

# **Town of Osborn Outagamie County, Wisconsin**

## **Ordinance Establishing a Plan Commission**

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

### **Section 1. Title**

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

### **Section 2. Purpose**

The purpose of this ordinance is to establish a Town of Osborn Plan Commission and set forth its organization, powers, and duties, to further the health, safety, and 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 Osborn, hereby establishes a five (5) member Plan Commission under sections. 61.35 and 62.23, Wis. Stats.

### **Section 4. Membership**

The Plan Commission consists of five (5) members consisting of Town elected or appointed officials, except that at least three (3) must be citizen members who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.

### **Section 5. Appointments**

The Town Chairman shall appoint the members of the first Plan Commission and designate a Plan Commission Chairperson no later than April 13, 2009. The Town Chairman 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. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Chairman 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 sections. 19.01 and 61.21, 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 three (3) years, ending on April 30, or until a successor is appointed and qualified, except:

- (1) Initial Terms. The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.
- (2) Town Board Member or Chairman. The Plan Commission member who is a Town Board Member or Town Chairman, including a person designated the Plan Commission Chairperson, shall serve 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, 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 the remainder of the term.

### **Section 8. Experts & 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 under sections 19.21-19.39, Wis. Stats.

### **Section 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;
- (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 sec. 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 sec. 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 11. General & 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, 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 sec. 66.0119, Wis. Stats., or other court-issued warrant.

## **Section 12. Referrals to the Plan Commission**

**(1) Required referrals under sec. 62.23(5), Wis. Stats.** The following shall be referred to the Plan Commission for report:

- (a) The location and architectural design of any public building.
- (b) The location of any statue or other memorial.
- (c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
  - (i) street, or other public way;
  - (ii) park or playground;
  - (iv) area for parking vehicles; or
  - (v) other memorial or public grounds.
- (d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
- (e) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
- (f) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning.

**(2) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats.** The following shall be referred to the Plan Commission for report:

- (a) The review or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
- (b) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

**(3) Required referrals under this ordinance.** In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for recommendation:

- (a) A proposed driveway access ordinance or amendment.
- (b) 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.
- (c) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and storm water management zoning ordinance under sec. 60.627(6), Wis. Stats.
- (d) An application for a special exception.
- (e) A proposed site plan.
- (f) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
- (g) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.
- (h) A proposed county agricultural preservation plan or amendment, under subchapter. IV of chapter. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
- (i) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

(4) 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 intergovernmental cooperation agreement, under sec. 66.0301, Wis Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
- (b) Any other matter deemed advisable for referral to the Plan Commission for report.

(5) 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) 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.