

# Town Of Ellsworth

## Ordinance 2008-6

### Plan Commission Ordinance

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

#### **Section 1. Title**

This ordinance is entitled the "Town of Ellsworth Plan Commission Ordinance."

#### **Section 2. Purpose**

The purpose of this ordinance is to establish a Town of Ellsworth 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 Ellsworth 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 sec. 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.

(Note: Town Board granted Village Powers at special town meeting September 13, 1993)

#### **Section 4. Membership** (5-Member)

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 persons of recognized experience and qualifications.

#### **Section 5. Appointments**

The Town Board Chairperson shall appoint the members of the Plan Commission, subject to confirmation by the Town Board, during the month of April, to fill any expiring term.. The Town Board Chairperson shall also select the Chairperson of the Plan Commission. 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 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. A member of the Plan Commission may be removed only by a majority vote of the Town board.

**Section 8. Compensation; Expenses**

The Town Board of the Town of Ellsworth hereby sets a per diem allowance of \$30 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 agendas, 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.

**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. Town Comprehensive Planning: General Authority & Requirements**

(1) The Plan Commission shall make and adopt 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.

2) The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town comprehensive plan is in effect by the date on which specified town action must be consistent with the Town comprehensive plan under Sec. 66.1001(3), Wis. Stats.

(3) In this section the requirement to "make" the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

#### **Section 15. Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment**

The Plan Commission, in order to ensure that the requirements of Sec. 66.1001(4), Wis. Stats, are met, shall proceed as follows.

(1) Public participation verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.

(2) Resolution. The Plan Commission, under Sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under Sec. 66.1001, Wis. Stats., namely that:

(a) the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;

(b) the plan contains the nine (9) specified elements and meets the requirements of those elements;

(c) the (specified) maps and (specified) other descriptive materials relate to the plan;

(d) the plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and

(e) the Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in Sec. 66.1001(4), Wis. Stats., and sub. (3) of this section.

(3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:

(a) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.

(b) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.

(c) The Wisconsin Land Council.

(d) After September 1, 2005 the Department of Administration.

(e) The regional planning commission in which the Town is located.

(f) The public library that serves the area in which the Town is located.

**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 4th day of August, 2008

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Barry J Foy, Town Chair

Attest: \_\_\_\_\_  
Phyllis J Beastron, Clerk

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