

Subdivision Regulations

Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Village Board such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over five hundred (500) feet in length will be approved when necessitated by the topography.

- (i) **MINOR STREETS.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (j) **NUMBER OF INTERSECTIONS.** The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.
- (k) **FRONTAGE ROADS.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Village Board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (l) **ARTERIAL STREET AND HIGHWAY PROTECTION.** Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
- (m) **TANGENTS.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.
- (n) **VISIBILITY.** Streets shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
- (o) **STREET GRADES.**
 - (1) Unless necessitated by exceptional topography subject to the approval of the Village Board the maximum centerline grade of any street or public way shall not exceed the following:
 - Arterial Streets: six (6%) percent.
 - Collector Streets: seven (7%) percent.
 - Minor streets, alleys and frontage streets: ten (10%) percent.
 - Pedestrian ways: twelve (12%) percent unless steps of acceptable design are provided.
 - The grade of any street shall in no case exceed twelve (12%) percent or be less than one-half of one (0.5%) percent.
 - (2) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for major streets, and one-half (1/2) this minimum for all other streets.
- (p) **RADI OF CURVATURE.** When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
 - Arterial streets and highways: 500 feet.
 - Collector streets: 300 feet.
 - Minor streets: 100 feet.
- (q) **VERTICAL CURVES.** All changes in street grades shall be connected by vertical curves of a minimum length in feet equivalent to thirty (30) times the algebraic difference in grade for major thoroughfares and twenty (20) times this algebraic difference for all other streets.

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- (r) **HALF STREETS.** Where a half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider. The platting of half streets should be avoided where possible.
- (s) **STREET INTERSECTIONS.**
 - (1) Wherever possible, streets shall intersect at right angles with no street intersecting any other at an angle of less than sixty (60) degrees and where they cross-jog, off-sets of less than one hundred thirty (130) feet centerline, shall be avoided.
 - (2) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two (2).
 - (3) Number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than twelve hundred (1,200) feet.
 - (4) Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Village Board or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
 - (5) Minor streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within three hundred (300) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous; and a jog is avoided.
- (t) **LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT.** Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:
 - (1) **Subdivision Lots.** When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
 - (2) **Commercial and Industrial Districts.** Commercial and industrial districts shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.
 - (3) **Streets Parallel to a Limited Access Highway.** Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients
 - (4) Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.
 - (5) **Sales of Land Abutting on Private Way.** No person shall sell any parcel of land of five (5) acres or less in size if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact

that the road is not a public road and is not required to be maintained by town, county, or village.

- (u) **STREET NAMES.** New street names shall not duplicate the names of streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Village Board.
- (v) **STREET DESIGN STANDARDS.** The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map or neighborhood development study; or if no width is specified therein, the minimum widths shall be as follows:

<u>(1) Street Type</u>	<u>Minimum Width in Feet</u>
Arterial	100 feet
Collector	80 feet
Local or minor	60 feet

Both urban and rural street sections are for standard arterial streets only. Cross-sections for freeways, expressways and parkways should be based upon detailed engineering studies. The Board may require the subdivider to conform to urban section standards if the average lot width in the proposed subdivision is less than one hundred fifty (150) feet (measured at the street setback line). If the average lot width is in excess of one hundred fifty (150) feet, the subdivider may conform to the rural street section standards.

- (2) **Cul-de-sacs.** Cul-de-sac streets designed to have one end permanently closed shall not exceed five hundred (500) feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty (40) feet.
- (3) **Temporary Dead-ends or Cul-de-sacs.** All temporary dead-ends shall have a maximum length of eight hundred (800) feet and a temporary cul-de-sac shall have a minimum right-of-way radius of fifty (50) feet and a minimum inside curb radius of forty (40) feet.
- (w) **VISIBILITY.** Clear visibility, measured along the centerline, shall not be less than specified as follows:

<u>Street Type</u>	<u>Minimum Sight Distance in Feet</u>
Arterial	500 feet
Collector	250 feet
Local or Minor	200 feet

SEC. 10-5-11 DESIGN STANDARDS—BLOCK DESIGN.

- (a) **LENGTH.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed one thousand three hundred fifty (1,350) feet nor have less than sufficient width to provide for two tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than six hundred (600) feet in length.
- (b) **WIDTH.** Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for

commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

- (c) PEDESTRIAN PATHWAYS. Pedestrian pathways, not less than ten (10) feet wide, shall be required by the Village Board through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.
- (d) TREES. The Village Board may require that certain species of trees be planted on both sides of all streets.

