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- h. Building permits shall lapse and be void unless the work authorized thereby is commenced within six(6) months from the date of issue thereof. In the event of construction after one (1) year from date of issue thereof, a new building permit must be obtained pursuant to all the requirements of this code then in force. The fees for such new building permit shall be based upon the cost of the construction remaining to be done.
- a. Buildings shall be inspected at such times and in such manner as may be necessary to secure compliance with the laws, ordinances, rules and orders applicable thereto. After inspection, the building inspector shall issue a certificate of compliance, or prescribe any changes necessary to such compliance, upon the making of which changes the certificate shall be issued. After the issuance of such certificate, no structural part of said building shall be changed.
- b. Buildings shall have a final inspection before occupancy, except as herein provided. If, on final inspection by the building inspector, no violation of this or any other ordinance, law or order be found, the fact shall be so certified by the building inspector who shall thereupon issue a certificate of occupancy, stating the purpose for which the building is to be used, also the maximum load and the maximum number of persons who may be accommodated on each floor of buildings to be used for public purposes. No building or part thereof shall be occupied until such certificate has been issued, except with the written consent of the building inspector; nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate.

#### **Section 10.1.6 Construction Standards.**

- a. State Code Adopted.
  - 1. Chapters IND 50-64 of the Wisconsin Administration Code, so far as applicable, are adopted by reference and made a part of this Code.
  - 2. Application to Dwellings. The following provisions of the Wisconsin Administration Code. In addition to the other provisions of this Section, shall apply to dwellings occupied by 2 or less families. Chapter IND 65 (Fire Prevention) and Chapter IND 22 (Energy Conservation).
- b. Definition: the term "dwelling" as used herein includes every building occupied in whole or in part as a residence by not more than two families. The building terms used herein shall have the meaning given them in the Wisconsin Administration Code. Workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted good practice.
- a. Excavations: No excavation in excess of 6 inches below the adjacent grade shall be permitted on any lot or parcel of land within the Town except for the erection of a building or for other legitimate purpose; and no such excavation made for the erection of a building or other purpose shall be permitted to remain longer than deemed necessary by the Building Inspector for the accomplishment of such purpose; and in no case shall an excavation remain longer than three (3) days without being protected with snow fencing or other approved barricades.
- b. Foundations:
  - 1. The exterior walls of all dwellings shall have foundations which extend below the frost line and have suitable provision at the bottom to keep load distribution within the carrying capacity of the soil.
  - 2. Strength - Foundation walls of all dwellings shall be of adequate strength and thickness to resist lateral pressures from adjacent earth and to support their vertical loads; but the thickness shall be not less than the thickness of walls supported by them and in no case less than 8 inches.

dwelling unit shall be provided with a separate kitchen sink. A complete bath with lavatory, water closet and tub or shower shall be provided for each dwelling unit. All sinks, lavatories, wash tubs, bathtubs and showers shall be provided with hot water from a heater capable of supplying adequate hot water. Rooms with private water closets shall not be considered in counting either the number of rooms or the number of fixtures. All concealed water pipes, storage or flushing tanks, and all exposed pipes or tanks subject to freezing temperatures shall be satisfactorily protected against freezing. All piping and appliances shall be so installed as to drain by gravity or by approved bleeds.

