

**Town of Madge
Washburn County, Wisconsin**

Land Division Ordinance

The Madge Town Board Ordains as Follows:

WHEREAS, the Town of Madge Plan Commission has recommended that in order to promote the public health, safety and general welfare within the township, that small tracts of land are inimical to the rural and agricultural character of the land herein; and

WHEREAS, such subdivision of land less than five acres is not consistent with the town's comprehensive plan;

NOW, THEREFORE, BE IT ORDAINED, that pursuant to village powers of the Town of Madge under ss 60.10(2)(c), 60.22(3), 61.34(1), 66.0101(4) & 236.31(2), Wis. Stats:

- (1) Land located within the political borders of the Town of Madge, Washburn County, Wisconsin, may not be subdivided to create any real property lot less than five acres, as measured by taxable acreage. The provisions of this Ordinance shall not apply to real property parcels that are within 1000 feet of a navigable body of water or within 300 feet of a navigable river or stream. These parcels fall under shoreland zoning.
- (2) Be aware that the Town of Madge is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions. No land division may be made without all required approvals.
- (3) All such real property lots in existence at the time of the adoption of this ordinance shall be deemed legal nonconformities.
- (4) Variances from the restriction of sub. (1) may be reviewed by the plan commission and then the town board upon application by the landowner seeking relief from the land division ordinance. The legal standard shall be whether enforcement of the land division ordinance creates a substantial hardship upon the landowner due to characteristics inherent in the property and that are not created by the owner.
- (5) Hearings on variances shall be conducted in accordance with municipal administrative law under Chapter 68, Wis. Stats. The party seeking application for variance shall be responsible for the cost of publishing the Class 1 notice of a hearing on the application as well as mailed notice to adjacent landowners and such amount shall be remitted with the application for variance.
- (6) Any party aggrieved by a decision by the town board upon an application for a variance of the land division ordinance may appeal within 30 days of the rendering of a written decision to the Washburn County circuit court by means of *certiorari*. Section 68.13(1), Wis. Stats.

(7) Any violation of this land division ordinance or who records a final plat in violation of this ordinance may be punished by a *per diem* forfeiture of not less than \$100.00 nor more than \$1000.00. The town may also obtain relief pursuant to ss 236.31, Wis. Stats.

BE IT FURTHER ORDAINED, that this Ordinance shall be effective upon its adoption and publication and that publication of this ordinance may occur through posting in accordance with ss. 60.80(1)(b) & 985.02, Wis. Stats.

Moved for adoption by the Madge Town Board on _____, 2013

Michael Baker, Chairperson

William Lennox, Supervisor

Derrick Olson, Supervisor

Attest:

Michelle Jung, Clerk

Posted / Published: _____