SEC. 10-5-12 DESIGN STANDARDS—LOTS.

- (a) Size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated, provided that no residential lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the Zoning Code.
- (b) Area and dimensions of lots shall conform to the requirements of the zoning ordinance, and in areas not served by sewer shall, in addition, conform to the requirements of the State Department of Health and Social Services and the County Sanitary Ordinance. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this Chapter.
- (c) Lots shall have a minimum average depth of one hundred (100) feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- (d) Residential lots fronting on major streets and highways shall be plated with extra depth or designed to alleviate the effect of major street traffic on residential occupancy.
- (e) Corner lots for residential use shall have extra width of ten (10) feet to permit building setback from both streets.
- (f) Every lot shall abut or face a public street for a distance of at least thirty (30) feet at the property line on a public street.
- (g) Butt lots will be permitted by the Village Board only in exceptional cases.
- (h) Side lot lines shall be substantially at right angles to or radial to abutting curved street lines. Lot lines shall follow municipal boundary lines rather than cross them.
- (i) In case a tract is divided into parcels of more than one and one-half (1-1/2) acres in area, such parcels shall be so arranged to permit redividing into parcels in accordance with this Chapter and with the Zoning Code.
- (j) Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (k) Width of lots shall conform to the requirements of the zoning ordinance, and in no case shall a lot be less than sixty (60) feet in width at the building setback line.
- (l) Lands lying between the meander line, established in accordance with Section 236.20(2)(g) of the Wisconsin Statutes, and the water's edge, and any otherwise unplatted lands which lie between a proposed subdivision and the water's edge shall be included as parts of lots, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided but

also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in Section 236.16(4) of the Wisconsin Statutes.

SEC. 10-5-13 DRAINAGE SYSTEM.

- (a) DRAINAGE SYSTEM REQUIRED. A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A final plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Village Engineer. The final plat shall show drainage arrows along lot lines indicating the direction of water flow.
- (b) DRAINAGE SYSTEM PLANS.
 - (1) The subdivider shall submit to the Village Engineer and Village Board a report on the ability of existing watercourse channels, storm sewers, culverts, and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:
 - a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
 - d. Storm water estimates shall be based on a 10-year storm.
 - (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
 - (3) The design criteria for storm drainage systems shall be based upon information provided by the Village Engineer.
 - (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Village Board or Village Engineer.
 - (5) All disturbed areas shall be protected from erosion as directed and approved by the Village Engineer and pursuant to applicable Village ordinances.
- (c) GRADING. The subdivider shall grade each subdivision in order to establish street, block, and lot grades in proper relation to each other and to topography as follows:
 - (1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
 - (2) Block grading shall be completed by one or more of the following methods:
 - a. A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.
 - b. Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
 - c. Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled.
 - (3) Lot grading shall be completed so that water drains away from each proposed building at a minimum grade of two (2%) percent and provisions shall be made to prevent excessive drainage onto adjacent properties.
 - (4) The topsoil stripped by grading shall not be removed from the site and shall be

- uniformly spread over the lots when rough grading is finished.
- (d) **DRAINAGE SYSTEM REQUIREMENTS.** The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section.
 - (1) **Street Drainage.** All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No storm water shall be permitted to be run into the sanitary sewer system within the proposed subdivision.
 - (2) **Off-Street Drainage.** The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement to the Village to provide for future maintenance of said system. Easements shall be a minimum of twenty (20) feet, but the Village may require larger easements if more area is needed due to topography, size of watercourse, etc.
 - (e) **PROTECTION OF DRAINAGE SYSTEMS.** The subdivider shall adequately protect all ditches to the satisfaction of the Village Board and Village Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to one (1%) percent shall be seeded; those with grades up to four (4%) percent shall be sodded and those with grades over four (4%) percent shall be paved.)

SEC. 10-5-14 EXTRA-SIZE OR OFF-SITE IMPROVEMENTS.

