

Article H: Park and Public Land Dedications; Impact Fees

Sec. 14-1-80 General Park and Public Land Dedication Requirements.

- (a) **Dedication Requirement.** 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, recreation areas may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to dedicate land or fees in lieu of land for park or other public uses.
- (b) **General 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 parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the Village of Bangor Comprehensive Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

Sec. 14-1-81 Land Dedication.

- (a) **Dedication of Sites.** Where feasible and compatible with the Comprehensive Plan or Master Parks Plan of the Village, the subdivider shall provide and dedicate to the public adequate land to provide for park, recreation, school and open space needs of the land development within the Village of Bangor. The location of such land to be dedicated and its suitability for park/recreation purposes shall be determined solely by the Village Board. Where the dedication is not compatible with the Comprehensive Plan or Master Parks Plan, or for other reasons is not feasible as determined by the Village Board, the subdivider shall, in lieu thereof, pay to the Village of Bangor a fee as established by this Article, or a combination thereof.
- (b) **Dedication of Parks, Playgrounds, Recreation and Open Spaces.** The subdivider shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land division, subdivision or comprehensive development. The minimum dedication shall be:
 - (1) Five percent (5%) of the total acreage intended to be used for commercial or industrial uses;
 - (2) Ten percent (10%) of the total acreage intended to be used for single-family and two-family dwelling units;
 - (3) Fifteen percent (15%) of the total acreage intended to be used for multi-family dwellings.
- (c) **Combination of Residential Uses.** Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding ten percent (10%) of the acreage intended for single-family and two-family dwellings, and fifteen percent (15%) of

the acreage intended for multi-family dwellings. Where a definite commitment is made to the Village by the developer with respect to those portions of the total acreage intended for single family, duplex and multi-family dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.

(d) **Minimum Size of Park and Playground Dedications.**

- (1) In general, land reserved for recreation purposes shall have an area of at least two (2) acres. Where the amount of land to be dedicated is less than two (2) acres, the Village Board may require that the recreation area be located at a suitable place on the edge of the proposed land division, subdivision or certified survey map project so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an area of less than one (1) acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.
- (2) Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) feet. Conservancy or drainageway lands are not counted as part of such required recreational dedication

(e) **Fees in Lieu of Land.**

- (1) Where, in the sole discretion of the Village Board, there is no land suitable for parks within the proposed land division or the dedication of land would not be compatible with the Village's Comprehensive Plan or Master Park Plan, the minimum size under Subsection (d) cannot be met, or Village of Bangor officials determine that a cash contribution would better serve the public interest, the Village Board shall require the subdivider to contribute a park and recreation development fee in lieu of land. The fees collected shall be held in a nonlapsing fund to be used for purchase, development, improvement and maintenance of parks, playgrounds, open spaces and other recreational sites and facilities. The total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under the Zoning Code. For each proposed residential development, the fee shall be per Section 1-3-1 for each residential unit. The fee shall be paid to the Village at the time of final plat or certified survey approval. This fee shall be annually adjusted by the Village Treasurer by adding to the base fee the Consumer Price Index (CPI) cost on March 1st of that year for each possible dwelling unit within the plat/land division allowed by the Zoning Code.
- (2) The Village Board may, in its sole discretion, permit the subdivider to satisfy the requirements of this Article by combining a land dedication with a fee payment. If a land dedication of twenty-five percent (25%) of the required dedication is made, the subdivider shall also contribute an amount equal to seventy-five percent (75%) of the required per unit fee in lieu of land. If a land dedication of fifty percent (50%) of the required dedication is made, the subdivider shall also contribute an amount equal to

fifty percent (50%) of the required per unit fee in lieu of land. If a land dedication of seventy-five percent (75%) of the required dedication is made, the subdivider shall also contribute an amount equal to twenty-five percent (25%) of the required per unit fee in lieu of land.

- (3) The Village of Bangor shall place any fee collected pursuant to the provisions of this Section in a separate account to be used at the discretion of the Village Board in any community park, for developing adequate parks, playgrounds, recreation and open spaces.
- (f) **Suitability of Lands.** The Village Board, upon the recommendation of 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.
- (g) **Deeded to the Village.** Land dedicated for public purposes shall be deeded to the Village of Bangor at the time the Final Plat is approved.
- (h) **Utility Extensions.** The subdivider shall install or 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 the adjacent properties.

