

## **Town of Gilman Plan Commission Ordinance – 2008 - 03**

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### **Town Plan Commission Ordinance**

The Town Board of the Town of Gilman, Pierce County, Wisconsin, does ordain as follows:

#### Section 1. Title

This ordinance is entitled the “Town of Gilman Plan Commission Ordinance.”

#### Section 2. Purpose

The purpose of this ordinance is to establish a Town of Gilman Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

#### Section 3. Authority; Establishment

The Town Board of the Town of Gilman has been authorized by the Town meeting under sec. 60.11(2) (c) Wis. Stats., to exercise village powers and the Town has a population of less than 2,500, according to the most recent regular or special federal census, sec. 990.01 (29), Wis. Stats. The Town Board hereby exercises village powers under 60.22(3), Wis. Stats., and establishes a five (5) member Plan Commission under secs. 60.62(4), 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the “Town Planning Agency” under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

#### Section 4. Membership

The Plan Commission consists of one (1) member of the Town Board, who may be the Town Board Chairperson, and four (4) citizen members, who are not otherwise Town officials, and who shall be person of recognized experience and qualifications.

#### Section 5. Appointments

The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.

#### Section 6. Terms of Office

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified, except:

- (1) Initial Terms. The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.
- (2) Town Board Member or Chairperson. The Plan Commission member who is a Town Board member or Town Board Chairperson, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed under sec. 66.0501 (2), Wis. Stats., concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.

#### Section 7. Vacancies

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

#### Section 8. Compensation; Expenses

The Town Board of the Town of Gilman hereby sets a per diem allowance of \$25.00 per meeting for citizen and Town Board members of the Plan Commission, as allowed under sec. 66.0501 (2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

#### Section 9. Experts & Staff

The Plan Commission may, under sec. 62.23 (1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

### Section 10. Rules; Records

The Plan Commission, under sec. 62.23 (2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21-19.39, Wis. Stats.

### Section 11. Chairperson & Officers

- (1) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 5 and 6 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:
  - (a) provide leadership to the Commission;
  - (b) set Commission meeting and hearing dates;
  - (c) provide notice of Commission meetings and hearings and set their agenda, personally or by his or her designee;
  - (d) preside at Commission meetings and hearings; and
  - (e) ensure that the laws are followed.
- (2) Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under sec. 19.88 (1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
- (3) Secretary. The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88 (1), Wis. Stats., one of its members to serve as Secretary, or with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

### Section 12. Commission Members as Local Public Officials

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

### Section 13. General & Miscellaneous Powers

The Plan Commission, under sec. 62.23 (4), Wis. Stats., shall have the power:

- (1) Necessary to enable it to perform its functions and promote Town planning.
- (2) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
- (3) To recommend to the Town Board programs for public improvements and the financing of such improvements.
- (4) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- (5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land,

except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

#### Section 14. Plan Development, Implementation & Administration

(1) Plan and ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:

(a) Comprehensive Plan. A comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec.

66.1001 (2), Wis. Stats., and follows the procedures in sec. 66.1001 (4), Wis. Stats.

(b) Official map. A proposed official map ordinance under sec. 61.23 (6) Wis. Stats.

(c) Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.

(2) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

(3) Non-regulatory programs.

The Plan Commission, on its own motion, or at the direction of the Town Board by resolution, or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

(4) Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's comprehensive plan under secs. 62.23 and 66.1001., Wis. Stats, shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

#### Section 15. Referrals to the Plan Commission

(1) Required referrals under sec., 62.23 (5), Wis. Stats. The following shall be referred to the Plan Commission for report:

(a) The location and architectural design of any public building.

(b) The location of any statue or other memorial.

(c) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

(2) Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:

(a) Any matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

(3) Discretionary referrals. The Town Board, or other town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:

(a) Any matter deemed advisable for referral to the Plan Commission for report.

(4) Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

Section 16. Effective Date

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

ADOPTED this 10<sup>th</sup> day of December, 2008.

Lorne Hanson (Town Board Chairperson)

Published this 17<sup>th</sup> day of December, 2008 in the Spring Valley Sun-Argus newspaper.

Attest: Sue Thompson (Clerk)