- (a) **DESIGN CAPACITY.** All improvements shall be installed to satisfy the service requirements for the service or drainage area in which the subdivision is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service or drainage area involved.
- (b) **EXTRA-SIZE IMPROVEMENTS.** Where improvements in excess of the size needed to serve just the proposed subdivision are required, the subdivider shall pay for the total cost of improvements he is required to install to serve his subdivision. The additional costs which result from the extra-size improvement shall be paid for by the Village. Thus, when conditions within the whole drainage area will require an eighteen (18) inch sanitary sewer, for example, and a twelve (12) inch sewer will adequately serve the subdivision involved, the subdivider shall construct the eighteen (18) inch utility and bill the Village for the difference in material costs between a twelve (12) inch and eighteen (18) inch sewer pipe.
- (c) **OFF-SITE EXTENSIONS.** When streets or utilities are not available at the boundry of proposed subdivisions, the Village, or its duly authorized representatiave, shall require, as a prerequisite to approval of a final plat, assurances that such improvement extension shall be provided as follows:
 - (1) Extensions of utilities onto the property involved shall be adequate to serve total development requirements of the service or drainage area. Utilities leaving the property shall be constructed in such a manner as to make their extension practical for servicing the adjacent areas of the service or drainage area.
 - (2) If the Village, or its duly authorized representative, find that extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a governmental expense until some future time, the developer shall be required, if he wishes to proceed with the development, to obtain necessary easements or rights-of-way and construct and pay for such

extensions. Such improvements shall be available for connections by subdividers of adjoining land and the subdivider may contract with adjacent property owners and/or subdividers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.

- (d) Where sanitary sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles and specifications prepared for the installation of such facilities. The installation, inspection supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon by the Village Board.

SEC. 10-5-15 NON-RESIDENTIAL SUBDIVISION.

(a) GENERAL.

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Village may require.
- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Code. A non-residential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Village, and shall conform to the proposed land use standards established in the Comprehensive Plan, Official Map, and Zoning Ordinance.

(b) STANDARDS. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Village that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the Village with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the Village with respect to the installation of public utilities, including water sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strip when necessary.
- (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

SEC. 10-5-16 REQUIREMENTS AND DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS

- (a) IMPROVEMENTS COMPLETED. All improvements required under this Chapter shall be constructed in accordance with its provisions prior to filing the final plat with the Village Clerk for approval by the Village Board. In lieu of construction of any of the public improvements, the owner may furnish a surety bond as provided in Subsection

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- (b) of this Section.
- (b) **FINANCING.** Before a Final Plat is approved by the and Village Board, the subdivider shall submit an agreement and performance bond or cash escrow agreement. The subdivider/village agreement shall contain the following:
- (1) The subdivider shall pay for the cost of all improvements required in the subdivision by the Village Board and.
 - (2) Guaranteed completion of the required improvements within a two (2) year period.
 - (3) Payment by the subdivider for all costs incurred by the Village for review and inspection. This would include preparation and review of plans and specifications by the Engineer, Planner and Attorney, as well as other costs of a similar nature.
 - (4) The Village may elect to install any of the required improvements under the terms of a cash escrow agreement.
 - (5) The performance bond or cash escrow agreement shall be equal to one and one-quarter (1-1/4) times the Engineer's estimated cost of the required improvements.
 - (6) If the required improvements are not complete within the two (2) year period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Village and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Village Board at its option, may extend the bond period for an additional period not to exceed two (2) years.
 - (7) Cost estimates of all improvements.
 - (8) Any other items as may be required by the Village Board.
- (c) **SURVEY MONUMENTS.** The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes.
- (d) **GRADING**
- (1) Cut and filled lands shall be graded by the subdivider to a maximum slope of one on four or the soils angle of repose, whichever is the lesser, and covered with permanent vegetation.
 - (2) Where electric and communications facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
- (e) **STREET SYSTEM.**
- (1) **Design.** A street system shall be designed and constructed by the subdivider in accordance with these regulations and specifications of the Village so as to provide all lots in the subdivision with adequate frontage on, or access to a public street.
 - (2) **Street System Plans.** The subdivider shall submit to the Village Engineer, a report including plan, profiles, typical cross sections and specifications for the proposed street system throughout the subdivision with additional data supplied to indicate how all the streets in the subdivision, which connect to surrounding streets, will be designed. The street plans shall show the proposed right-of-way, pavement width, location and proposed alignment grade, geometric details, cross sections as well as base course and thickness. No final plat will be approved unless all streets in the subdivision have been constructed in accordance with approved plans or an improvement guarantee in the form of a bond, letter of credit, etc., has been provided by the subdivider.
 - (3) **Specifications.** The proposed street system shall be constructed to conform

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with the design standards of Section 10-5-10 of this Chapter and other Village street specifications.