- b. Repairs: Every building of this classification, and all parts thereof, shall be kept in good repair and the roof shall be maintained to prevent leakage. All rainwater shall be so drained and conveyed therefrom as to prevent dampness in the walls and ceilings. All exterior wood surfaces shall be reasonably protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner. Plumbing equipment shall be maintained so as to be impervious to water and heating equipment and incinerators shall be maintained in good order and repair.
- c. Cleanliness: Every building shall be kept clean, and shall also be kept free from vermin and any accumulation of dirt, filth, rubbish, garbage or other objectionable matter in or on the same or in the yards, courts, passages, areas or alleys connected with or belonging to the same. Interior surfaces shall be as nearly impervious to water and joints between surfaces as tight as is reasonably practical. Floors of toilet and bathrooms shall be of impervious surfaces and made of non-absorbent material.
- d. Windows: The outside of windows in every sleeping or living room shall have a total sash area of at least 10 percent of the floor area of the room, but not less than 12 square feet. The top of at least 1 such window shall be not less than 6 \_ feet above the floor, and at least 50 percent of the required window area must be open. The outside windows in all basement areas shall have a total sash area of at least 1 percent of the floor area. All attics shall have windows or louvers with a sash area of 1 percent of the floor area for ventilation purposes. Windows in each habitable room, bathroom windows and all door opening to the exterior of the dwelling shall be provided with screen of no less than No. 16 wire mesh which will effectively prevent the entrance of flies and mosquitoes. Every dwelling or residence building having basement windows or exterior basement door shall have screens of not less than NO. 16 wire mesh on all doors 500f windows, when open. All windows shall be so constructed and maintained to eliminate excessive draft and infiltration.

Exception - The provisions of the requirement for basement windows may be waived for single-family dwellings if provisions are made for proper artificial lighting, and if ventilation is provided in accordance with the Heating, Ventilation and Air Conditioning Code as set for in Wisconsin Administrative Code, Chapter 59. A 16 inch by 16 inch square opening must be provided for fire equipment if artificial ventilation is provided.

### **Section 10.1.8 Private Garages.**

- a. Classification
  - 1. An attached private garage shall mean a private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace, or vestibule, or private garage so constructed as to form an integral part of the principal building.
  - 2. A detached private garage shall mean a private garage entirely separated from the principal building.
  - 3. Definition of "Fire Protected" shall mean as follows:
    - A. 4 inch brick or stone
    - B. Metal lath or perforated lath and \_ inch plaster for one vertical side or the under side of the ceiling.
    - C. 5/8 inch fire-rated drywall for one vertical side or the under side of the ceiling.

and the application of such provisions to other persons or circumstances shall not be affected thereby.

*Original Ordinance #40 passed December 18, 1990, posted December 20, 1990.*

*Ordinance #40 amended by Ordinance #56 October 5, 1999.*

*Ordinance #56 adopted October 5, 1999, published October 14, 1999.*

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### **TITLE 10 - CHAPTER 3 Addition of Land to the Town of Oregon, Dane County.**

#### **Section 10.3.1 Detachment of Land from Village; Annexation to Town.**

#### **Section 10.3.1 Detachment of Land from Village; Annexation to Town.**

Whereas the Village Board of the Village of Oregon unanimously adopted a Detachment Ordinance on the 19<sup>th</sup> day of June, 1978, detaching from the Corporate Limits of the Village of Oregon the following described real estate, to wit:

The Northwest \_ of the Northeast \_ of Section Fourteen (14), Township 5 North, Range 9 East, Town of Oregon, Dane County, Wisconsin.

And the Town Board of the Town of Oregon having no objection to the detaching of said lands from the Village of Oregon and the annexation thereof to the Town of Oregon;

The Town Board of the Town of Oregon, Dane County, Wisconsin, do ordain as follows:

The Detachment Ordinance adopted by the Village Board of the Village of Oregon detaching the above described territory from the Village of Oregon and the annexation thereof to the Town of Oregon are hereby accepted.

This ordinance shall take effect on the day after passing an posting in accordance with the requirements of law.

*Original Ordinance #23 adopted July 5, 1978, posted July 6, 1978.*

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### **TITLE 10 - CHAPTER 10 Land Division and Subdivision Code.**

#### **TITLE 10 – CHAPTER 10 - Section 1 General Provisions.**

##### **Section 10.10.1-1 Purpose.**

##### **Section 10.10.1-2 General Provisions.**

of the city limits of a city of the first, second, or third class if the city has a Subdivision Ordinance or official map, or within one and one half (1 ½) miles of the corporate limits of a city of the fourth class or a village, if the city or village has a Subdivision Ordinance or Official Map.

