

ORDINANCE NO. 24

AN ORDINANCE ESTABLISHING A PLAN COMMISSION FOR THE TOWN OF KILDARE, JUNEAU COUNTY, WISCONSIN

Section 1 - Purpose

The purpose of this ordinance is to establish a Town of Kildare 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 2 – Authority

The Town Board of the Town of Kildare has been authorized by the Town meeting under sec. 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, sec. 990.01(2), Wis. Stats. The Town Board hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a five (5) member Plan Commission under secs. 60.62(4), 61.25 and 62.23, Wis. Stats. The Plan Commission shall be considered the “Town Planning Agency” under secs. 236.01(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

Section 3 – Membership

The Plan Commission shall consist of five (5) members, one of whom shall be a member of the Town Board, who may be the Town Board Chairperson; one of whom shall be the Town Clerk; and at least one citizen member who is not otherwise a Town official. All citizen members shall be individuals of recognized experience and qualifications.

Section 4 – Appointments

The Town Board Chairperson shall appoint the members of the Plan Commission each year during the month of April and designate a Plan Commission Chairperson. The Town Board Chairperson may designate himself/herself or another Town Board member to the Plan Commission, or a citizen member as Chairperson of the Plan Commission. All appointments are subject to confirmation by 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 secs. 19.01 and 60.31, Wis. Stats.

Section 5 – 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 Chairperson or Town Board Member. The Plan commission member who is a Town Board Chairperson or Town Board Member, 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/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.

(3) Town Clerk. The Plan Commission member who is the Town Clerk, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years concurrent with his/her term of office, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.

Section 6 – Vacancies

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

Section 7 – Compensation/Expenses

The Town Board of the Town of Kildare shall set by resolution per diem compensation per meeting for citizen and Town Board members of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

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 secs. 19.21 through 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 4 and 5 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/her designee;
- (d) preside at Commission meetings and hearings;
- (e) ensure that the laws are followed; and
- (f) vote as a full member of the Commission.

(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 – 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, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, secs. 19.21 through 19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81 through 19.89; Misconduct in Office, Sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

Section 12 – 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 and its members in the performance of their duties, to enter upon land to make examinations and surveys. 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.

Section 13 – Town Comprehensive Planning: General Authority & Requirements

(1) The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats, which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 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 sec. 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 14 – Referrals to the Plan Commission

(1) Matters referred to the Plan Commission shall be those which are required by sec. 62.23(5), Wis. Stats. and those which are required by other sections of Wis. Stats. Discretionary matters may be referred to the Plan Commission, as provided for by Town ordinances.

(2) No final action may be taken by the Town Board or any other officer or body with final authority on a matter required by Wis. Stats. to be 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.

(3) The Town Board may, if it deems advisable, establish a referral period shorter or longer than 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 Wis. Stats

Section 15 – 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 sec. 60.80, Wis. Stats.

ADOPTED this 14th day of June, 2006.

Donna Franko

Town Chairman

Leo P. Schneider

Town Supervisor

Da Sapp

Town Supervisor

Attest:

Randa Winterstein

Clerk

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Posted this 23rd day of June, 2006 in three public places:

Town Hall Bulletin Board
Country Corners Bait & Tackle
Clerk's Office (Residence)

Randa Winterstein

Town Clerk