- a. Local streets shall be surfaced for a minimum width of 36 feet, or as otherwise specified by the Village Board.
 - b. A minimum of nine (9) inches of gravel base course shall be provided. Precise amount of base course shall be determined by the Village Engineer after an examination of soil and topography.
 - c. 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 and the comprehensive plan or comprehensive plan components of the Village. Said surfacing shall be done in accordance with plans and standard specifications approved by the Village Engineer.
- (f) **CURB AND GUTTER.** After the installation of all utility and storm water drainage improvements, the subdivider may be required to construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Village Engineer. Whenever possible, provision shall be made at the time of construction for driveway access curb cuts.
- (g) **SANITARY SEWER SYSTEM.**
- (1) **General Design.** A sanitary sewer system shall be designed and constructed in accordance with state codes, these regulations and specifications of the Village Engineer to adequately serve all lots in the subdivision. In addition, pipe sizes, lift stations, force mains or other appurtenances shall be sized or provided to accommodate the orderly development of nearby land which is an integral part of the neighborhood service or drainage area. The subdivision collection system shall be connected to the Village sewer system.
 - (2) **Sanitary System Plans**
 - a. The subdivider shall submit to the Village Engineer, a report including plans, profiles and specifications for the proposed sanitary sewer system which shall show pipe sizes, gradients, types of pipe, invert and finished grade elevations, location, type and size of all lift stations or force mains for all sanitary facilities including house laterals to each lot line. No final plat will be approved until sanitary sewer plans have been approved, by the Village Engineer and installed by the subdivider in accordance with said plans. Improvement guarantee in lieu of construction may be permitted by the Village Board.
 - b. The sanitary sewer system shall be designed to serve the estimated future tributary area that can reasonably be expected to be developed within forty (40) years of plat approval. The Village Board will make this determination. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewage and non-residential waste with an allowance for infiltration and other extraneous flow. Generally, a unit design flow of .02 cubic feet per second per acre may be used to compute tributary area flows from undeveloped upstream areas.
 - c. No sewer pipe shall be less than eight (8) inches in diameter.
 - d. House laterals up to each lot line of the subdivision shall be provided.
 - e. All sewers shall be designed to give mean velocities, when flowing full, of not less than 2.0 feet per second. Maximum slope shall provide velocity of from twelve (12) to fifteen (15) feet per second at average flow. The following table may be used for minimum slopes.

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<u>DEAD END SEWERS</u>		<u>OTHER SEWERS</u>
8 inch sewer	0.60 feet/100 feet	0.40 feet/100 feet
10 inch sewer	0.44 feet/100 feet	0.28 feet/100 feet
12 inch sewer	0.36 feet/100 feet	0.22 feet/100 feet
All other	In accordance with Village Engineer's specifications	

- f. Manholes shall be provided at least at 400 foot intervals at the end of each line and at all changes in grade, size or alignment.
- g. Not less than six (6) feet of cover shall be provided over top of pipe in street right-of-way or four (4) feet in all other areas.
- h. A minimum horizontal distance of eight (8) feet shall be maintained between parallel water and sewer lines, except where same trench burial of sanitary sewers and water mains is permitted in accordance with Subsection (2)i below. Where sewers cross water mains, the separation distance and pipe material shall be as specified by the Village Engineer.
- i. Same trench burial of sewer mains and water lines may be permitted by the Village Board after receiving a report and recommendation from the Village Engineer where excavation is especially difficult due to the presence of rock near the surface or unstable soil. Where the water lines are permitted to be laid in the same trench with the sewer mains, the sewer and water lines shall be laid in accordance with instructions provided by the Village Engineer. Backfill material shall be thoroughly tamped around and above the sewer until it forms a solid bed for the water main.
- j. All sewers shall be laid with straight alignment between manholes unless otherwise directed or approved by the Village Engineer.

(h) STORM WATER DRAINAGE FACILITIES.