- h. Ground Water Recharge Area. An Area within the Town, as depicted in the Land Use Plan, where significant ground water recharge occurs, and therefore, appropriate measures are needed to protect water quality. Density limitations have been established to address this necessary protection.
- i. Land Disturbing. The following definitions relate to classification of land disturbing activities:
  - 1. Existing Grade. Elevation of the ground surface prior to commencing excavation or fill activities.
  - 2. Excavation. Removal or quarrying of organic or inorganic soil or rock.
  - 3. Fill. Deposition or placement of organic or inorganic soil or rock..
  - 4. Grading. Altering the elevation of the ground surface by excavating and/or filling.
- j. Land Divider. Any person, firm, corporation or other entity requesting review or action on a land division.
- k. Land Division. A division of a lot or parcel of land for the purpose of transfer of ownership or building development which is not a subdivision where the act of division creates four (4) or less lots, parcels or building sites of fifteen (15) acres each or less in area, regardless of whether the act of division also creates one (1) or more lots, parcels or building sites of fifteen (15) acres or more.
- l. Land Use Plan. A plan for guiding and shaping the use of the land in the Town that has been adopted by the Town Board. For purposes of this Chapter, it is the intent of the Town Board that the Land Use Plan is a "Master Plan" for purposes of regulating land division decisions.
- m. Lot. A land area of thirty-five (35) acres or less intended for a building site.
- n. Official Map. A map indicating the location, width and extent of existing and proposed streets, highways, parkways, parks and playgrounds adopted by the Town in accordance with Section 62.23(6) of the Wisconsin Statutes (1995-1996).
- o. Parcel. Contiguous lands under the control of a subdivider or subdividers not separated by streets, highways or railroad rights-of-way.
- p. Plat. A map of a subdivision.
- q. Shoreland Area. All lands within three hundred (300) feet of the shoreline of navigable rivers or streams, and/or within one-thousand (1,000) feet of the shoreline of navigable lakes and ponds or flowages to the landward side of the flood plain, whichever is greater. For the purposes of this Ordinance, the term "navigable waters" applies to all nonintermittent streams indicated on the 7.5 minute series of the United Geological Survey Quadrangles, all lakes and all ponds over fifteen (15) acres in surface area as listed in the "Surface Water Resources of Dane County" published by the Wisconsin Conservation Commission, 1961.
- r. Storm Water Definitions.
  - 1. Storm Water Runoff. That portion of rain water which is not captured by structures and vegetation or infiltrated into the ground which flows over the surface of the ground.
  - 2. Storm Water Runoff Model. Storm water runoff calculations shall be based on the most recent version of U.S. Soil Conservation Service Technical Release 20 or 55.
  - 3. Design Storms. The design storms for drainage facilities shall be the two (2), five (5), ten (10), and twenty-five (25) year, twenty-four (24) hour storms as defined in NRCS Technical Releases 55 or 20.
  - 4. Storm Water Facilities. Man-made or modified features used to store or transport storm water runoff. These features may include conduits, pipes, channels, ditches, culverts, streams, roadways, ponds, lakes, and pumping stations.
  - 5. Channel Water. A natural or artificial channel, ditch, or stream, which is a

- winds. South facing slopes provide the benefits of solar orientation and wind protection.
8. The site of buildings shall take advantage of stream, lake, and agricultural views. Site design shall also consider the impact of new structures on views from off-site.
  9. The Town will require all proposed public recreational development to conform to all of the policies and performance standards in the Town of Oregon Land Use Plan, particularly those aimed at protecting the agricultural character and farm vitality of the community.
  10. During construction, site disturbance shall be minimized to prevent soil erosion by action of wind or water, and sediment transport and deposition due to storm water runoff. Permanent ground cover shall be selected to prevent soil erosion after construction. Soil erosion control measures shall be per the Construction Site Erosion and Stormwater Design Manual of Practice by the Wisconsin Department of Natural Resources, and shall be approved by Dane County.
  11. New lots shall be created by dividing land along natural boundaries such as hills and woods whenever possible.
  12. When dividing a parcel of land, road access to the remaining parcel shall not be cut off.
  13. The Town may retain the services of professional consultants (including planners, engineers, architects, landscape architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Town's review of a proposed land division or subdivision coming before the Plan Commission. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Town Clerk shall not execute an approved Certified Survey Map or Plat until all such charges for professional review are paid by the Petitioner.
  14. Driveways. The design and location of driveways shall conform with the Town Driveway Ordinance.
  15. It is recognized that airstrip facilities currently exist in the Town of Oregon. New residential development shall not encroach on existing airstrip operations in the Town.

