

**State of Wisconsin
County of Pierce
Town of Trenton
Ordinance No. 2022-43 Plan Commission**

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

Section 1. Title: Repealed and Recreated

This ordinance is entitled the “Town of Trenton Plan Commission Ordinance,” and the Town Board hereby repeals any prior Town Plan Commission Ordinance.

Section 2. Purpose of Ordinance: Purpose of Plan Commission

A. The purpose of this ordinance is to establish a Plan Commission for the Town of Trenton and to set forth its organization, powers and duties so as 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.

B. The Plan Commission’s purposes are: (1) to promote good planning practices and to keep the public and Town Board well informed on planning issues; (2) to exercise first level oversight over the administration of the Town’s subdivision ordinance through review and recommendation concerning all proposed subdivision of land; (3) to prepare and recommend for Town Board approval the Town’s Comprehensive Plan and any amendments thereto and to recommend implementation measures concerning it; (4) to review land use matters referred to it by the Town Board and to perform other duties at the request of the Town Board; (5) within the framework of County Zoning procedures and deadlines, to review requests for the County Rezoning of land located in the Town of Trenton and make a recommendation thereon to the Town Board, taking the Town’s master/comprehensive plan into account; and (6) to keep accurate records of its actions.

Section 3. Authority: Establishment as Town Planning Agency

The Town Board of the Town of Trenton having been authorized by the Town meeting under Wis. Stats. §60.10 (2)(c), to exercise village powers, hereby exercises those powers pursuant to Wis. Stats. §60.62 (4) and 62.23, and establishes a five-member Plan Commission as contemplated by Wis. Stats. §60.62 (4) and 62.23.

Section 4. Membership

The Plan Commission shall consist of one member of the Town Board and four citizen members, who are not Town Officials and who shall be persons of recognized experience and qualifications. One alternate member shall be appointed who shall be a member of the Town Board and who shall attend meetings of the Plan Commission and vote only in place of the representative of the Town Board on the Plan Commission, if the regular Town Board member of the Plan Commission is unable to attend Plan Commission meetings.

Section 5. Appointments

The Town Chairperson shall annually appoint members to the Plan Commission to fill expiring terms. Wis. Stats. §60.62(4)(a) Appointments are subject to the approval of the Town Board. Appointments to the Plan Commission shall be made after the April election, during the May monthly board meeting of the new Town Board. Citizens appointed to the Plan Commission shall take and file the oath of office within five days of notice of appointment as required by Wis. Stats. §60.31.

Section 6. Length of Term: Removal from Office

A. Citizen Members. The term of appointment for each Citizen Plan Commission member shall be three years, ending on April 30. Citizen members shall be appointed for staggered terms, so that two position appointments expire annually for each of two years and a single position appointment expires the third year.

B. Town Board Member. The Town Board member who serves on the Plan Commission shall also be appointed for a three-year term. Loss of position as an elected member of the Town Board automatically creates a Plan Commission vacancy, to be filled by appointment of another Town Board member.

Section 7. Vacancies

A person appointed to fill a mid-term vacancy on the Plan Commission shall serve for the remainder of the original term.

Section 8. Compensation: Expenses

Plan Commission members shall receive a per diem allowance for each Plan Commission meeting in an amount set by the Town Board. The Plan Commission Chair shall receive a per diem per month to cover additional responsibilities. The three other citizen Plan Commission members shall each receive per diem for each Plan Commission meeting they attend.

The Plan Commission member also a member of the Town Board, as well as the alternate member of the Town Board serving on the Plan Commission, shall not receive per diem for their service on the Plan Commission as this is an extension of their Town Board responsibility.

The Town Board may also reimburse for pre-authorized reasonable expenses; upon being presented with a receipt. Where appropriate, a report or explanation may be required as a condition of expense reimbursement.

Section 9. Experts & Staff

The Plan Commission may recommend to the Town Board the employment of experts and staff, and may review requests for payment and make a recommendation to the Town Board for payment under any related contract.

Section 10. Rules & Records

The Plan Commission may adopt rules for the transaction of its business, subject to Town ordinances. The Plan Commission shall keep a written record of its resolutions, transactions, findings and determinations. Such records shall be public records unless exempted from public access by applicable common law or statute.