- (1) 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 as required by the Village Board. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow. The type of facilities required, the design criteria, and the sizes and grades shall be determined by the Board.
- (2) Storm drainage facilities shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life or property; and the size, type, and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Board. Such facilities may, at the request of the Board, include water retention structures and settling basins so as to prevent erosion and sedimentation.
- (3) Unpaved road ditches and street gutters shall be shaped and seeded or sodded as grassed waterways. Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard and in excess of six (6) 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 in accordance with plans approved by the Village Board.
- (4) 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 twenty-four (24) inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision.

(i) PUBLIC WATER SUPPLY FACILITIES.

- (1) Design. A water system shall be designed and constructed in accordance with

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State Codes, this Chapter and specifications of the Village Engineer to adequately serve all lots in the subdivision with water at sufficient pressure for fire fighting needs. The subdivision water system shall be connected to the Village water system. Elevated storage tank, ground reservoirs, treatment works, booster pumps, hydrants and oversized water lines will be provided by the Village as needed.

- (2) Plans. The subdivider shall submit to the Village Engineer a report including plans and specifications for the proposed water system which shall show pipe sizes, hydrant locations and specifications, valve locations and specifications, cross connectors, booster pumps with house lines provided to the lot line of each lot in the subdivision. No final plat will be approved until the water system plan has been approved by the Village Engineer and installed by the subdivider in accordance with said plans. Improvement guarantee in lieu of construction may be permitted by the Village Board.
- (3) Water System Requirements. The design criteria for the water distribution system shall be based on the specifications or standards of these regulations, state codes and other Village requirements. The following is a partial summary of the more general minimum requirements:
 - a. No water mains shall be less than six (6) inches in diameter.
 - b. Fire hydrants which will be provided by the Village must be installed by the subdivider at locations no more than 1000 feet apart and within 500 feet of every proposed structure.
 - c. Gate valves on cross connection water mains shall be so located that no single break in the distribution system shall require more than 800 feet to be out of service in residential district.
- (j) OTHER UTILITIES.
 - (1) The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier.
 - (2) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Village Board with the preliminary plat.
- (k) STREET LAMPS. The subdivider shall install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Village Board.
- (l) STREET SIGNS. The subdivider shall install at the intersections of all streets proposed to be dedicated a street sign of a design specified by the Village Board.
- (m) PHASED OR PARTIAL IMPROVEMENTS. In all instances where it shall appear to the satisfaction of the Village Board that all of a platted subdivision cannot immediately be improved with respect to the installation of streets, storm sewers, sanitary sewers and related facilities, the Village Board may authorize the subdivider to proceed with the installation of improvements required under these regulations on one or a portion of the total number of lots covered by the plat.
- (n) COST. The cost of installing all improvements specified in these regulations, shall be paid for and borne by the subdivider, except as noted in Sections 10-5-14. In addition, the cost of all grading, supervision, certification, inspection and engineering shall be paid for by the subdivider.
- (o) MODIFICATION OF IMPROVEMENTS REQUIRED. The Village Board may waive or modify any requirement in this section in accordance with the provisions of Section 10-5-21 of this Chapter.

SEC. 10-5-17 CONSTRUCTION OF REQUIRED IMPROVEMENTS.

- (a) **COMMENCEMENT.** No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat has been approved.
- (b) **BUILDING PERMITS.** No building permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Chapter have been met.
- (c) **PLANS.** The following plans and accompanying construction specifications may be required by the Village Board before construction or installation of improvements is authorized:
 - (1) Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (3) Storm Sewer and Open Channel plans and profiles showing the locations, grades, sizes, cross section, elevations and materials of required facilities.
 - (4) Water Main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - (5) Erosion and Sedimentation Control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
 - (6) Planting Plans showing the locations, age, caliper, species, and time of planting of any required grasses, vines, shrubs and trees.
 - (7) Additional special plans or information as required.
- (d) **INSPECTION.**
 - (1) The village, or its duly authorized representative, may inspect all improvements.
 - (2) Inspectors employed by the Village shall be authorized to inspect all work done and all materials furnished. Such inspection may extend to all or any part of the work and to the preparation, fabrication, or manufacture of the materials to be used. The inspector shall not be authorized to revoke, alter or waive any requirements of the specifications or plans. He shall be authorized to call the attention of the contractor to any failure of the work or materials to conform to the specifications and contract. He shall have the authority to reject materials, which do not meet specifications requirements, or suspend the portion of the work involved until any question at issue can be referred to and decided by the Village, or its duly authorized representative.
 - (3) Upon completion of all the improvements, the subdivider shall request, in writing, a final inspection by the Village, or its duly authorized representative. The Village, or its duly authorized representative, shall make final inspection of streets, sidewalks, curbs and gutters, sanitary and storm sewers, water mains and other improvements required in these regulations.
 - (4) The subdivider shall provide the Permit Issuer with "as built" plans of the water, sanitary sewers and storm sewer systems.
- (e) **EROSION CONTROL.**
 - (1) The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Village Board.
 - (2) Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
 - (3) Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
 - (4) Construction at any given time shall be confined to the smallest practical area

