

ORDINANCE NO. 2007-001
TOWN OF CASSIAN
ORDINANCE CREATING TOWN PLAN COMMISSION

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

Section 1. Title

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

Section 2. Purpose

The purpose of this ordinance is to establish a Town of Cassian 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 adoption and implementation of comprehensive planning with significant citizen involvement.

Section 3. Authority; Establishment

The Town Board of the Town of Cassian has been authorized by the Town Meeting under §60.11 (2) (c), Wis. Stats., to exercise village powers and the Town has a population of less than 2,500, according to the most recent regular or special federal census, §990.01(29), Wis. Stats. The Town Board hereby exercises village powers under §60.22(3), Wis. Stats., and establishes a five (5) member Plan Commission under §60.62(4), §61.35 and §62.23, Wis. Stats.

Section 4. Membership

The Plan Commission consists of one (1) Town Board member, who may be Town Chairperson and 4 citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.

Section 5.

The Town Board shall appoint the members of the Plan Commission, subject to confirmation by the Town Board, and designate a Plan Commission Chairperson during the month of April. 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. The members initially appointed to the Plan Commission shall be appointed for staggered terms as follows: 2 for 2 years and 3 for 3 years.

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 Cassian hereby declares that a per diem allowance of \$50.00 per attended meeting will be paid to the chairperson and secretary and \$40.00 per attended meeting for every other Plan Commission member as allowed under §66.0501(2), Wis. Stats. In addition, the Town Board will establish a fixed annual amount for reimbursement of commissioner 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 Town Board proposed payments under any contract with an expert.

Section 10. Rules: Records

The Plan Commission may, under §62.23(1), Wis. Stats., 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 by the Town Board Chairperson 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 hearing and set their agendas, personally or by his or her designee and deliver all such agendas and notices to the Town Clerk not less than seven (7) days prior to the noticed meeting; (the Town Clerk will be responsible for posting notice of the meetings in accordance with Wisconsin Open Meeting Laws.); if for good cause shown such notice is impractical or impossible, the agenda may be amended to add additional items up to 24 hours prior to the meeting.
- (d) preside at Commission meetings and hearings; and
- (e) ensure that the laws are followed.

(2) Vice Chairperson. The Plan Commission shall 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, Wis. Stats.; Code of Ethics for Local Government Officials, §19.42, § 19.58 and § 19.59, Wis. Stats.; Open Meetings, §19.81-19.89, Wis. Stats.; Misconduct in Office, §946.12, Wis. Stats.; and Private Interests in Public Contracts, §946.13, Wis. Stats. 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 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. Referrals to the Plan Commission

(1) 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. Stats., 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 adopted such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
- (h) Any required referrals under §62.23(5) Wis., Stats., or other Wisconsin Statutes.
- (1) Any other matters deemed appropriate and requested by the Town Board.

(2) 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 as stipulated by the Town Board, has passed since referral. The thirty (30) days 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 15. 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. The plan may be prepared in parts pursuant to §62.23(3)(b), Wis. Stats.

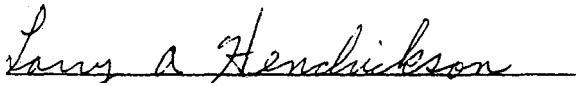
(2) The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town comprehensive 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.

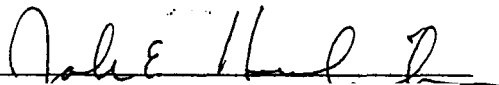
Section 16. Effective Date

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

ADOPTED this 17th day of April, 2007.


LARR HENDRICKSON, Town Board Chairman
Town of Cassian

Posted this ____ day of April, 2007.

Attest: 
JOHN HENDRICKSON, Town Clerk,
Town of Cassian