### **Section 10.10.3-2 Groundwater Recharge Area.**

The Town Board recognizes that the Town has a unique opportunity to protect the groundwater resources used by the residents and businesses in the Town. The study by the Wisconsin Geological and Natural History Survey and University of Wisconsin-Extension, titled Groundwater Recharge Areas in the Town of Oregon, Wisconsin (May 1993) explains that groundwater recharge occurs primarily on hilltops, hillsides and bluffs, as well as in wetlands, lowlands and ponds. The Town of Oregon Land Use Plan establishes special standards for development in the Groundwater Recharge Area. Accordingly, Section 4 C. of the Town of Oregon Land Use Plan is hereby adopted by reference. Such standards are deemed to be portions of this Ordinance. In addition, the following shall apply to development within the Groundwater Recharge Area:

1. Land disturbing shall be minimized in this area. Excavating, filling, grading or compacting the ground can reduce the infiltration of groundwater.
2. The volume of runoff generated from the design storm or any smaller storm shall not be increased if possible.
3. Runoff discharge routed down the hillsides or bluffs shall be discharged to the hillside or bluff as sheetflow to maximize the opportunity for infiltration.
4. Runoff discharged from impervious areas such as roofs or paved driveways shall be drained over a lawn or natural landscape to promote infiltration and allow

by the developer and reviewed by objecting agencies. The Plan Commission or Town Board may request extensions of time for the review of the documents. If the developer refuses to agree to an extension of the time for review of Plat or Certified Survey Map, the Town Board shall reject the Plat or Certified Survey Map.

b. Plan Commission Review; Public Hearing; Board Approval.

1. Following submission of the Preliminary Plat or land division and referral to the authorized review agencies, the Town Clerk shall schedule a public hearing on the Preliminary Plat or land division before the Plan Commission. The Town Clerk shall give notice of the Plan Commission's review and public hearing on the Preliminary Plat or land division by listing it as an agenda item in the Plan Commission's meeting notice published in the official Town newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action. The Town Clerk shall mail written notice of the public hearing to all property owners within one thousand (1,000) feet of the proposed Plat or land division. The Subdivider or land divider shall pay the Town's cost of such notification.
2. Public Hearing. A public hearing shall occur not less than thirty-one (31) days after the deemed submission of the Preliminary Plat or land division. At the public hearing, the Plan Commission shall consider the input of the public and any consultants retained by the Town to review the proposed Preliminary Plat or land division, and shall negotiate with the subdivider or land divider on any changes deemed advisable and the kind and extent of necessary public improvements. Following the public hearing, the Plan Commission shall recommend to the Town Board the approval, conditional approval or rejection of the Preliminary Plat or land division.
3. Board Action. The Town Board may schedule a further public hearing before the Town Board if deemed appropriate for the particular subdivision or land division proposed. After review of the Plan Commission's recommendation and any further negotiation with the subdivider or land divider deemed necessary, the Town Board shall, within ninety (90) days of the deemed submission date of the Preliminary Plat or land division, approve, approve conditionally or reject the Plat or land division. The Town Clerk shall provide written notice to the subdivider or land divider of any conditions for approval or the reasons for rejection. Failure of the Town Board to act within ninety (90) days of the deemed submission of the subdivision or land division shall constitute approval of the Preliminary Plat or land division, unless an objecting agency files an objection or unless the review period is extended by agreement with the subdivider or land divider.

- c. Effect of Preliminary Plat Approval. Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of Preliminary Plat approval or conditional approval, conforms substantially to the Preliminary Plat layout and meets the conditions of Preliminary Plat approval, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Plan Commission and Town Board at the time of its submission.

**Section 10.10.4-4 Final Plat Review and Approval.**

a. Final Plat Review and Approval.

