

TOWN OF PRAIRIE LAKE  
TOWN PLAN COMMISSION ORDINANCE  
2003 - 2

The Town Board of the Town of Prairie Lake, Barron County, Wisconsin, does ordain as follows:

Section 1. Title

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

Section 2. Purpose

The purpose of this ordinance is to establish a Town of Prairie Lake 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 Prairie Lake, having been authorized by the Town meeting under - 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under -60.22(3), Wis. Stats., and establishes a seven (7) member Plan Commission under -- 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning Agency" under -- 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 consists of one (1) member of the Town Board, who may be the Town Board Chairperson, and six (6) 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 and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself/herself or another Town Board member to the Plan Commission and may designate himself/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. 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 -- 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. If the initial appointments to the Plan Commission are made after April, the first citizens appointed to the Plan Commission shall be appointed for staggered terms as follows: two (2) persons for a term that expires one (1) year from the previous April 30; two (2) persons for a term that expires two (2) years from the previous April 30; and two (2) persons for a term that expires three (3) years from the previous April 30.

(2) Town Board Member. The Plan Commission member who is Town Board member or Town Board Chairperson shall serve for a period of two (2) years, as allowed under - 66.0101(2), Wis. Stats., concurrent with his/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.

#### Section 8. Compensation; Expenses

The Town Board of the Town of Prairie Lake hereby sets a per diem allowance of \$30.00 (30 dollars) per meeting for citizen and Town Board members of the Plan Commission, as allowed under - 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under - 60.321, Wis. Stats.

#### Section 9. Experts & Staff

The Plan Commission may, under - 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 - 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 --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 its agendas, personally, or by his/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 -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 -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.

#### 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, -19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, --19.21 - 19.39; Code of Ethics for Local Government Officials, --19.42, 19.58 & 19.59; Open Meetings, --19.81 - 19.89; Misconduct in Office, -946.12; and Private Interests in Public Contracts, -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 -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 -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 --62.23 and 66.1001, Wis. Stats., which contains the elements specified in -66.1001(2), Wis. Stats., and follows the procedures in -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 any Town program or action affecting land use must be consistent with the Town comprehensive plan under -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 -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 for 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 -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 -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 maps and 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 -66.100(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) 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. Plan Implementation & Administration

(1) Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:

a) Zoning. A proposed Town zoning ordinance under village powers, --60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and storm water management zoning ordinance under -60.627(6), Wis. Stats., a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.

b) Official map. A proposed official map ordinance under -62.23(6), Wis. Stats.

c) Subdivisions. A proposed Town subdivision or other land division ordinance under -236.45, Wis. Stats.

d) Other. Any other ordinance specified by the Town Board (e.g., historic preservation, design review, site plan review).

(2) Ordinance amendment. The Plan Commission, on its own Motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

(3) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, 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.

(4) 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 62.23 and 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 as information to consider in updating the comprehensive plan.

#### Section 17. Referrals to the Plan Commission

(1) Required referrals under -62.23(5), Wis. Stats.

Incorporated by reference.

(2) Required referrals under sections of the Wisconsin Statutes other than -62.23(5)

Other statutory references that may apply: --48.68(3); 50.03(4); 66.0905; 66.1007; 66.1107; 66.1109; 66.1211(3); subch. XIII of ch. 66; 236.45(4); Wis. Stats.; or any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

(3) 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:

a) A proposed county development plan or comprehensive plan, proposed element of such a

plan, or proposed amendment to such plan.

b) A proposed county zoning ordinance or amendment.

c) A proposed county subdivision or other land division ordinance under -236.45, Wis. Stat., or amendment.

d) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.

e) A proposed intergovernmental cooperation agreement, under -66.0301, Wis. Stats., or other statute, affecting land use or a municipal revenue sharing agreement under -66.0305, Wis. Stats.

f) A proposed plat or other land division under the county subdivision or other land division ordinance under -236.45, Wis. Stats.

g) A proposed county plan, under -236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.

h) Any other matter deemed advisable for referral to the Plan Commission for report.

(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) day, 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.

#### Section 18. Effective Date

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

ADOPTED this 11th day of November, 2003

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W. Kenneth Hoefs, Chairman

Attest: \_\_\_\_\_

Karn Moe, Clerk

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Allan Morley, Supervisor

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Almar Larson, Supervisor