

## Title 2 ► Chapter 5

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### **Boards, Commissions and Committees**

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#### **Sec. 2-5-1 Board of Review.**

- (a) **Composition.** The Board of Review shall consist of the Chairperson, Town Board Supervisors and Town Clerk.
- (b) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Secs. 70.46 and 70.47, Wis. Stats.
- (c) **Meetings.** The Board of Review shall meet annually on the second Monday of May, or any day within the next thirty (30) days, at the Town Hall of the Town of Friendship, and notice of such meeting shall be published pursuant to the State Statutes. The Board, through its Clerk, shall establish its meeting hours pursuant to Sec. 70.47(3)(b), Wis. Stats. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.
- (d) **Compensation.** Compensation for Board of Review members shall be as established by the Town Board.

*State Law Reference:* Secs. 70.46 and 70.47, Wis. Stats.

#### **Sec. 2-5-2 Zoning Board of Appeals.**

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, Wis. Stats., the Town Zoning Code and ordinances and this Section. The laws of the State or Town and local ordinances shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) citizen members and two (2) alternate members, appointed by the Chairperson subject to

confirmation by the Town Board, for a three (3) year term of office. The members shall be removable by the Town Board for cause upon written charges and upon public hearing. The Town President shall designate one of the members chairman.

(b) **Powers.** The Zoning Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any Town Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.
- (2) To hear and decide special exceptions to the terms of the Town zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
- (3) To authorize, upon appeal in specific cases, such variance from the terms of the Town zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Zoning Code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district. The Zoning Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance. Any use variance granted shall be limited to the specific use described in the Board's decision and shall not permit variances in yard, area or other requirements of the district in which located.
- (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the Zoning Code, for such purposes which are reasonably necessary for public convenience and welfare.
- (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the Zoning Code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

(c) **Meeting and Rules.**

- (1) All meetings and hearings of the Zoning Board of Appeals shall be open to the public, except that the Board may go into executive session to deliberate after a hearing or an appeal. The final vote on an appeal shall be taken in open session by roll call vote, recorded and open for public inspection in the Board's office. Public notice of all regular and special meetings shall be given to the public and news media as required by the Wisconsin Open Meeting Law.
- (2) Special meetings may be called by the Chairman or by the Secretary at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least forty-eight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.
- (3) Hearings may be held at any regular or special meeting at the time set by the Chairman.
- (4) A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.
- (5) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Town Clerk and shall be public record. The Board shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.
- (6) No Board member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairman shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.

- (d) **Offices.** The Town Board shall provide suitable offices for holding hearings and the presentation of records, documents, and accounts.

*State Law Reference:* Sec. 62.23(7)(e), Wis. Stats.

## Sec. 2-5-3 Town of Friendship Plan Commission

1. **Purpose.** The purpose of this ordinance is to establish a Town of Friendship Plan Commission and set forth its organization, powers, and duties, to further the health, safety, and 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.
2. **Authority; Establishment.** The Town Board of the Town of Friendship, hereby establishes a seven (7) member Plan Commission under sections. 61.35 and 62.23, Wis. Stats.
3. **Membership.** The Plan Commission consists of seven (7) members consisting of Town elected or appointed officials, except that at least three (3) must be citizen members who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.
4. **Appointments.** The Town Chairman 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 Chairman 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 Chairman 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 sections. 19.01 and 61.21, Wis. Stats.
5. **Terms of Office.** The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of three (3) years, ending on April 30, or until a successor is appointed and qualified, except:
  - (a) **Initial Terms.** The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.
  - (b) **Town Board Member or Chairman.** The Plan Commission member who is a Town Board Member or Town Chairman, 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.
6. **Vacancies.** A person who is appointed to fill a vacancy on the Plan Commission shall serve the remainder of the term.
7. **Compensation; Expenses .** The Town Board of the Town of Friendship hereby sets a per diem allowance of \_\_\_ per meeting for citizen and Town Board members of the Plan Commission, as allowed under sec. 66.0501 (2), Wis. Stats.
8. **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.
9. **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 sections 19.21-19.39, Wis. Stats.