Sec. 14-1-82 Reservation of Additional Land.

When public parks and sites for other public areas as shown on the Comprehensive Plan or Plan component lie within the proposed area for development and are greater in area than required by Section 14-1-81, the owner shall reserve for acquisition by the Village, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year of Final Plat approval unless extended by mutual agreement.

Sec. 14-1-83 Development of Park Area.

- (a) When parklands are dedicated to the Village of Bangor, the subdivider is required to:
 - (1) Properly grade and contour for proper drainage;
 - (2) Provide surface contour suitable for anticipated use of area as approved by the Village Engineer; and
 - (3) Cover areas to be seeded with a minimum of six (6) inches of quality topsoil, seed as specified by the Director of Public Works, fertilized with 16-6-6 at a 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, silty 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.

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Fine grading and seeding must occur within one (1) year following issuance of the first building permit within that land division unless otherwise authorized by the Village Board. The improved area shall not be deemed officially accepted until a uniform grass cover to a two (2) inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the Village accepts the dedication.

- (b) It shall be the responsibility of the Village to maintain the dedicated areas upon their dedication and acceptance by the Village. The owner of said land shall be responsible for its maintenance and 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.
- (c) A neighborhood park area shall be provided by the subdivider with a standard residential water service unless located directly adjacent to a fire hydrant. A community park area shall be provided by the developer with a minimum six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line.
- (d) The Village Board may require certification of compliance by Village officials. The cost of such report shall be paid by the subdivider.
- (e) If the subdivider fails to satisfy the requirements of this Section, the Village Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.
- (f) The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.
- (g) Development of park lands is to be completed as soon as twenty percent (20%) of the planned lots in the subdivision are sold or developed, as determined by the Village Board.

Sec. 14-1-84 through Sec. 14-1-89 Reserved for Future Use.

Article I: Fees

Sec. 14-1-90 Administrative and Other Fees.

- (a) **General.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay a fee equal to the cost of any legal, planning, administrative or fiscal work which may be undertaken by the Village of Bangor in connection with the Subdivision Plat, Condominium Plat or Certified Survey Map. Legal work shall include the drafting of contracts between the Village of Bangor and the Subdivision, Condominium or Certified Survey Map Developer (as applicable). These fees may also include the cost of obtaining professional opinions including, but not limited to attorneys, engineers, landscape architects, and land planners, requested by the Village Board, Plan Commission, or Village staff in connection with the application being considered.
- (b) **Payment of Village's Consultant Costs.**
- (1) The Village may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Village's review of a proposal coming before the Village Board.
 - (2) The submittal of a development proposal application or petition by a Subdivision, Condominium or Certified Survey Map Developer (as applicable), shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Village generally charges the costs for these services to the Subdivision, Condominium or Certified Survey Map Developer (as applicable).
 - (3) The Village may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the Subdivision, Condominium or Certified Survey Map Developer (as applicable). Review fees which are charged to a Subdivision, Condominium or Certified Survey Map Developer (as applicable), but which are not paid, may be levied by the Village as a special assessment against the subject property. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall be required to provide the Village with an executed copy of an Agreement as to Costs, as set forth in the Appendix, to pay for said consulting services as a prerequisite to the processing of the development application.
 - (4) At the time of submission of a Subdivision Plat, Certified Survey Map or other land development proposal, the Village Administrator shall require the Subdivision, Condominium or Certified Survey Map Developer (as applicable) to make an escrow deposit with the Village Administrator to cover, in all or part, the expenses anticipated to be incurred by the Village in reviewing or considering such proposal, per Subsection (1)(2) below. Unused portions of such fund may be refunded to the Subdivision, Condominium or Certified Survey Map Developer (as applicable).

