

State of Wisconsin



2013 Assembly Bill 835

Date of enactment: April 16, 2014
Date of publication*: April 17, 2014

2013 WISCONSIN ACT 280

AN ACT *to renumber and amend* 236.13 (2) (a); and *to create* 236.13 (2) (a) 2. of the statutes; **relating to:** limiting the security a town or municipality may require as a condition of plat approval.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 236.13 (2) (a) of the statutes is renumbered 236.13 (2) (a) 1. and amended to read:

236.13 (2) (a) 1. As a further condition of approval, the governing body of the town or municipality within which the subdivision lies may require that the subdivider make and install any public improvements reasonably necessary or that the subdivider ~~execute a surety bond or provide other~~ security to ensure that he or she will make those improvements within a reasonable time. The governing body may not require the subdivider to provide security at the commencement of a project in an amount that is more than 120 percent of the estimated total cost to complete the required public improvements. It is the subdivider's option whether to execute a performance bond or whether to provide a letter of credit to satisfy the governing body's requirement that the subdivider provide security to ensure that the public improvements are made within a reasonable time. The subdivider may construct the project in such phases as the governing body approves, which approval may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of ~~any surety bond or other~~ security required by the governing body shall be limited to the

phase of the project that is currently being constructed. The governing body may not require that the subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements. If the governing body of the town or municipality requires a subdivider to provide security under this paragraph, the governing body may not require the subdivider to provide the security for more than 14 months after the date the public improvements for which the security is provided are substantially completed and upon substantial completion of the public improvements, the amount of the security the subdivider is required to provide may be no more than an amount equal to the total cost to complete any uncompleted public improvements plus 10 percent of the total cost of the completed public improvements.

SECTION 2. 236.13 (2) (a) 2. of the statutes is created to read:

236.13 (2) (a) 2. For purposes of subd. 1., public improvements reasonably necessary for a project or a phase of a project are considered to be substantially completed at the time the binder coat is installed on roads to be dedicated or, if the required public improvements do not include a road to be dedicated, at the time that 90 percent of the public improvements by cost are completed.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 3. Initial applicability.

(1) This act first applies to a preliminary plat or, if no preliminary plat is submitted, a final plat, that is submitted on the effective date of this subsection.