1. The subdivider or land divider shall file within (10) days of the Final Plat with

## **Section 10.10.4-7 Replats.**

- a. Replat Procedure.
  1. Except when an Assessor's Plat is ordered pursuant to Wis. Stats. Section 70.27(1) (1995-1996), when it is proposed to replat a recorded subdivision, or part thereof, so as to alter areas dedicated to the public, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Wis. Stats. Sections 236.40 through 236.445 (1995-1996). The subdivider or land divider, or person wishing to replat, shall then proceed as specified in Sections 10.4.3 of this Ordinance.
  2. The Town Clerk shall schedule a public hearing before the Plan Commission when a Preliminary Plat of a replat of lands within the Town is filed, and shall mail notices of the proposed replat and public hearing to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within one thousand (1,000) feet of the exterior boundaries of the proposed replat.

## **Section 10.10.4-8 Other Divisions of Land.**

- a. Parcel Division Inquiry. Any land divider who shall divide land in the Town resulting in a subdivision, land division or which is otherwise exempt from municipal regulation pursuant to Wis. Stats. Section 236.45(2)(a)1., 2., and 3. (1995-1996) shall comply with the following procedure:
  1. The land divider shall prepare a Preliminary Parcel Division Inquiry which shall be submitted to the Plan Commission for review. The Inquiry shall include all required submittal requirements pursuant to Section 10.4.6(a).
  2. Upon approval of the Preliminary Land Division Inquiry by the Plan Commission, the land divider shall submit to the Plan Commission a Preliminary Plat, Certified Survey Map or land survey prepared by a registered surveyor. If the proposal results in a Preliminary Plat or Certified Survey Map, the land divider shall comply with all regulations required for such a division. If the division results in a transaction which is otherwise exempt from a municipal regulation pursuant to Wis. Stats. Section 236.45(a)1., 2., and 3. (1995-1996), the survey shall include an accurate legal description of the parcel(s) to be created, the acreage of each proposed parcel, locations of all proposed driveways, locations of public road frontage, locations of natural waterways or other topographic features, locations of proposed public or private easements, and descriptions of intended uses.
  3. Upon the recommendation of the Plan Commission, the Town Board shall approve, approve conditionally, or reject the division based on a determination as to its conformance with the provision of this section and other applicable Town Ordinances.
  4. No building permit shall be issued for construction on a parcel created by a division which does not comply with the provisions of this section.

## **Section 10.10.4-9 Development Agreements.**

- a. Contract. Prior to installation of any required improvements and prior to approval of the Final Plat or Certified Survey Map, the subdivider or land divider shall enter into a written contract with the Town requiring the subdivider or land divider to furnish and construct said improvements at the subdivider's or land divider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall

1. Supporting Documents. The subdivider shall submit the following documents when filing the Final Plat:
  - A. Covenants and Restrictions. All restrictive covenants and deed restrictions for the proposed subdivision.
  - B. Property Owners Association. The legal instrument(s) creating a property owners association for the ownership and/or maintenance of common lands in the subdivision.
  - C. Joint Maintenance Agreements. The legal instrument(s) allocating maintenance responsibilities for any facilities owned jointly by more than one (1) lot owner, including but not limited to joint well or driveway agreements.
  - D. All certificates required by Wis. Stats. Section 236.21 (1995-1996); in addition, the surveyor shall certify full compliance with all of the provisions of this Ordinance.
  
1. Survey Requirements.
  - A. Examination. The Town Engineer shall examine all Final Plats within the Town and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of drawing.
  - B. Maximum Error of Closure. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one (1) part in ten thousand (1:10,000), nor in azimuth, four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements is obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
  - C. Street, Block and Lot Dimensions. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the Plat greater than the ratio of one (1) part in five thousand (1:5,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.
  - D. Plat Location. Where the Plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the tie required by Wis. Stats. Section 236.20(3)(b) shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
  - E. Surveying and Monumenting. All Final Plats shall meet all the surveying and monumenting requirements of Wis. Stats. Section 236.15 (1995-1996).

such manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.

iii. Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the Town Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.