- (c) **Engineering Fee.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the Subdivision Plat, Condominium Plat or Certified Survey Map, including inspections required by the Village pursuant to this Chapter. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay a fee equal to the actual cost to the Village for such engineering work and inspection as the Village Board and/or Village Engineer 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. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.
- (d) **Administrative, Legal and Planning Fee.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay a fee reimbursing the Village equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the Plat, Certified Survey Map or Condominium.
- (e) **Concept Plan.** There shall be no fee for the Village's review of a concept or sketch plan of a proposed land division. Such reviews shall be conducted only as staff time permits. The Village, however, reserves the right to require the payment of fees under this Article if the potential project under concept plan review involves above-average Village professional staff involvement or if a party submits several concept plans involving the same parcel.
- (f) **Preliminary Plat.**
 - (1) A Subdivision, Condominium or Certified Survey Map Developer (as applicable) who submits a Preliminary Plat for Village Plan Commission and the Village Board review shall file said Preliminary Plat with the Village Administrator and shall deposit with the Village Treasurer a fee to cover the costs of reviewing said application. The fee for a Preliminary Plat shall be as prescribed in Section 1-3-1 for up to and including six (6) lots plus an additional fee per each additional lot over six (6). If the plat is rejected, no part of the fee shall be returned to the petitioner.
 - (2) A reapplication fee as prescribed in Section 1-3-1 shall be paid to the Village Administrator at the time of reapplication for approval or amendment of any Preliminary Plat which has previously been reviewed.
- (g) **Final Plat Review Fee.**
 - (1) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay a fee as prescribed in Section 1-3-1 per lot within the Final Plat to the Village Administrator at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review.
 - (2) A reapplication fee as prescribed in Section 1-3-1 shall be paid to the Village Administrator at the time of a reapplication for approval or amendment of any Final Plat which has previously been reviewed.

- (h) **Certified Survey Map.**
- (1) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay an application fee as prescribed in Section 1-3-1 for each Certified Survey Map.
 - (2) Should the Subdivision, Condominium or Certified Survey Map Developer (as applicable) submit an amended or revised Certified Survey Map, the resubmittal fee shall be as prescribed in Section 1-3-1 for each amended or revised certified survey map.
- (i) **Objecting Agency Review Fees.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall transmit all fees required for state agency review to the Village Administrator at the time of application. Said review fees shall be retransmitted to the proper state review agency by the Village Administrator. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Transportation, Wisconsin Department of Administration and the Wisconsin Department of Natural Resources.
- (j) **Public Site Fee.** If the land development project does not contain lands to be dedicated as required in this Chapter, the Village Administrator shall require a fee pursuant to Section 14-1-81(f) for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.
- (k) **Assessments.** All outstanding assessments due to the Village of Bangor shall be due prior to the signing of the Final Plat or Certified Survey Map by the Village.
- (l) **Administrative Costs.**
- (1) **Cost Determination.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) of land divisions within the Village shall reimburse the Village for its actual cost of design, inspection, testing, construction and associated legal, real estate and other fees incurred by the Village in connection with the preliminary plat, final plat, replat or certified survey. The Village's costs shall be determined as follows:
 - a. The cost of Village employees' time engaged in any way with the land development project based on the hourly rate paid to the employee multiplied by a factor determined by the Village Treasurer to represent the Village's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
 - b. The cost of Village equipment employed.
 - c. The cost of mileage reimbursed to Village employees which is attributed to the land development project.
 - d. The actual costs of Village materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
 - e. All consultant fees, including but not limited to legal, planning and engineering fees, at the invoiced amount plus administrative costs. Unless the amount totals less than Fifty Dollars (\$50.00), the Village shall draw against the escrow account

or bill the Subdivision, Condominium or Certified Survey Map Developer (as applicable) monthly for expenses incurred by the Village. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the applicant's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the Village until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.