Section 11. Chairperson & Officers

A. Chairperson. The Town Chairperson shall appoint a member of the Plan Commission to serve as chair of the Plan Commission. Powers and duties of the Plan Commission Chairperson include:

1. Provide leadership to the Plan Commission
2. Set meeting and hearing dates
3. Provide notice of Plan Commission meetings and hearings and set their agendas, personally or through a designee, distribute meeting agenda materials to Plan Commission members
4. Work with the Town Clerk on agenda items
5. Preside at Plan Commission meetings and hearings
6. Ensure that the law is followed and the land use goals and objectives of the Town are always a consideration of the Plan Commission in its decisions
7. After each Plan Commission meeting held, attend the next Town Board meeting to present a Plan Commission report.

B. Vice Chairperson. The Chair of the Plan Commission shall appoint a member of the Plan Commission to serve as Vice Chairperson and who shall act in place of the Chairperson when the Chairperson is absent or incapacitated.

C. Secretary. The Plan Commission shall designate one of the Plan Commission members to serve as Secretary of the Plan Commission, subject to annual ratification of appointment by the Town Board.

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 required by the oath of office, Wis. Stats. §19.01, and in accordance with but not limited to the provisions of §§19.21-19.39 (public records); §19.59 (code of ethics); §§19.81-19.89 (open meeting requirements); and §§946.12 and 946.13 (prohibiting misconduct in office and private interests in public contracts). Plan Commission members shall perform their duties in a fair and rational manner so as to avoid arbitrary actions or results.

Section 13. Meetings

- A. The Plan Commission shall meet as needed during the week before the week of the regular Town Board meeting. The Plan Commission or its Chairperson may adjourn, postpone or reschedule meetings from time to time.
- B. All applications for action or recommendation by the Plan Commission and all associated applications materials shall be submitted in timely compliance with Town application requirements, which shall be available from the Town Clerk. The completed application and supporting material required 14 days prior to the next scheduled meeting date of the Plan Commission shall be given to the Town Clerk for distribution.
- C. EXCEPTION: The Plan Commission Chair has the authority to grant an exception to Section 13-part B on the 14-day rule based on Public Health, Safety, and Welfare.

Section 14. General & Miscellaneous Powers

The Plan Commission has the power, under Wis. Stats. §62.23(4):

- 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 and to 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 request and receive, within a reasonable time from other public officials, such available information as it may require for its work; and
- E. For itself, individual members and employees, in the performance of Plan Commission functions, to enter upon any land, to make examinations and surveys and to place and maintain necessary monuments and marks thereon. Ordinary entry shall not be made upon private land without the express or implied permission of the landowner or tenant. Where such permission has been refused, entry shall be made under the authority of an inspection warrant issued pursuant to Wis. Stats. §66.0119, or other court-issued warrant.

Section 15. Comprehensive Planning: General Authority & Requirements

- A. The Plan Commission shall make and adopt a comprehensive plan under Wis. Stats. §§62.23 and 66.1001 that contains all elements required by §66.1001(2) and is prepared in accordance with §66.1001(4).
- B. The Plan Commission shall develop the comprehensive plan within the time period directed by the Town Board, but no later than is sufficient to allow the Town Board to review the plan and enact the ordinance adopting it so as to be in effect on or before January 1, 2010, or such other effective date as may be later required by the State of Wisconsin.
- C. In this section and in section 16, the requirement to “make” or “develop” the plan means that the Plan Commission shall oversee and coordinate the preparation of the plan, whether the actual work is performed by the Plan Commission, Town staff, another unit of government, a regional planning commission, consultant, citizens, an advisory committee, or by any other person or group.
- D. The Plan Commission shall be instructed by the Town Board to review and update the Comprehensive Plan every 10 years or when needed.

Section 16. Procedure for Plan Commission Adoption & Recommendation of a Comprehensive Plan

To ensure compliance with the requirements of Wis. Stats. §66.1001(4), the Plan Commission shall proceed as follows:

