

ORDINANCE NO. 53

An Ordinance Creating a Plan Commission, Board of Appeals and Zoning Administrator for the Village of Marquette.

WHEREAS, the Village of Marquette is required to adopt a Floodplain Ordinance and a Shoreland-Wetland Zoning Ordinance; and

WHEREAS, in order to adopt said Ordinances, it is necessary to have the Plan Commission make recommendations to the Village Board regarding these Ordinances and also there must exist a Board of Appeals and Zoning Administrator in order to have these two Ordinances; and

WHEREAS, there currently is no Plan Commission, Board of Appeals and Zoning Administrator in the Village of Marquette to help implement these Ordinances; and

WHEREAS, it is necessary to establish a Plan Commission, Board of Appeals and Zoning Administrator in order to implement and sustain these Ordinances.

NOW, THEREFORE, the Village Board of the Village of Marquette, Green Lake County, Wisconsin, does ordain as follows:

SECTION 1

A. Pursuant to § 62.23(1), Wis. Stats., a Plan Commission is established consisting of seven (7) members appointed by the Village President, subject to confirmation by the Village Board. The Village President shall also choose the Presiding Officer. A minimum of three (3) members shall be residents who are not Village Officials. Members of the Commission shall be appointed to hold office for a term of three (3) years, on a staggered basis, in order to ensure continuity.

B. The Plan Commission shall help develop and draft the Floodplain Ordinance and the Shoreland-Wetland Ordinance for the Village of Marquette. The Plan Commission shall make recommendations to the Village Board for said Ordinances. The Plan Commission shall also have the powers enumerated in said Floodplain Ordinance and Shoreland-Wetland Ordinances to administer and effectuate said Ordinances.

C. The Plan Commission may make reports and recommendations to the Village Board and other Village officials relating to these two Ordinances.

D. The Plan Commission shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record.

E. The Plan Commission shall have the power, duties and take action as required and enumerated in the Floodplain Ordinance and the Shoreland-Wetland Ordinance for the Village of Marquette.

SECTION 2

A. Pursuant to § 62.23(7)(e), Wis. Stats., a Board of Appeals is established consisting of five (5) members appointed by the Village President, subject to confirmation by the Village Board. The Village President shall also choose the Presiding Officer. Members of the Board of Appeals shall have terms of three (3) years, except that of those first appointed, one shall serve for one (1) year, two for two (2) years and two for three (3) years. The Village President shall appoint, for staggered terms of three (3) years, two alternate members of such Board, in addition to the five (5) members above provided for. Annually, the Village President shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board so refuses or is absent.

B. The Board of Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the Floodplain Ordinance and Shoreland-Wetland Ordinance if permitted in said Ordinances.

C. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, and such minutes shall be public record.

D. Any person aggrieved by an action or decision of a Village official may submit an appeal. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give public notice of the hearing of the appeal and give public notice of the hearing, as well as due notice to the parties of interest, and shall render a decision within a reasonable time. Any party to the hearing may appear in person, by agent or by attorney.

E. The Board of Appeals shall have the power to:

1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Floodplain Ordinance or the Shoreland-Wetland Ordinance.

2. Hear and decide special exceptions to the terms of the Floodplain Ordinance or the Shoreland-Wetland Ordinance.

3. Authorize upon appeal, in specific cases, such variance from the terms of the Floodplain Ordinance or the Shoreland-Wetland Ordinance, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of said Ordinances shall be observed, public safety and welfare secured, and substantial justice done.

4. Any other powers conferred to the Board of Appeals as set forth in the Floodplain Ordinance and the Shoreland-Wetland Ordinance.

F. If a quorum is present, a majority vote of the members present shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, or to grant a variance to the Floodplain Ordinance or the Shoreland-Wetland Ordinance. The grounds of every determination shall be stated for the record.

G. The Village Board may establish, by resolution, a reasonable fee for filing an appeal to the Board of Appeals.

SECTION 3

A. The Village President shall appoint a Zoning Administrator, subject to confirmation by the Village Board, to act on behalf of the Village in enforcing the Floodplain Ordinance and the Shoreland-Wetland Ordinance for the Village of Marquette.

B. The Zoning Administrator shall have all the powers and duties as set forth in the Floodplain Ordinance and the Shoreland-Wetland Ordinance for the Village of Marquette.

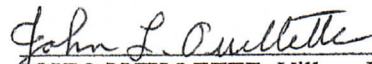
SECTION 4

The effective date of this Ordinance shall take affect immediately upon passage and publication as provided by law.

Roll Call: Ayes 3 Nays 0 Absent 0 Abstain 0

PASSED AND ADOPTED this 27th day of September, 2006.

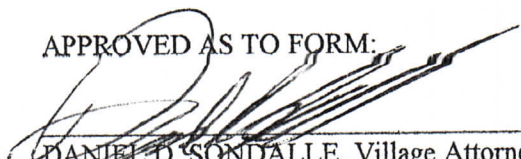
VILLAGE OF MARQUETTE


JOHN OUELLETTE, Village President

ATTEST:


DEBORAH J. FLAGEL, Village Clerk

APPROVED AS TO FORM:


DANIEL D. SONDALLE, Village Attorney

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