- and for the shortest practical period of time.
- (5) 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.
 - (f) EXISTING FLORA.
 - (1) The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, soil absorption waste disposal areas, paths and trails.
 - (2) Such trees are to 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.

SEC. 10-5-18 FEES.

- (a) GENERAL. The subdivider shall pay the Village all fees as hereinafter required and at the times specified.
- (b) APPLICATION FEE. The subdivider shall pay a fee amounting to Twenty (\$20.00) Dollars for each lot or parcel within the preliminary plat or certified survey to the Village Clerk at the time of application for approval of any preliminary plat. This fee will assist in defraying the costs of review of the preliminary plat, final plat, and plans and specifications for improvements. This fee is non-refundable. A reapplication of any preliminary plat or certified survey which has been perviously reviewed will be subject to the original application fee requirements specified above.
- (c) INSPECTION FEE. The subdivider shall pay a fee to the Village Engineer equal to the actual cost incurred by the Village Engineer for such construction plan review and inspections as the Village Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority.
- (d) PUBLIC SITE FEE.
 - (1) If the Village Board waives the requirement for dedication of public lands as provided in Section 10-5-20, a fee for the acquisition of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the Village Clerk at the time of first application for approval of a final plat of said subdivision in the amount of the value of acre of developed land for each twenty six (26) dwelling units within the plat, determined by the Village Assessor based on representative market values.
 - (2) Public site fees shall be placed in a separate Service District Fund by the Village Clerk to be used only for the acquisition of park sited which will serve the proposed subdivision. Said fund shall be established on the basis of the service area of existing or proposed park facilities.
- (e) ENGINEERING FEE.
 - (1) The subdivider shall pay a fee to the Village Engineer equal to the actual cost incurred by the Village Engineer for all engineering work incurred by the Village in connection with the plat.
 - (2) Engineering work shall include the preparation of construction plans and standard specifications. The Village Board may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.
 - (3) Inspection, checking and reviewing work has fees provided for in Subsection (c) above.
- (f) ADMINISTRATIVE FEE.

- (1) The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat.
- (2) Legal work shall include the drafting of contracts between the Village and the subdivider.
- (g) MODIFICATION OF FEES. The Village Board may waive or modify any requirement in this section in accordance with the provisions of Section 10-5 of this Chapter.

SEC. 10-5-19 EASEMENTS.

- (a) UTILITY EASEMENTS. The Plan Commission, on the recommendation of other appropriate agencies of the Village shall require utility easements for poles, wires, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the interest of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) DRAINAGE EASEMENTS. Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
 - (1) There shall be provided in storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
 - (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-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.
 - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. In all cases, such watercourse 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.
- (c) EASEMENT LOCATIONS. Such easements shall be at least twenty (20) feet wide and may run across lots or alongside of rear lot lines where easements are located along lot lines, one-half the width shall be taken from each lot. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Village Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

SEC. 10-5-20 PUBLIC SITES AND OPEN SPACES.

- (a) PURPOSE. The requirements of this Subsection are established to insure that adequate parks, open spaces and sites for other public uses are properly located and preserved as the Village grows. It has also been established to insure that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be equitably apportioned on the basis of the additional needs created by the development. The requirements shall apply to all lands proposed for all residential development.
- (b) DESIGN. In the design of a subdivision, land division, planned unit development or

development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways and other public purposes. Such sites as are shown on the Official Map, Master Plan or Parks and Open Space Plan, if applicable, shall be made a part of the design. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds and ravines and woodland, prairie and wetland plant and animal communities.