A. Easement Locations. Such easements shall be at least twelve (12) feet wide, or wider where recommended by the Town Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished to the Town Board that easements and any easement provisions incorporated in the Plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

#### 1. Drainage and Surface Water.

- A. Existing Drainage Patterns. Existing drainage patterns, including discharge rate and type, shall be maintained to the fullest extent feasible.
- B. Drainage from Upstream. Drainage from upstream areas shall be passed through the proposed development. The existing drainage patterns, including discharge rate and type, shall be maintained to the fullest extent possible.
- C. Closed Watersheds and Existing Ponding Areas. Closed watersheds or sub-watersheds shall not be filled or drained. Existing ponding areas, including small areas which temporarily pond water, shall not be filled or drained. These areas are a significant source of ground water recharge.
- D. Wooded Slopes and Bluffs. Drainage may be directed over or down wooded slopes and bluffs in a diffuse sheet flow pattern. Pipes, ditches or other methods of channelization shall not be allowed.

#### 1. Sanitary Sewerage System.

- A. The subdivider shall make adequate sewage disposal system sites available to each lot within the subdivision or land division. All systems shall be privately owned.
- B. Private sewage disposal systems shall comply with Wis. Admin. Code Sections ILHR 83.09, 85.06 and with the Dane County Sanitation Ordinance.

#### 1. Water Supply Facilities.

- A. The subdivider shall make adequate water supply sites or facilities available to each lot within the subdivision or land division. All systems shall be privately owned.
- B. Private water supply systems shall comply with Wis. Admin. Code Sections ILHR 83.09, 85.06 and with Dane County Sanitation Ordinance.

C. Materials.

- i. Asphalt Cement. Asphalt cement shall conform to ASTM D 946, Penetration Grade 85-100. Asphaltic concrete material shall be five (5%) to seven (7%) percent by weight of the composite mixture.
- ii. Asphalt Surface Course Aggregates. Including mineral filler (when required), shall be sound, angular crushed stone, crushed gravel or sand conforming to the gradation requirements for Gradation No. 3, Subsection 401.25 of the Wisconsin Division of Highways, Standard Specifications for Road and Bridge Construction. Mixtures made in the laboratory with aggregates and asphalt cement proposed for the work shall yield a Marshall stability of not less than one thousand two hundred (1,200), a void content of the compacted mixture between two (2%) and six (6%) percent, and a flow value of not more than eighteen (18).

If the proposed aggregates are primarily crushed limestone, natural sand shall be blended with the crushed stone in such proportions, within the range of gradation, to provide workability of the finished mixture satisfactory to the Engineer.

- iii. Asphalt Base Course Aggregates. Base course aggregates shall conform to the gradation requirements for Gradation No. 1, subsection 401.2.8 of the Wisconsin Division of Highways Standard Specifications for Road and Bridge Construction.

A. Compaction. Each layer of asphaltic pavement shall be compacted with a smooth drum roller prior to placing subsequent lifts.

A. Asphalt Tack Coat. Asphalt tack coat shall be applied to the asphalt binder course prior to placement of the asphalt surface course. The binder course pavement surface shall be swept clean of dust and debris prior to application of tack coat.

- i. Tack coat shall consist of asphaltic material of Type RS-1, RS-2, MS-1 or MS-1, emulsified Asphalts diluted as specified in Section 401. This work shall be in accordance with Section 402 of the Wisconsin Division of Highways Standard Specifications.

1. Asphalt Shoulders. Asphalt shoulders shall be constructed of three (3) inches of asphalt surface course or a binder course of one and one-half (1 ½) inches thick and a surface course of one and one-half (1 ½) inches. Asphalt shoulders shall be constructed to the same standards as asphalt pavement.

1. Gravel Shoulders. Gravel shoulders shall be constructed of a minimum of six (6) inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 or No. 2 in the lower layer. The top layer of gradation No. 2 shall not be less than three (3) inches deep compacted in-place. Each layer of gravel base course shall be compacted prior to placing subsequent layers.

