

CR 88-131

RECEIVED

STATE OF WISCONSIN)
)
DEPARTMENT OF AGRICULTURE,) SS.
TRADE & CONSUMER PROTECTION)

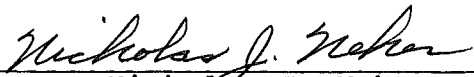
MAR 21 1989
11:30 am
Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Nicholas J. Neher, Administrator of the Agricultural Resource Management Division of the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order adopting Chapter Ag 168, Wis. Adm. Code, relating to the fee schedule for the plat administration program.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 20th day of March, 1989.



Nicholas J. Neher
Administrator
Agricultural Resource
Management Division

6-1-89

ORDER
OF THE STATE OF WISCONSIN DEPARTMENT OF
AGRICULTURE, TRADE AND CONSUMER PROTECTION
ADOPTING RULES

To repeal DOD 2.02 (title) and (intro.), 2.05 and 2.06 (2); to renumber DOD 2 (title), DOD 2.03 and 2.06 (title) and (1); to renumber and amend DOD 2.01, 2.02 (1) to (3) and 2.06 (3) and (4); to amend Ag 168.03 (1) (intro.), (a) and (c), (2) (intro.) and (b), (3) (intro.), (4) and (5) and 168.06 (1), as renumbered; and to create Ag 168.02 (title), (intro.) and (1), relating to the fee schedule for the plat administration program.

Analysis Prepared by the Department of Agriculture, Trade
and Consumer Protection

The Wisconsin department of development (DOD) had been reviewing and administering ch. 236, Stats., regarding plat reviews and approvals, but 1987 Wisconsin Act 399 transferred this program to the Wisconsin department of agriculture, trade and consumer protection (DATCP). 1987 Wisconsin Act 399, section 3016 (4g) (f), directed that DOD's rules establishing a fee schedule for review of plats would remain in effect until modified or rescinded by DATCP. This order renumbers those rules to become DATCP rules and amends the rules to comply with proper drafting format. It makes no substantive change to the fee schedule.

Pursuant to authority vested in the state of Wisconsin department of agriculture, trade and consumer protection by s. 236.12 (7), Stats., and by 1987 Wisconsin Act 399, section 3016 (4g) (f), the department adopts rules interpreting ch. 236, Stats., as follows:

SECTION 1. DOD 2 (title) is renumbered Ag 168 (title).

SECTION 2. DOD 2.01 is renumbered Ag 168.01 and amended to read:

Ag 168.01 APPLICABILITY. ~~These fees shall be made payable by check or money order to the department of development to entitle~~ The department shall review preliminary, final or assessors' plats to review under s. 70.27 or ch. 236, Stats., upon payment of the fees specified in this chapter.

SECTION 3. DOD 2.02 (title) and (intro.) are repealed.

SECTION 4. DOD 2.02 (1) to (3) are renumbered Ag 168.02 (2) to (4) and amended to read:

Ag 168.02 (2) ~~PARCEL,~~ "Parcel" means a lot, outlot or public dedication (park, greenway, etc., not including streets or easements).

(3) ~~PLAT,~~ "Plat" means the total assemblage of sheets comprising a preliminary or final subdivision or assessor's plat.

(4) ~~SHEET,~~ "Sheet" includes each page ~~or sheet~~ of a preliminary or final plat drawing.

SECTION 5. DOD 2.03 is renumbered Ag 168.03 and Ag 168.03 (1) (intro.), (a) and (c), (2) (intro.) and (b), (3) (intro.) (4) and (5), as renumbered, are amended to read:

Ag 168.03 REVIEW FEE. (1) (intro.) ~~When preliminary or final plats are submitted~~ The following fee schedule applies to the submission of plats to the department, either as copies under the provisions of s. 236.12 (2), Stats., or as original drawings under the provisions of s. 236.12 (6), Stats., to the department of development the following fee schedule is applicable:

(a) Initial filing fee for preliminary, final or ~~assessors~~
assessor's plats.....\$100.00.

(c) Final plat or assessor's plat (each submis-
sion).....\$15.00 per parcel, or \$60.00 per plat,
whichever is greater.

(2) (intro.) ~~When the~~ The following additional fees, to
cover reproduction and postage costs, apply to the submission to
the department of an original drawing of a preliminary or final
plat is submitted to the department of development under the
provisions of under s. 236.12 (6), Stats., ~~the following addi-~~
~~tional fees, to cover reproduction and postage costs are applica-~~
~~ble:~~

(b) Final plat or assessor's plat (each submis-
sion).....\$30.00 per sheet.

(3) (intro.) ~~When~~ The following additional fees, to cover
copy and postage costs, apply to the submission to the department
of copies of a preliminary or final plat are submitted to the
department of development under the provisions of under s. 236.12
(2), Stats., ~~the following additional fees to cover copy and~~
~~postage costs are applicable:~~

(4) The fee for review of a certified survey map, ~~whenever~~
if a waiver is requested under s. 236.20 (2) (1), Stats., ~~shall~~
~~be~~ is \$50.00.

(5) ~~Whenever~~ If a subdivider or agent seeks an advisory
opinion relative to conditions affecting a proposed plat which
requires staff research and written response in the form of a
presubmission consultation, the fee ~~shall be~~ is \$50.00, \$25.00 of

which ~~shall be credited~~ the department shall credit toward the review fee when the plat is submitted.

SECTION 6. DOD 2.05 is repealed.

SECTION 7. DOD 2.06 (title) and (1) are renumbered Ag 168.06 (title) and (1) and Ag 168.06 (1), as renumbered, is amended to read:

Ag 168.06 (1) The subdivider or the subdivider's agent shall provide required fees in the form of a check or money order in advance or with each plat submittal.

SECTION 8. DOD 2.06 (2) is repealed.

SECTION 9. DOD 2.06 (3) and (4) are renumbered Ag 168.06 (2) and (3) and amended to read:

Ag 168.06 (2) The department ~~of development~~ shall not accept any plat submitted to it until it receives all fees required for processing of that plat ~~are received~~ from the subdivider or agent. None of the time periods specified by ch. 2367 or s. 70.27 (8), Stats., for plat review shall commence until the department receives all required fees ~~are received by the department of development.~~

(3) The department ~~of development~~ may, when warranted by unusual circumstances, waive part or all of the fees required under s. ~~DOD 2.03~~ Ag 168.03. The subdivider or the subdivider's agent shall obtain any such waiver in writing from the department ~~of development~~ prior to plat submittal.

SECTION 10. Ag 168.02 (title), (intro.) and (1) are created to read:

Ag 168.02 (title) DEFINITIONS. (intro.) In this chapter:

(1) "Department" means the Wisconsin department of agriculture, trade and consumer protection.

SECTION 11. EFFECTIVE DATE. The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this 20th day of March, 1989.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Nicholas J. Neher
Nicholas J. Neher, Administrator
Agricultural Resource Management
Division

3/20/89.plat