- (c) DEDICATION OF LANDS FOR STREETS AND PUBLIC WAYS. Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway or other public way which has been designated in the comprehensive plan, comprehensive plan component, or on the official map of the Village, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in Section 10-5-10 of this Chapter.
- (d) DEDICATION OF LANDS FOR PLAYGROUNDS, PARKS, PUBLIC LANDS.
 - (1) The subdivider shall designate on every new preliminary plat an area of land suitable for playground, park, or school purposes, and shall dedicate said lands to the public at the rate of one (1) acre for each twenty-six (26) proposed dwelling units; or the Village Board may waive the requirement for dedication of land, except when said dedication involves lands designated in the Comprehensive Plan, Comprehensive Plan component, or on the official map of the Village. In lieu of dedication, the Village shall levy a public site fee against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in Section 10-5-18.
 - (2) Whenever proposed public lands other than streets or drainageways, designated in the Comprehensive Plan, Comprehensive Plan component, or on the official map of the Village, is embraced, all or part, in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one (1) acre for each twenty-six (26) proposed dwelling units; and said proposed public lands, other than streets or drainageways, in excess of the rate established shall be reserved for a period not to exceed two (2) years unless extended by mutual agreement for purchase by the public agency having jurisdiction; or all said proposed public lands, other than streets or drainageways, shall be reserved by the subdivider for a period not to exceed two (2) years unless extended by mutual agreement for acquisition by the Village at undeveloped land costs; and a public site fee shall be levied against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in Section 10-5-18 of this Chapter.
 - (3) Proposed public lands designated in the Comprehensive Plan, Comprehensive Plan Component, or on the official map of the Village, lying outside the corporate limits of the Village but within the jurisdictional area of these regulations, shall be reserved for acquisition by the town or county at undeveloped land costs.
- (e) DEVELOPMENT OF AREA.
 - (1) When park land is dedicated, the subdivider is required to bring the dedicated land up to the contours established in the approved street and utility plans, topsoiled with a minimum of four (4) inches of quality topsoil, seeded as specified by the Village Board, fertilized with 16-6-6 fertilizer at the rate of seven (7) pounds per one thousand (1,000) square feet and mulched as specified in the Standard Specifications for Road and Bridge Construction Section 627 and 629. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silt clay loam or clay loam humus-bearing soils adapted

- to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one year following issuance of the first building permit within that subdivision unless otherwise authorized by the Village Board.
- (2) It shall be the duty of the Village to maintain the dedicated areas and the owner who dedicated said land shall in no way be responsible for its maintenance or liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property and except if such owner shall reside on one of the subdivided parcels, in which case he shall be responsible for the maintenance of adjacent public property as any be required in other laws of the Village.

SEC. 10-5-21 VARIATIONS AND EXCEPTIONS.

- (a) Where, in the judgment of the Village Board, it would be inappropriate to apply literally the provisions of this Chapter because of the proposed subdivision being located outside of the corporate limits, or because exceptional or undue hardship would result, the Board may waive or modify, any requirements to the extent deemed just and proper.
- (b) The Village Board shall not grant variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulation were carried out.
- (c) A development plan shall include all of the owner's or applicant's land, without impairing the intent and purpose of this Chapter or the desirable general development of the community in accordance with the Comprehensive Plan or Comprehensive Plan Component of the Village. In granting any modification of this Chapter, the reasons shall be entered in the minutes of the Board.

SEC. 10-5-22 DEVELOPMENT PLAN

- (a) A development plan shall be submitted to the Village Board after any division of a lot, parcel or tract of land by the owner thereof or his agent for other than a subdivision where the act of division creates five (5) or more parcels, which are greater than one and one-half (1-1/2) acres, but less than five (5) acres in size or less, or where five (5) or more such parcels are created by successive division within a period of five (5) years.
- (b) The development plan map and supporting data shall provide such information as required by the Village except certain map and data requirements may be waived by the Village Board for land division, which involves ten (10) lots or less.
- (c) A development plan shall include all of the owner's or applicant's lands, which are contiguous and which are bounded by private property lines, public right-of-way,

navigable streams, lakes, parks or other water courses, which serve to define the contiguous area.

- (d) Development shall, to the extent reasonably practicable, conform to the requirements of this Chapter and to all other related ordinances and regulations.

SEC. 10-5-23

SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS.

Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this Chapter, the Village Board of the Village of Bear Creek may, in lieu thereof, order an assessor's plat to be made under Section 70.27, Wis. Stats. as amended.