(2) **Escrow for Fees.**

- a. At such time as the applicant submits a Preliminary Plat, Certified Survey Map or other land development project for review by the Village, it shall deposit with the Village Treasurer, in escrow, the sum required by the following schedule to guarantee the timely payment of the Village's administrative costs:
 1. Minor Subdivision (Certified Survey Map): Five Hundred Dollars (\$500.00).
 2. Subdivisions: One Thousand Dollars (\$1,000.00) for each five (5) lots or units, up to a maximum of Five Thousand Dollars (\$5,000.00).
- b. In the event the amount deposited with the Village Treasurer falls below twenty-five percent (25%) of the amount required to be deposited, the applicant agrees, as a condition of application, to replenish the escrow to the original amount required hereunder. The applicant agrees to deposit such additional sum within fifteen (15) days of written demand by the Village Treasurer or the consideration and/or approval of the proposed land division may be delayed or rejected. The Village is not under any obligation at any time to provide notice to the applicant that the escrow funds under this provision are insufficient. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. In the event the applicant withdraws his/her plat or certified survey map, or the same is approved, and money remains in escrow over and above the Village's fees, the excess shall be refunded to the Subdivision, Condominium or Certified Survey Map Developer (as applicable). The escrow account shall not draw interest for the benefit of the Subdivision, Condominium or Certified Survey Map Developer (as applicable). The Village Treasurer, with the approval of the Village Board, shall have the right to draw upon the escrow to reimburse the Village for the fees it has incurred in reviewing the Subdivision, Certified Survey Map or other land development project on a periodic basis.
- c. An accounting of all fees incurred by the Village and the status of the escrow shall also be provided to the Subdivision, Condominium or Certified Survey Map Developer (as applicable) periodically. The Village will provide the Subdivision, Condominium or Certified Survey Map Developer (as applicable) with amounts paid from any such escrow account and copies of invoices it receives for any professional review services for the Subdivision, Condominium or Certified

Survey Map Developer's (as applicable) proposed subdivision. In the event the Subdivision, Condominium or Certified Survey Map Developer (as applicable) defaults in establishing or replenishing the escrow, the Village shall not be required to act further upon the Subdivision, Condominium or Certified Survey Map Developer's (as applicable) request. Failure to replenish the escrow shall be sufficient cause to reject the Subdivision, Certified Survey Map or other land development project subject to this Chapter

- (m) **Payment of Impact Fees.** Unless otherwise expressly provided herein, all required impact fees shall be paid one hundred percent (100%) at the time of *issuance of the building permit* by the Village of Bangor. The impact fee amount due shall be that amount in effect at the time payment of the impact fee is due. Impact fee payments shall be assumed to be the responsibility of the owner of record of the property *for which a building permit is sought*. All fees shall be paid at the Village of Bangor Village Hall.

Sec. 14-1-91 through Sec. 14-1-99 Reserved for Future Use.

APPENDIX

**Sample Agreement as to Costs
With the Village of Bangor**

_____ The applicant/petitioner

for _____ dated _____, _____.
(nature of application/petition)

agrees, in addition to those normal costs payable by an applicant/petitioner (e.g. filing, or permit fees, publication expenses, recording fee, etc.), that in the event the action applied or petitioned for requires the Village of Bangor, in the judgment of its staff, to obtain additional professional services(s) (e.g. engineering, surveying, planning, environmental, recreational, legal) than normally would be routinely available "in house" to enable the Village to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the Village for the costs thereof.

Dated this _____ day of _____, _____.

(Signature of Applicant/Petitioner)

Article J: Variances; Penalties and Violations

Sec. 14-1-100 Variations and Exceptions.

- (a) Where the Subdivision, Condominium or Certified Survey Map Developer (as applicable) alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, he/she may request variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Chapter. Application for any such variance shall be made in writing by the Subdivision, Condominium or Certified Survey Map Developer (as applicable) to the Village Administrator at the time when the Preliminary Plat or certified survey is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data which may aid Village officials in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. The Village Administrator may request that the Village Engineer, Village Attorney or other officials review each situation to insure that the request is consistent with the requirements and standards of this Chapter. The Plan Commission shall make a recommendation to the Town Board. The previous granting of variances or exceptions in the same or similar circumstances shall not of itself constitute grounds for the granting of a variance or exception, nor shall strictly financial rationale.
- (b) The Plan Commission shall not recommend, nor shall the Village Board 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) Failure to grant the variation may 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 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.
 - (4) There would be no costs (present or future) to the Village resulting from the granting of the variance or exception.
- (c) Any recommendations for variances or exceptions by the Plan Commission must be approved by a majority vote of the Plan Commission and shall be so endorsed by the Secretary and transmitted to the Village Board. The Village Board, if it approves, shall do

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so by resolution adopted by majority vote and shall instruct the Village Administrator to notify the Plan Commission and the subdivider.