- A. Public participation verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures to foster public participation in every stage of preparation of the plan. Effective modes of public participation include but are not limited to open discussion, communication programs, information services and noticed public meetings. The procedures established by the Town Board shall provide for wide distribution of proposed, alternative or amended elements of the 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 comments.
- B. Resolution. The Plan Commission shall act in compliance with Wis. Stats. §66.1001(4)(b) as it recommends its proposed comprehensive plan or amendment to the Town Board. Recommendation shall be by resolution that can only be enacted by a majority vote of the entire Plan Commission. Action on such resolution shall be recorded in the Commission's minutes. A resolution so enacted shall refer to and specify the maps and other descriptive materials relating 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 as provided, under Wis. Stats. §66.1(4)(b), have been met namely that:
1. The Town Board has adopted the written procedures for public participation described herein and that said procedures allowed public participation at each stage of preparing the comprehensive plan;
 2. The plan contains the elements required by statute and does so in the manner required by statute;
 3. The maps and other descriptive materials used in it relate to the plan; and
 4. The plan has been adopted by a majority vote of the entire Plan Commission.
- C. Transmittal. A copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:
1. Every governmental body located in whole or in part within the boundaries of the Town, including school districts, Town sanitary districts, public inland lake protection and rehabilitation districts or other special district;

2. The clerk of every City, Village, Town, County and Regional planning commission adjacent to the Town;
3. The Wisconsin Land Council;
4. After September 1, 2005, the Wisconsin Department of Administration;
5. The regional planning commission in which the Town is located; and
6. Public libraries serving the area in the Town.

Section 17. Plan Implementation & Administration

- A. Ordinance development. When directed to do so by the Town Board, the Plan Commission shall prepare the following:
 1. Zoning. Any proposed Town zoning ordinance under Village powers, Wis. Stats. §§60.22(3), 61.35 and 62.23(7), any Town construction site erosion control and stormwater management zoning ordinance under Wis. Stats. §60.627(6), a Town exclusive agricultural zoning ordinance under Wis. Stats. Subchapter V of Chapter 9, and any other zoning ordinance within the Town's authority.
 2. Official map. A proposed official map ordinance under Wis. Stats. §62.23(6).
 3. Subdivisions. A Town subdivision ordinance or preparation or revision of any related land division ordinance under Wis. Stats. §236.45.
 4. Other. Any other ordinance specified by the Town Board (Note: e.g., historic preservation, design review, site plan review).
- B. Ordinance amendment. The Plan Commission, on its own motion or at the direction of the Town Board, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.
- C. Non-regulatory programs. The Plan Commission, on its own motion or at the direction of the Town Board, 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.

D. Program Administration. The Plan Commission shall have the following powers:

1. Recommendations for local or County variances and County special exception permits. To review and make recommendations to the Town Board concerning the appropriate action or position for the Town to take on applications for variances under Town or County ordinances or under applications for Special Exception Permits under the Pierce County Zoning Ordinance.
2. Subdivision Review. Proposed plats under Wis. Stats. Chapter 236, and proposed subdivision or other land divisions under the Town subdivision ordinance shall be referred to the Plan Commission for review and recommendation to the Town Board.
3. Other. To review and make recommendations to the Town Board concerning the appropriate action or position for the Town to take on the following topics: Building Code, Driveway Ordinance, River Way District, Cooperative Boundary Agreement.

E. Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action sought or made under Town ordinances or programs that implement the Town's comprehensive plan shall be consistent with that plan as of January 1, 2010, or such later time as the state may allow. 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 and A amending the comprehensive plan.

Section 18. Referrals to the Plan Commission

- A. Required referrals under Wis. Stats. §62.23(5). The following shall be referred to the Plan Commission for consideration and 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 street, alley or other public way, park or playground, airport, area for parking vehicles, or other memorial or public grounds.

4. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
5. All divisions of land into parcels falling under the Town's jurisdiction, including divisions under the Town subdivision ordinance.
6. The location, character and extent or acquisition leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children.
7. The amendment or repeal of any ordinance adopted under Wis. Stats. §62.23, including ordinances concerning the Town Plan Commission, the Town master plan or the Town comprehensive plan under Wis. Stats. §66.1001; a Town official map; and any Town zoning under village powers.

B. Required referrals under sections of the Wisconsin Statutes other than Wis. Stats. §62.23(5). The following shall be referred to the Plan Commission for consideration and report:

1. An application for initial licensure of a child welfare agency or group home under Wis. Stats. §48.68(3).
2. An application for initial licensure of a community-based residential facility under Wis. Stats. §50.03(4).
3. Designation of a street, road, public way or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under Wis. Stats. §66.0905.
4. Establish or termination of an architectural conservancy districts under Wis. Stats. §66.1007.
5. Establishment of a reinvestment neighborhood per Wis. Stats. §66.1107.
6. Establishment or termination of a business improvement district, per Wis. Stats. §66.1109.
7. A proposed housing project under Wis. Stats. §66.1211(3).
8. Matters relating to urban redevelopment and renewal as required under Wis. Stats. Subchapter XIII of Chapter 65.