**10. Chairperson & Officers.**

- (a) **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:
  - (1) provide leadership to the Commission;
  - (2) set Commission meeting and hearing dates;
  - (3) provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
  - (4) preside at Commission meetings and hearings; and
  - (5) ensure that the laws are followed.
- (b) **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.
- (c) **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.

**11. General & Miscellaneous Powers.** The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

- (a) Necessary to enable it to perform its functions and promote Town planning.
- (b) 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.
- (c) To recommend to the Town Board programs for public improvements and the financing of such improvements.
- (d) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- (e) 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.

**12. Referrals to the Plan Commission.**

- (a) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
  - (1) The location and architectural design of any public building.
  - (2) The location of any statue or other memorial.
  - (3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
    - (a) street, alley or other public way;
    - (b) park or playground;
    - (c) airport;
    - (d) area for parking vehicles; or
    - (e) other memorial or public grounds.
  - (4) The location, extension, abandonment or authorization for any publicly or privately owned public utility.



- (5) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
- (6) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
- (7) The location, character and extent or acquisition, leasing or sale of lands for
  - (a) public or semi-public housing;
  - (b) slum clearance;
  - (c) relief of congestion; or
  - (d) vacation camps for children.
- (8) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning.
- (b) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
  - (1) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
  - (2) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
  - (3) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.
  - (4) Matters relating to the establishment or termination of an architectural conservancy district under sec. 66.1007, Wis. Stats.
  - (5) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
  - (6) Matters relating to the establishment or termination of a business improvement district required to be referred under sec. 66.1109, Wis. Stats.
  - (7) A proposed housing project under sec. 66.1211 (3), Wis. Stats.
  - (8) Matters relating to urban redevelopment and renewal in the Town required to be referred under subchapters. XII' of chapter. 66, Wis. Stats.
  - (9) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
  - (10) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- (c) 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:
  - (1) Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
  - (2) A proposed driveway access ordinance or amendment.
  - (3) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
  - (4) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and storm water management zoning ordinance under sec. 60.627(6), Wis. Stats.
  - (5) An application for a special exception.
  - (6) A proposed site plan.
  - (7) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.
  - (8) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.

- (9) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.
- (10) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.
- (11) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
- (12) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
- (13) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.
- (14) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.
- (15) A proposed Town airport zoning ordinance under sec. 114.136(2), Wis. Stats.
- (16) A proposal to create environmental remediation tax incremental financing in the Town under sec. 66.1106, Wis. Stats.
- (16) A proposed county agricultural preservation plan or amendment, under subchapter. IV of chapter. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
- (1) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.
- (d) 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:
  - (1) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
  - (2) Any other matter deemed advisable for referral to the Plan Commission for report.
- (e) 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.

**Sec. 2-5-4      General Provisions Regarding Meetings and Public Notice.**

(a) Regular Meetings; Public Notice.

- (1) Every Board, Committee and Commission created by or existing under the ordinances of the Town shall:
  - a. Schedule a date, time and place for its meetings;
  - b. Post, or when necessary publish, notice in or notify the official Town newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
  - c. Post and/or publish an agenda of the matters to be taken up at such meeting.
- (2) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law. (3) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:



**NOTICE OF MEETING**  
**TOWN OF FRIENDSHIP, WISCONSIN**

**(commission)**

Please take notice that a meeting of the (commission) of the Town of Friendship will be held on (date), 20\_\_\_\_, at (time) p.m., at the Friendship Town Hall to consider the following:

1. (Agenda items set forth).
2. Such other matters as authorized by law.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Commission)

By \_\_\_\_\_

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in accessible location or format must contact the Town Office at \_\_\_\_\_ phone \_\_\_\_\_, (address) \_\_\_\_\_ by 2:00 p.m. the Friday prior to the meeting so any necessary arrangements can be made to accommodate each request.

- (b) **Notice to Members.** Every member of any board, commission or committee of the Town of Friendship shall be notified by the secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- (c) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 and 19.89, Wis. Stats.
- (d) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the Town Clerk within one (1) week of the meeting date.

**Sec. 2-5-5      Residency Required for Service on Boards,  
Committees or Commissions.**

No person not a legal resident of the Town of Friendship shall be appointed in a voting capacity to any Town board, committee or commission. Any voting board, commission or committee member who moves from the Town shall immediately be removed from such board or committee.