

**VILLAGE OF WALDO  
SHEBOYGAN COUNTY, WISCONSIN  
ORDINANCE NO. 2026-07**

**AN ORDINANCE TO AMEND CHAPTER 189 OF THE CODE OF ORDINANCES OF THE  
VILLAGE OF WALDO, WISCONSIN, RELATING TO THE SUBDIVISION OF LAND TO  
INCORPORATE THE STATUTORY AMENDMENTS OF 2025 WISCONSIN ACT 68**

**WHEREAS**, the State of Wisconsin enacted 2025 Wisconsin Act 68, modifying various provisions of Chapter 236 of the Wisconsin Statutes governing local land divisions, subdivision plat approvals, submission requirements, public improvement securities, and building permit issuances; and

**WHEREAS**, Wisconsin Act 68 mandates that local municipalities amend their local land division and subdivision ordinances to comply with these updated statutory frameworks no later than July 1, 2026; and

**WHEREAS**, the Village Board of the Village of Waldo finds it necessary to update Chapter 189 of the Village Code to maintain complete compliance and consistency with state law.

**NOW, THEREFORE**, the Village Board of the Village of Waldo, Sheboygan County, Wisconsin, does hereby ordain as follows:

**SECTION 1. Section 189-1 of the Code of Ordinances of the Village of Waldo is hereby amended to insert a new Purpose statement and amend Subsection F (Developer's Agreement) to conform to the requirements of 2025 Wisconsin Act 68.**

**§ 189-1. General requirements.**

**Purpose.** The purpose of this chapter is to regulate the subdivision of land to promote public health, safety, and general welfare; to further the orderly layout and use of land; to ensure that land is developed in a manner that supports healthy, livable communities; to foster the development of a range of housing types; to advance complete streets that prioritize safety, comfort, and accessibility for pedestrians, cyclists, transit riders, and motorists alike; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, and other public requirements; to encourage development patterns that provide safe and convenient transportation choices for a variety of users; to provide for proper ingress and egress; and to promote proper monumenting of land subdivided and conveyancing by accurate legal description.

**Subsection F is amended to read as follows:**

**F. Developer's Agreement.** The Village may require the subdivider to enter into a written Developer's Agreement, approved by the Village Board, regarding the construction of required public improvements, the timing of such improvements, financial guarantees, maintenance obligations, remedies for default, and other provisions reasonably necessary to ensure compliance

with this chapter and applicable law. The form and content of the Developer's Agreement shall be subject to approval by the Village Attorney.

Nothing in this subsection shall be construed to require the installation or acceptance of public improvements as a condition of submitting, reviewing, approving, or recording a preliminary or final plat, except as otherwise permitted by Chapter 236, Wisconsin Statutes.

**SECTION 2. Section 189-2 of the Code of Ordinances of the Village of Waldo is hereby amended to create a new Subsection A, re-lettering the subsequent subsections accordingly, and amending the newly lettered Subsection B to establish preliminary plan provisions:**

**§ 189-2. Preliminary plat.**

**A. Pre-submission Conceptual Review.** The Village shall provide a subdivider the opportunity to meet informally with the Plan Commission or designated Village representatives before the subdivider submits a preliminary plat for approval (or a final plat if the subdivider does not intend to submit a preliminary plat), to obtain a conceptual review of the proposed subdivision and opinions regarding whether the subdivision complies with Village requirements and conditions for approving plats. Conceptual reviews and opinions provided under this section are non-binding on both the Village and the subdivider.

**B. Submission.** The subdivider shall submit to the Plan Commission and those agencies having authority to object under Chapter 236, Wis. Stats., a preliminary plat based upon a survey by a registered land surveyor. A subdivider may submit preliminary rather than final plans and reports regarding sewer, water, road cross-sections, grading, stormwater, soil testing, landscaping, street lighting, and other related improvements.

**C. Action.** The Plan Commission shall consider the proposed use of the plat and shall take action to approve, approve conditionally, or reject the preliminary plat and shall state in writing any conditions of approval or reasons for rejection within 90 days, as provided by Ch. 236, Wis. Stats. The Plan Commission may not reject a preliminary plat on the basis that the required plans and reports are preliminary rather than final but may conditionally approve the preliminary plat and state in writing the conditions of approval as allowed under Ch. 236, Wis. Stats., including conditions that the final plans and reports are submitted. Any proposed restrictive covenants for the land involved shall be submitted during this process.

**SECTION 3. Section 189-3 of the Code of Ordinances of the Village of Waldo is hereby amended to incorporate the 10-day certification requirement, to read as follows:**

**§ 189-3. Final plat.**

Final plats shall be submitted within 36 months of preliminary plat acceptance. The final plat shall conform to the requirements of the statutes and shall be submitted for approval to the state agencies required to approve plats under provisions of Ch. 236, Wis. Stats. Final plats shall be accepted or rejected by the Plan Commission and the Village Board within 60 days of their submission, or as

provided by statute. Approved final plats, including plats deemed approved pursuant to Chapter 236, Wisconsin Statutes, shall be entitled to be recorded in accordance with state law. The approving authority shall execute the required certificate on the face of the plat no later than 10 days after the subdivider submits the plat with all certificates and affidavits required by Chapter 236, Wisconsin Statutes.

**SECTION 4. Subsection D of Section 189-1 of the Code of Ordinances of the Village of Waldo is hereby amended to update financial security limits and installation timing constraints, to read as follows:**

**§ 189-1. General requirements.**

**D. Public Improvements.** As a condition of subdivision approval, the Village Board may require that the subdivider agree to install any public improvements reasonably necessary and provide financial security to ensure that such improvements are completed within a reasonable time after approval by the subdivider. The Village Board may not require that public improvements be installed or accepted as a condition of submitting, reviewing, approving, or recording a preliminary or final plat.

- (1) **Financial Guarantee Cap.** The Village may not require the subdivider to provide a performance bond or other financial 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. Nothing in this subsection prohibits the Village from requiring that public improvements be installed within a reasonable time after the plat is approved.

**SECTION 5. Subsection A of Section 189-9 of the Code of Ordinances of the Village of Waldo is hereby amended to mandate the release of local building permits upon substantial completion of public improvements:**

**§ 189-9. Enforcement; land use permits.**

**A.** The Village Building Inspector shall have primary responsibility for enforcing this chapter. No land use permit or building permit shall be issued for construction on any lot until the final plat for the subdivision has been duly recorded. Upon substantial completion of the required public improvements, any outstanding local building permits for home sites on the plat that meet the requirements of applicable building codes, zoning ordinances, and other municipal regulations shall be released, and may not be withheld solely because of the status or final formal acceptance of the public improvements.

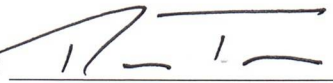
**SECTION 6: SEVERABILITY**

If any provision of this Ordinance is found to be unlawful or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions.

**SECTION 7: EFFECTIVE DATE**

This Ordinance shall take effect upon passage by the Village Board and publication/posting as required by law.

Passed and adopted by the Village Board of the Village of Waldo, Sheboygan County, Wisconsin, this 08 day of June, 2026.

By:   
Travis Thomas – Village President

Attest:   
Lisa Gillette – Village Clerk/Treasurer