

**MODEL ORDINANCE TO CREATE A
TOWN PLAN COMMISSION**

The Town Board of the Town of _____ do ordain as follows:

SECTION 1.00 TITLE

This ordinance is entitled the “Town of _____ Plan Commission Ordinance.”

SECTION 2.00 PURPOSE

The purpose of this Ordinance is to establish a Town of _____ Plan Commission and set forth its organization, powers, and duties, in order to further the health, safety, and general welfare of current and future Town residents.

SECTION 3.00 AUTHORITY

The _____ Town Board, having been authorized to exercise Village powers under Section 60.22(3) of the Wisconsin Statutes at a Town meeting held on _____, in accordance with Section 60.10(2)(c) of the Wisconsin Statutes, hereby establishes a seven member Plan Commission under Sections 61.35 and 62.23 of the Wisconsin Statutes. The Plan Commission shall be considered the “Town Planning Agency” under Sections 236.02(13) and 236.45 of the Wisconsin Statutes, which authorize, but do not require, Town adoption of a land division ordinance.

SECTION 4.00 MEMBERSHIP

- A. The Town Plan Commission shall consist of the following seven members:
 - 1. One member shall be the Town Chairperson.
 - 2. One member shall be a Town Supervisor appointed by the Town Chairperson in April of each year after the spring election, except that the Supervisor initially appointed shall be appointed within 10 days of the adoption of this Ordinance and shall serve until the next spring election.
 - 3. The other members shall be citizen members of recognized experience and qualifications appointed by the Town Chairperson.

- B. The Chairperson shall be the Town Chairperson.

- C. A Vice-Chairperson shall be appointed by the Chairperson.

- D. A Secretary shall be appointed by the Chairperson.

- E. Official Oaths shall be taken by all members in accordance with Sections 19.01 and 60.31 of the Wisconsin Statutes within five days of receiving notice of their appointments.

- F. Compensation. Plan Commission members shall be compensated as determined by the Town Board.

SECTION 5.00 TERMS OF OFFICE

- A. The Term of Office for citizen members of the Plan Commission shall be for a period of three years, ending on April 30, or until a successor is appointed, except for initial terms.
- B. Initial Terms. If the initial appointments to the Plan Commission are made during April, the citizen members shall be appointed for staggered terms as follows: one person for a term that expires in one year; two persons for a term that expires in two years; and two persons for a term that expires in three 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: one person for a term that expires one year from the previous April 30; two persons for a term that expires two years from the previous April 30; and two persons for a term that expires three years from the previous April 30.
- C. Members May be Re-Appointed to serve additional terms.
- D. Vacancies shall be filled for an unexpired term in the same manner as appointments for a full term.

SECTION 6.00 ORGANIZATION

- A. The Plan Commission may, under Section 62.23 of the Wisconsin Statutes, adopt rules for its own governance in accordance with the provisions of this Ordinance.
- B. Meetings Shall Be Held Monthly, if needed. Special meetings may be called by the Town Chairperson or upon the written request of four members of the Commission to the Chairperson. Notice of special meetings shall be provided to all Commission members and posted at least 24 hours prior to the special meeting.
- C. Meetings shall be open to the public.
- D. Special and Standing Committees may be appointed by the Chairperson.
- E. A Quorum shall be four members.
- F. A Written Record shall be kept showing all actions taken, resolutions, findings, determinations, transactions, and recommendations made. A copy shall be filed with the Town Clerk as a public record.

SECTION 7.00 POWERS

The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and duties and promote Town planning. Such powers include the following:

- A. To Employ Experts and a Staff and to pay for their services, supplies, equipment, and such other expenses as may be necessary and proper, not to exceed the appropriations and regulations made by the Town Board.
- B. To Make Reports and Recommendations relating to the Town master or comprehensive plan to public officials, agencies, utilities, and other organizations and citizens.

- C. To Recommend Public Improvements and financing thereof to the Town Board.
- D. To Request Available Information from any public official to be furnished within a reasonable period of time.
- E. To Enter Upon Any Land. The Plan Commission, its members and employees, may enter upon any land in the performance of its functions, make examinations and surveys, and place and maintain necessary monuments and marks thereon.

SECTION 8.00 DUTIES

The Plan Commission shall have the following functions and duties:

- A. To Make and Recommend a Comprehensive Plan and amendments thereto to the Town Board for the physical development of the Town in accordance with Section 66.1001 of the Wisconsin Statutes. The Plan Commission’s recommendation shall be in the form of a resolution approved by a majority of the full membership of the Commission.
- B. To Propose or Review and Recommend Text and Map Amendments to the _____ County Zoning Ordinance consideration by the Town Board and County Board. (For Towns under County general zoning.)
- C. To Prepare and Recommend Land Division Regulations and amendments thereto to the Town Board in accordance with Section 236.45 of the Wisconsin Statutes.
- D. To Make and Recommend an Official Map and amendments thereto to the Town Board in accordance with Section 62.23(6) of the Wisconsin Statutes.
- E. To Consider and Report and Recommend on all matters referred to the Commission.

SECTION 9.00 REFERRALS

- A. The Town Board or other Town official or public body having final approval authority or referral authorization under Town ordinances shall refer to the Plan Commission, for its consideration and report before final action is taken, the following matters:
 1. Location and architectural design of any public building.
 2. Location of any statue or other memorial.
 3. Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition, or lease of land for any street, alley or other public way, park, playground, airport, parking area, memorial, or other public land.
 4. Location, extension, abandonment, or authorization for any public or private utility.
 5. All annexations, incorporations, or consolidations affecting the Town.

- 6. Proposed preliminary and final subdivision plats and certified survey maps.
 - 7. Proposed conditional use permits.
- B. 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 until 30 days or such longer period as stipulated by the Town Board has passed since the referral was made.

SECTION 10.00 ADDITIONAL POWERS AND DUTIES

The Plan Commission shall have all additional powers and duties granted or assigned by the Town Board or by Town Ordinance. All the powers and duties granted or assigned by the Wisconsin Statutes to City Plan Commissions and any amendments thereto are hereby granted or assigned to the Plan Commission and such Statutes are hereby adopted by reference.

SECTION 11.00 SEVERABILITY AND CONFLICT

If any section or part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. All other ordinances or parts of ordinances of the Town inconsistent with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

SECTION 12.00 EFFECTIVE DATE

This Ordinance shall take effect after adoption by the Town Board and publication or posting as required by Section 60.80 of the Wisconsin Statutes.

ADOPTED this ____ day of _____, 200__.

Town Chairperson

Attest:

Town Clerk

#101279 V1 - MODEL ORD TOWN PC
NMA/lgh
11/18/04