

Ordinance No.17

An Ordinance to Establish the Town of Dewey Plan Commission

Section 1 – Title and Purpose

This ordinance is entitled an Ordinance to Establish the Town of Dewey Plan Commission. The purpose of this ordinance is to establish a Town of Dewey 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 2 – Authority

The town board of the Town of Dewey has been authorized by the Town Meeting under ss. 60.10(2)(c), Wis. Stats., to exercise village powers and the town has a population of less than 2,500. The town board hereby exercises village powers under ss. 60.22(3), Wis. Stats., and establishes a five (5) member plan commission under ss. 60.62(4), s. 61.35 and s. 62.23, Wis. Stats. The Plan Commission shall be considered the “Town Planning Agency” under ss. 236.02(13) and s. 236.45, Wis. Stats., which authorize, but do not require, town adoption of a subdivision or other land division ordinance.

Section 3 – Adoption of Ordinance

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority and power to:

- (A) Establish this commission;
- (B) Appoint or retain the members;
- (C) Remove the members of the commission;
- (D) Establish the powers and duties of the commission;
- (E) Compensate the commission members
- (F) Terminate the Commission.

A Public Hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a Class 1 Notice, under Ch. 985, Wis. Stats.

Section 4 – Membership

The Plan Commission shall consist of five (5) members of which a minimum of four (4) shall be citizen members. A town board member may serve on the Plan Commission only when there are not any other interested and qualified individuals.

Section 5 – Qualifications

Commission members shall be full time residents (reside more than 6 months out of the year in the town), or shall be persons of recognized experience and qualifications.

Section 6 – Appointments

The Town Board Chairperson shall appoint the members to the Plan Commission subject to confirmation by the Town Board, during the month of April, to fill any expiring terms. The Town Board Chairperson shall also select the Plan Commission Chairperson. 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 with the Town Clerk within five (5) days of the notice of appointment, as provided under s. 19.01 and s. 60.31, Wis. Stats.

Section 7 – Terms of Office

The term of office for the Plan Commission members shall be as follows;

- (A) Initial terms – The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.
- (B) Term of Office - The term of office for citizen members shall be for three years. The rotation for the expiration of terms shall be, one position in one year, two positions in the next year, and two positions in the following year. The term begins on May 1 and expire on April 30.
- (C) 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 ss. 66.0501 (2), Wis. Stats., concurrent with their term on the town board.

Section 8 – Vacancies

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term. A member of the Plan Commission may be removed only by a majority vote of the town board.

Section 9 – Compensation

The Town Board of the Town of Dewey will set a per diem allowance per meeting in the Town of Dewey Fee Schedule for citizen and Town Board members of the Plan Commission, as allowed under ss. 66.0501(2), Wis. Stats. In addition, the town board may reimburse reasonable costs and expenses, as allowed under s. 60.321, Wis. Stats.

Section 10 – Chairperson and Officers

The Plan Commission shall have the following positions:

- (A) Chairperson – The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 6 and 7 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 and agendas;
 - (3) preside at Commission meetings and hearings; and
 - (4) ensure that the laws are followed.
- (B) Vice Chairperson – The Plan Commission may elect, by open vote or secret ballot under ss.19.88(1), Wis. Stats., a Vice Chairperson to act in 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 ss. 19.88(1), Wis. Stats., one of its members to serve as secretary.

Section 11 – Commission Members as Local Public Officials

All members of the Plan Commission shall faithfully discharge the official duties to the best of their abilities, as provided in the oath of office, s. 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 and 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, s. 946.12; and Private Interests in Public Contracts, s. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

Section 12 – Rules and Records

The Plan Commission, under ss. 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 13 – General and Miscellaneous Powers

The Plan Commission, under ss. 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 receive from public officials, within a reasonable time, requested available information required for the commission to do its work.
- (D) For itself, its members and employees, in 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 s. 66.0119, Wis. Stats., or other court- issued warrant.

Section 14 – Experts

The Plan Commission may under ss. 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 15 – Town Comprehensive Planning: General Authority and Requirements

- (A) The Plan Commission shall prepare for adoption a Comprehensive Plan under s. 62.23 and s. 66.1001, Wis. Stats., and follow the procedures in ss. 66.1001(4). Wis. Stats., and forward the plan to the town board for final adoption.
- (B) To promote land use planning in the town.
- (C) Create and maintain an updated town Comprehensive Plan, forwarding it to the Town Board for approval.
- (D) Create and maintain an updated town zoning map, forwarding it to the town board for approval.
- (E) Review and make recommendations on land divisions as needed. The plan commission is responsible to see that request meet the goals of the town Comprehensive Plan.
- (F) Review and make recommendations on revisions to the town Comprehensive Plan.
- (G) Review and make recommendations on zoning change request. Recommendations shall be based on the town Comprehensive Plan.

Section 16 – Plan Implementation and Administration

- (A) Ordinance Development – if directed by resolution or motion of the town board, the Plan Commission shall prepare the following:
 - (1) Land Divisions – a proposed land division ordinance under s. 236.45, Wis. Stats.
 - (2) Other – any other ordinance specified by the town board (e.g., historic preservation, design review, site plan review).
 - (3) 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 s. 62.23 and s. 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 information to consider in updating the Comprehensive Plan.

Section 17 – Referrals to the Plan Commission

- (A) Required referrals under ss. 62.23(5), Wis. Stats. – the following shall be referred to the Plan Commission for report:
- (1) All plats under the town's jurisdiction under Ch. 236, Wis. Stats., including divisions under the town's land division ordinance adopted under s. 236.45, Wis. Stats.
 - (2) The amendment or repeal of any ordinance adopted under s. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town Comprehensive Plan under s. 66.1001, Wis. Stats.; and town zoning under village powers.
 - (3) Any other matter required by the Wisconsin Statute to be referred to the Plan Commission under required referrals under ss. 62.23(5), Wis. Stats.
- (B) Required referrals under sections of the Wisconsin Statutes other than ss. 62.23(5), Wis. Stats. – the following shall be referred to the Plan Commission for report:
- (1) The adoption or amendment of the town land division ordinance under ss. 236.45(4) Wis. Stats.
 - (2) 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) Any matter required by any town ordinance or town board resolution or motion to be referred to the Plan Commission.
- (D) 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 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 18 – Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section 19 – Effective Date

This ordinance shall become effective upon its publication and/or posting in the manner set forth in s. 60.80, Wis. Stats.

Adopted this day of

By the Town Board of the Town of Dewey, Portage County

Maurice King, Chairperson

Dennis Meis, Supervisor

Leroy Pukrop, Supervisor

Attest: _____
Angela Lochinger, Clerk