

**TOWN OF ATHELSTANE  
LAND DIVISION  
ORDINANCE #6**

The Town Board of Athelstane, Marinette County, Wisconsin does hereby ordain as follows:

**SECTION 1 - Definitions:**

For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word shall is mandatory.

- A. Land Division.** Any division of a lot, parcel or tract of land where the act of division creates a lot, parcel or building site.
- B. Lot.** A contiguous parcel of land under one (1) ownership, and undivided by public road or railroad rights-of-way. All calculations of lot area shall be exclusive of any dedications, right-of-way, easements or reservations.
- C. Private Road.** A strip of land which provides vehicular ingress and egress to more than one lot, parcel or tract of land which is under private ownership.
- D. Public Road.** A strip of land which provides vehicular ingress and egress to a lot, parcel or tract of land which has been dedicated to the public or the public has a perpetual easement.

**SECTION 2 - General Provisions.**

**No lot shall be created less than two (2) acres in size.** All calculations of lot area shall be exclusive of any dedications, right-of-way, easements or reservations.

Exceptions.

- (a) Transfer of interest or pursuant to a court order.
- (b) Leases for a term not to exceed ten (10) years, mortgages or easements.
- (c) The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below four-tenths (0.4) acres in size.

(1) **Access.** No lot, parcel or tract of land shall be created unless it is accessible to a public or private road.

**SECTION 3 – PENALTY**

Any person creating a non-conforming lot shall be adjudged a forfeiture of One Hundred dollars (\$100.00) plus those costs of prosecution permitted by Wisconsin statutes. Each day that an individual is in violation of this Ordinance shall be considered a separate violation for which a separate penalty may be applied.

**SEVERABILITY**

In the event that any section or sections herein shall be ruled unconstitutional by any competent court, such determination shall not affect the validity or effectiveness of the others sections of this Ordinance and the remainder of said Ordinance shall remain in effect.

This ordinance adopted by the Town Board of the Town of Athelstane on this 9<sup>th</sup> day of February, 2016.

The Town Board of Athelstane

By: \_\_\_\_\_ Attest \_\_\_\_\_  
John Dobratz - Chairman Janice DuChateau - Clerk

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Harold Tesch Jr - Supervisor

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David Jose - Supervisor