

CHAPTER 16

TOWN PLAN COMMISSION

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16.01 PURPOSE. The purpose of this ordinance is to establish a Town of Newbold 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.

16.02 AUTHORITY; ESTABLISHMENT. (7-Member) The Town Board of the Town of Newbold, having been authorized by the Town meeting under §60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under S60.22(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.

16.03 MEMBERSHIP. (7-Member) The Plan Commission consists of one (1) or more members of the Town Board, who may be the Town Board Chairperson, and up to six (6) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.

16.04 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. 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.

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16.05 TERMS OF OFFICE. (With Citizen Member Terms Staggered)

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. (7-member) If the initial appointments to the Plan Commission are made during April, the citizen members shall be appointed for staggered terms as follows: two (2) persons for a term that expires in one (1) year; two (2) persons for a term that expires in two (2) years; and two (2) persons for a term that expires in three (3) years. If the initial appointments 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.

16.06 VACANCIES. A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

16.07 COMPENSATION; EXPENSES. The Town Board of the Town of Newbold hereby sets a per diem allowance of 40 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.

16.08 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.

16.09 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.

16.10 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;

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- (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 any other Town officer, employee, or contracted firm as Secretary.

16.11 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 Governments Officials, §§19.42, 19.58 and §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.

16.12 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.