9. The adoption or amendment of a Town subdivision or other land division ordinance per Wis. Stats. §236.45.
10. Any other matter required by law 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 consideration and report:

1. Any proposal under Wis. Stats. §59.69 for the Town to approve County zoning so that it takes effect in the Town, or to remain under County Zoning.
2. Proposed regulations or amendments relating to historic preservation under Wis. Stats. §60.64.
3. Matters affecting the Town's driveway and utility easement permit ordinance.
4. A proposed Town official map ordinance under Wis. Stats. §62.23(6), or any other proposed Town ordinance under Wis. Stats. §62.23 not otherwise specifically required by law to be referred to the commission.
5. A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to Wis. Stats. §62.23 including a Town construction site erosion control and stormwater management zoning ordinance under Wis. Stats. §60.627 and a Town exclusive agricultural zoning ordinance under Subchapter V. of Chapter 91, Wis. Stats.
6. A requested recommendation on an application for a special exception permit under the County zoning ordinance.
7. Concept and site plans.
8. Action affecting an extraterritorial zoning ordinance.
9. Agreements affecting municipal boundaries and entered into pursuant to Wis. Stats. §66.0225
10. A zoning ordinance or amendment pursuant to a proposed agreement in an approved cooperative plan under Wis. Stats. §66.0307(7m).

11. Any comprehensive or other land use plan, its elements or amendment to such plan developed by the regional planning commission and sent to the Town for action.
12. Any contract concerning the Town's development and administration of its comprehensive plan.
13. An ordinance, regulation, plan or any amendment to the foregoing, relating to a manufactured and mobile home communities under Wis. Stats. §66.0435.
14. An agreement or amendment to an agreement to establish an airport affected area under Wis. Stats. §66.1009.
15. A town airport zoning ordinance under Wis. Stats. §114.136(2).
16. A proposal to create environmental remediation tax incremental financing in the Town under Wis. Stats. §66.1106.
17. A county agricultural preservation plan or amendment, under Wis. Stats. Subchapter IV, Chapter 91, referred by the County to the Town, any Town agricultural preservation plan or amendment to such a plan.
18. A County development plan or comprehensive plan or amendment to such plan.
19. A proposed county zoning ordinance or amendment.
20. Amendments to the County subdivision ordinance under Wis. Stats. §236.45.
21. A request for a recommendation on an appeal or permit application under the County zoning ordinance to the County Board of Adjustment or other County body.
22. Any intergovernmental cooperation agreement under Wis. Stats. §66.0301 or other statute affecting land use, or a municipal revenue sharing agreement under Wis. Stats. §66.0305.
23. Recommendation and report on a County Plan under Wis. Stats. §236.46 for a system of public roads.

24. Any other matter deemed advisable by the Town Chairperson or a majority of the Town Board for referral to the Plan Commission for consideration and report.

E. **Referral Period.** No final action may be taken by the Town Board, any Town Official or other governmental body with final authority on a matter required by Section 18.A. of this ordinance to be referred to the Plan Commission until the Commission has either made its report or the Town Board (or other body) meets to take action on such a matter at a time more than thirty days after such referral and the Plan Commission has not provided a report. For matters subject to referral under this ordinance under Sections 18.B. and C., any recommendation or report shall be due at the regular Town Board meeting next following the referral, except for reports and/or recommendations under Section 18.C.4. and 15, where the statutory time requirements shall control. Except for these sections, the Town Board is authorized, though not required, to take action without said report or recommendation if none is available at the appointed time.

Section 19. Severability.

A judicial determination that any portion of this Ordinance is invalid shall not invalidate the entire Ordinance, but only the portion identified by the court. Any such determination of invalidity shall not operate retroactively.

Section 20. Effective Date.

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

Adopted this 9th day of September, 2022. By the Town Board of the Town of Trenton.

TOWN OF TRENTON

By: Brian Berg
Brian Berg, Chairperson

ATTEST:

By: Steve Thoms
Steve Thoms, Clerk

Posted: at Town Hall, Town Website, Hager City Post Office, 63 Express