

## ORDINANCE NO. 21 CREATING A PLAN COMMISSION

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

### **Section 1. Title**

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

### **Section 2. Purpose**

The purpose of this ordinance is to establish a Town of Pepin 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 Pepin has been authorized under sec. 60.10(2)(c), Wis. Stats., to exercise village powers. 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.

### **Section 4. Membership**

The Plan Commission consist of five (5) citizen members who shall be persons of recognized experience and qualifications. One (1) of the commission members may be a member of the Town Board.

### **Section 5. Appointments**

The Town Board Chairperson 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 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. All appointments are subject to the advisory approval of the Town Board. 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.

## **Section 6. Terms of Office**

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of three years, ending on April 30, or until a successor is appointed and qualified. However, the Plan Commission Chairperson or member who is a Town Board Chairperson or Town Board member shall serve on the Commission 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. An initial appointment of such Town Board Chairperson or Town Board member 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.

## **Section 8. Experts and 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 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 unless exempt from public access by applicable statute or common law.

## **Section 10. Chairperson and 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, 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, one of its members to serve as Secretary.

### **Section 11. Commission Members Duties**

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities and shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

### **Section 12. General and 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.
- (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) In the performance of its 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.

### **Section 13. Town Comprehensive Planning: General Authority and Requirements**

- (1) The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats.
- (2) The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board.
- (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 14. Referrals to the Plan Commission**

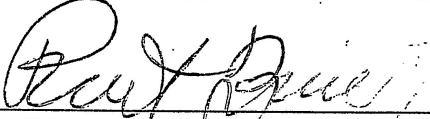
- (1) The Town Board shall refer to the Plan Commission for report all matters required under Sec. 62.23(5) Wis. Stats which specifically includes, among other things, the following:
  - (a) All plats under the town's jurisdiction under Chapter 236 Wis. Stats., including divisions under a Town Subdivision or other land division ordinance adopted under Sec. 236.45 Wis. Stats.
  - (b) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning under village powers.
- (2) The town shall refer to the Plan Commission all other matters required by Wisconsin Statute to be referred to the Plan Commission for reports which specifically include, among other things, the following:
  - (a) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
- (3) In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:
  - (a) Any proposal, under sec. 59.69, Wis. Stats., for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.
  - (b) A proposed driveway access ordinance or amendment.
  - (c) 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.
  - (d) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats.
  - (e) A proposed site plan.
  - (f) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.


(4) 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 a 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 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.

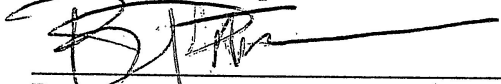
**Section 15. Effective Date**

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 31<sup>st</sup> day of August, 2009.

  
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Robert Bjerstedt, Town of Pepin Chairman

  
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Mark Johnson, Supervisor #1

  
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Bruce Peterson, Supervisor #2

[Published/Posted] this 31 day of August, 2009.

Attest: Nancy Wolfe (Town Clerk)