SEC. 10-5-24

ENFORCEMENT, PENALTIES AND REMEDIES.

- (a) VIOLATIONS. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Code until the provisions and requirements of this Chapter have been fully met. The Village may institute appropriate action or proceeding to enjoin violations of this Chapter or the applicable Wisconsin Statutes.

- (b) PENALTIES.

- (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and the costs of prosecution for each violation and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.
- (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
- (3) Conveyance of lots in unrecorded plats has penalties provided in Sec. 236.31, Wis. Stats.
- (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
- (5) Assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered by the Village at the expense of the subdivider when a subdivision is created by successive divisions.

- (c) APPEALS

- (1) Administrative determination and the reasons therefor shall be reduced to writing at the written request of a party who is adversely affected by an administrative determination and such information shall be mailed or delivered to the affected person.
- (2) Decisions on State defined plats by the Village Board are also subject to further review in accordance with the provisions of Section 236.13(5), Wis. Stats., as amended.
- (3) Decisions on non-state plats or certified surveys are subject to review in accordance with the procedures and provisions of Chapter 68, Wis. Stats., as amended.
 - a. The Permit Issuer shall, upon written request of any person aggrieved by a determination, reduce the determination and the reasons therefore to writing in accordance with Section 68.07 Wis. Stats., as amended.

Subdivision Regulations

- b. The Village Board shall, upon written request of any person aggrieved by a determination of the Permit Issuer, provide for a review of that determination at a hearing conducted substantially in compliance with Section 68.11, Wis. Stats., as amended, and in accordance with the procedures of Section 68.09 and 68.11, Wis. Stats., as amended.
- c. Any party to a proceeding under Subsection (c)(3)b above, may seek judicial review of the determination of the Village Board by a writ of certiorari in accordance with Section 68.13, Wis. Stats., as amended.
- d. Nothing in this section shall preclude the Village or aggrieved person from employing other methods of resolving disputes nor is an aggrieved person precluded from seeking relief from the Village Board according to Section 68.14, Wis. Stats., as amended.

CHAPTER 6

Grievances Regarding Access to Public Buildings By Handicapped Persons

§10-6-1 Grievance Procedures Regarding Access to Public Buildings by Handicapped Persons.

SEC. 10-6-1 GRIEVANCE PROCEDURES REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS.

- (a) **STATEMENT OF PURPOSE.** The Village is committed to providing adequate access by handicapped or visually impaired persons to public buildings financed in part by federal revenue sharing. This Section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any acting prohibited by the Office of Revenue Sharing's (ORS) regulations (31 C.F.R. 51.55^{d1}21) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance . . ."
- (b) **COMPLAINT PROCEDURE.**
- (1) Complaints should be filed with the Village Clerk, who has been designated to coordinate Section 504 Compliance.
 - (2) A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
 - (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the Clerk who should review the handicapped Requirements Handbook published by the Federal Programs Advisory Service.
 - (5) A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than thirty (30) days after its filing.
 - (6) The Section 504 coordinator shall maintain the files and records of the Village relating to the complaints filed.
- (c) **APPEALS.**
- (1) The complainant may appeal the decision of the Section 504 coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven (7) days to the Clerk.
 - (2) The grievance shall be heard by the Village Board within ten (10) working days after the filing of an appeals request. The grievance shall be heard at the Village Hall at a convenient time fixed by the Board. The Clerk shall give at least three (3) days written notice to the applicant by first class mail of any such grievance hearing.
 - (3) Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses and make arguments either in person or by an agent of his or her choosing. Proceedings may and, upon request of the applicant, shall be recorded.

Grievances Regarding Access to Public Buidlings By Handicapped Persons

- (4) The decision of the Village Board on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Village Board shall be rendered within three (3) working days of the close of the hearing and the Village Board shall immediately upon rendering the decision mail a copy thereof by first class mail to the applicant at the current post office address given in his or her application and record a copy of its determination with the Clerk.
- (d) OTHER REMEDIES. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Village believes that resolution of the complaint will be more promptly achieved if the Village is able to provide a remedy before the complaint is brought to an external organization.
- (e) DUE PROCESS. This Section shall be construed to protect the substantive rights of interested person, to meet appropriate due process standards and to assure that the Village complies with Section 504 and the ORS regulations.