2. Paved Sidewalks. Sidewalks shall be paved. Materials and construction shall be in accordance with Section 602 of the Wisconsin Division of Highways Standard Specifications.

3. Construction Inspection and Testing. Although the Town Representative may conduct inspections as necessary at any state of construction, the subdivider shall contact the Town Engineer for required inspections after the following phases of construction are completed by the subdivider, but prior to placement of subsequent layers:

### **Section 10.10.7-5 Fees in Lieu of Land.**

### **Section 10.10.7-6 - Section 10.10.7-8 Reserved for Future Use.**

### **Section 10.10.7-1 General Park and Public Land Dedication Requirements.**

In order that adequate open spaces and sites for public uses may be properly located and reserved, and in order that the cost of providing public areas, such as but not limited to , parks and recreation areas may be equitably apportioned on the basis of additional need created by the subdivision development, each land divider shall be required to dedicate land or Fees in Lieu of Land for park or other public uses.

### **Section 10.10.7-2 Land Dedication.**

- a. Dedication Calculation. All subdividers shall be required to dedicate developable land to the Town for park, or other public uses, other than streets or drainageways, at a rate of two thousand two hundred (2,200) square feet per dwelling unit. Whenever a proposed playground, park, or other public area, other than streets or drainageways, designated in the Land Use Plan or Plan component of the Town of Oregon is embraced, all or in part, in the tract of land to be subdivided, these lands shall be made part of the required land dedication. The Town Board, upon recommendation from the Plan Commission, shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- b. Number of Dwelling Units. Land dedications shall be based upon the number of dwelling units specified on the Plat or Certified Survey Map, or other land division. The land dedication shall not exceed the maximum number of dwelling units permitted by the Dane County Zoning Ordinance. If the Plat or certified survey does not specify the number of dwelling units, the land dedication or fee in lieu of land shall be based upon the maximum number of dwelling units permitted by Dane County Zoning Ordinance.
- c. Utility Laterals. The subdivider shall provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to adjacent properties.
- d. Access to Dedicated Lands. All lands dedicated under this section shall have at least one hundred (100') feet of frontage on a public street. Public access must be unrestricted.
- e. Adaptability. Any land dedicated as a requirement of this Section, shall be reasonably adaptable for the intended park, recreation of other specified uses, and shall be at a location convenient to the people to be served. Factors used in evaluating adequacy shall include, but not be limited to, size, shape, topography, geography, tree cover, access and location.

### **Section 10.10.7-3 Reservation of Additional Land.**

When public parks and sites for other public areas as shown on any Land Use Plan or Plan component lie within the proposed area for development and are greater in area than required by the Town by Section 10.7.2, the owner shall reserve for acquisition by the Town, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year after Final Plat approval, unless extended by mutual agreement.

- which the property is located;
  - 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
  - 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
- c. Any recommendations by the Plan Commission shall be transmitted to the Town Board. The Town Board, if it approves the variance, shall do so by motion or resolution, and instruct the Town Clerk to notify the Plan Commission and the subdivider.

### **Section 10.10.9-2 Enforcement and Penalties.**

- a. Enforcement.
- 1. Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Ordinance or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, minor subdivision, replat or condominium development within the jurisdiction of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.
  - 2. Stop Work Orders. If any person, firm or corporation proceeds with any land dividing or developing activity in violation of this Ordinance, the Town Engineer shall serve a stop work order on the owner of his or her representative and a copy thereof shall be posted on the site. The stop work order shall not be removed except by written permission of the Town Engineer after satisfactory evidence is supplied of compliance with this Ordinance.
- b. Penalties. Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, be subject to penalties and forfeitures as provided in Sections 236.30, 236.31, 236.32, 236.335, and 236.35, Wisconsin Statutes (1995-1996). In addition to the foregoing, the Town of Oregon may seek imposition of forfeitures pursuant hereto of not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00) per violation. Each day that a violation continues shall be deemed a separate offense.

### **Section 10.10.9-3 Interpretation of Ordinance.**

- a. Abrogation and More Restrictive Requirements. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- b. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- c. Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or

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