified Survey Map or a CSM.

“Land Division” means the act of creating two or more separately described parcels from a single parcel of land by the owner thereof or his/her agent.

“Lot” means a parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use which shall meet all criteria of an applicable Zoning Code, including but not limited to minimum size, lot width, lot frontage, lot area, yard, parking area and other open space provisions.

“Municipality” means a Village or city.

“Parcel” means an individual unit, division or portion of land, contained within a single legal description, set forth in a deed, CSM or plat, including but not limited to lots and outlots in plats or CSMs, each capable of being separately owned and conveyed.

“Person” means any natural person, proprietorship, partnership, corporation or other legal entity.

“Plat” means a map of a land division for the purpose of sale, lease, or building development.

“Surveyor” means a land surveyor duly registered in the State of Wisconsin.

“Zoning Department” means that Department of Trempealeau County which has administrative responsibilities for County zoning, planning and surveying.

## **16.8 JURISDICTION**

Jurisdiction of these regulations shall include all areas of Trempealeau County outside the incorporated areas of municipalities. The provisions of this ordinance shall not apply to:

1. Transfers of interest in land by will or pursuant to court order or operation of law.
2. Leases for a term not to exceed 10 years, mortgages or easements.
3. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance.
4. Cemetery plats made under Sec. 157.07, Wis. Stats.
5. Assessor's plats made under Sec. 70.27, Wis. Stats., but such assessor's plats shall comply with Secs. 236.15(2)(a) to (g) and 236.20(1) and (2)(a) to (e), Wis. Stats.

## **16.9 COMPLIANCE**

No person shall create any parcel of land or lot within Trempealeau County resulting in a land division or replat, as that term is defined at section 236.02(11), Wis. Stats., without full compliance with all requirements of this Ordinance, including but not limited to the following:

1. All applicable provisions of Ch. 236, Wis. Stats.
2. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.
3. Any applicable zoning code and all other applicable town or county ordinances.
4. Combining and Dividing Parcels. In addition to complying with statutory requirements for Certified Survey Maps (CSM), generally, plats, replats, assessor's plats, condominium plats and other forms of land division, a CSM shall be prepared and must be approved of for all land divisions creating parcels of less than twenty (20) acres in size, including street or highway rights-of-way. This shall include property transferred as a result of the resolution of property line disputes.
5. The CSM requirement does not apply if the land division meets one or more of the following criteria:
  - a. The congressional township for which the parcel is to be located has not been remonumented by the County Zoning Department. A remonumented congressional township shall be a township for

which final documentation is complete and the Zoning Committee has approved the County Surveyor's final report.

- b. The parcels created are classified as subdivisions under Ch. 236, Wis. Stats.
  - c. The land division is of an existing, undivided quarter/quarter section. The quarter/quarter section may be divided in half without a CSM.
6. Document Specifications; Certified Survey Maps.
- a. A CSM shall evidence on its face any adjoining, previously recorded CSMs and their accompanying document, volume and page numbers, together with any previous CSMs which are being replaced in part or in whole by a new CSM, together with the Section, Town and Range in which the parcel or parcels of land subject to said CSM are located.
  - b. Street or highway dedications shall evidence the minimum right-of-way width required by each affected municipality or by the county or state.
  - c. An approval certificate for the Zoning Department shall be included on the face of the CSM which reads as follows:

“This CSM complies with the Trempealeau County Comprehensive Zoning Ordinance.”

\_\_\_\_\_  
Trempealeau County Zoning Department      Date

7. All Certified Survey Maps shall be reviewed and approved by the Zoning Department before being recorded in the Register of Deeds office. Once the department has determined that the CSM meets statutory and ordinance requirements each CSM shall be recorded in the Register of Deeds within six months of the date of approval. Failure to do so shall require that the CSM be resubmitted to the Zoning Department for review and approval.
8. Subdivision plats, replats, assessor's plats, cemetery plats must be reviewed and approved by the Trempealeau County Zoning Committee before being recorded in the Register of Deeds office. Once approved, each plat shall be recorded in the Register of Deeds within six months of the date of approval. Failure to do so shall require that said plat be resubmitted to the Committee for its approval in accordance with Ch. 236, Wis. Stats.

## **16.10 PENALTIES**

Any person who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$25.00 or not more than \$500.00 and the cost of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

EFFECTIVE DATE: January 26, 1999