- (d) Variances from the strict application of this Chapter may also be granted in accordance with this Chapter in the case of Planned Unit Developments provided the Village Board, upon review and recommendations from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Chapter, Zoning Ordinances, and any Village comprehensive plan.

Sec. 14-1-101 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, certified survey, or replat with the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Village of Bangor may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Unlawful Activity.** It shall be unlawful to, and no person shall:
- (1) Record, with respect to any Certified Survey Map, Subdivision Final Plat, or Condominium Plat to which this Chapter is applicable, any Certified Survey Map, Subdivision Final Plat, or Condominium Plat instrument after the original effective date of this Chapter unless and until such time as there has been full compliance with all applicable requirements of this Chapter and all other applicable statutes, rules, regulations, ordinances, and documents enumerated in this Chapter.
 - (2) Convey any portion of a Certified Survey Map, Subdivision Final Plat, or Condominium Plat created in violation of this Chapter.
 - (3) Construct, install, assemble, or place any building, structure, or improvement upon any land subject to Certified Survey Map, Subdivision Final Plat, or Condominium Plat recorded in violation of this Chapter.
 - (4) Fail to comply with any applicable provision of this Chapter.
- (c) **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 Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution for each violation. 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 for 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 Sec. 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.
- (d) **Zoning, Building, or Occupancy Permit or Approval.** No zoning, building, or occupancy permit or approval shall be granted or issued with respect to any Certified Survey Map, Subdivision Final Plat, or Condominium Plat, or Condominium unit created in violation of this Chapter.
- (e) **Revocation of Permits and/or Approvals.**
- (1) The Village Engineer, Village President or Building Inspector may revoke or suspend any permit or approval issued under the regulations of this Chapter and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Village Engineer shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the Subdivision, Condominium or Certified Survey Map Developer (as applicable) or his/her contractor has refused to conform after written warning or instruction has been issued to him/her.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
 - d. Whenever, in the opinion of the Village Engineer, Village President or Building Inspector, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) has provided inadequate management of the project.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Village Engineer, Village President or Building Inspector for the use of all materials, equipment, methods of construction, devices or appliances.
 - (2) The notice revoking a permit or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and/or on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the premises in question by the Village Engineer, Village President, or Building Inspector.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation

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whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Village Engineer, Village President, or Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.

- (5) Any appeals of such revocations or suspensions must be made in writing and within seven (7) calendar days to the Village Administrator for consideration by the Village Board at its next regularly scheduled meeting, provided the appeal is filed not less than seven (7) days prior to the meeting date.
 - (6) The Building Inspector is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this Chapter is obtained.
 - (7) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this Chapter may result in health or safety problems for the occupants.
- (f) **Appeals.** Any person aggrieved by an objection to a plat or certified survey, or a failure to approve a plat or certified survey, may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10, 14 and 15, Wis. Stats., within thirty (30) days of notification of the rejection of the Plat or Certified Survey Map. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court may direct that the Plat or Certified Survey Map be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

Sec. 14-1-102 Disclaimers on Approvals.

- (a) The purpose of requiring approvals under this Chapter is to insure the health, safety, morale, comfort, prosperity and general welfare of the Village of Bangor. This Chapter shall not be interpreted as placing any responsibility or liability on any Village official, Village employee, or the Village as a municipal corporation for the granting of approval, or the denial of any approval. All approvals rendered as part of this Chapter shall be considered as being approved conditionally based on the information and circumstances apparent at that time.
- (b) Approvals issued by the Village shall not be construed as an assumption or expression of any responsibility, warranty, or guarantee, for the design or construction of any improvements within the land division.

- (c) The Village of Bangor does not guarantee, warrant, or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject to periodic inundation, nor does the Village guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by this Chapter are the only unsuited soils within the jurisdiction of this Chapter; and thereby asserts that there is no liability on the part of the Village Board, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter.

Sec. 14-1-103 Restrictions for Public Benefit.

Pursuant to Sec. 236.293, Wis. Stats., any restriction placed on platted lands by covenant, grant of easement, land division, certified survey, or consolidation approval, which was required by the Village of Bangor and which names a public body or public utility as grantee, promisee or beneficiary, vests in the public body or utility the right to enforce the restriction by law or in equity against anyone who has interest in the land subject to the restriction. The restriction may be released or waived by resolution of the Village Board.

