

ORDINANCE NUMBER 2.01.03
AN ORDINANCE TO REPEAL AND RECREATE ORDINANCE 2.01
TO ESTABLISH A SEVEN-MEMBER PLAN COMMISSION
IN THE TOWN OF BLOOMING GROVE, DANE COUNTY, WISCONSIN

The Town Board of the Town of Blooming Grove, Dane County, Wisconsin, ordains that Ordinance 2.01 is repealed and recreated to provide as follows:

Section 1. Title.

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

Section 2. Authority.

The Town Board of the Town of Blooming Grove, having been authorized by the Town meeting under Wis. Stat. § 60.10(2)(c), to exercise village powers, hereby exercises village powers under Wis. Stat. § 60.22(3), and establishes a seven (7) member plan commission under Wis. Stat. §§ 61.35 and 62.23. The Plan Commission shall be considered the "Town Planning Agency" under Wis. Stat. §§ 236.02(13) and 236.45.

Section 3. Adoption of Ordinance.

The Town Board of the Town of Blooming Grove has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties of the Town Plan Commission of the Town of Blooming Grove.

Section 4. Appointments.

The Town chairperson shall appoint, with Town Board approval, the members of the Plan Commission and designate a Plan Commission chairperson during the month of April to fill any expiring term. The Town 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. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town 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 Wis. Stat. §§ 19.01 and 60.31.

Section 5. Terms of Office.

The term of office for each Commission member shall be three (3) years, ending on April 30, or until a successor is appointed or qualified, except that the term of office for a

Town Board member or Town chairperson shall be two (2) years as allowed by Wis. Stat. § 66.0501, concurrent with his or her term on the Town Board.

(1) Initial Staggering of Terms.

In order to stagger the terms of appointments to the Plan Commission as current citizen members' terms expire, citizen members shall be appointed 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. Once the terms are staggered, citizen members shall be appointed for three (3) year terms.

(2) Compensation.

The Town Board of the Town of Blooming Grove hereby establishes the compensation of Twenty Dollars (\$20.00) per diem per meeting allowance for the persons appointed to the Town of Blooming Grove Plan Commission. In addition, the Town Board of the Town of Blooming Grove may establish an amount for reimbursement of reasonable costs and expenses.

All costs and expenses of the Town of Blooming Grove Plan Commission shall be approved by the Town Board prior to being incurred by the Town of Blooming Grove Plan Commission.

Section 6. Powers and Duties.

The Plan Commission has the duties and powers provided for under the Wisconsin Statutes, including Wis. Stat. §§ 62.23, 66.1001, 236.02, and 236.45, plus any other additional powers and duties established by the Town Board of the Town of Blooming Grove. With the approval of the Town Board, the Plan Commission may create subcommittees to provide advisory recommendations to the Plan Commission regarding parks, urban services, zoning, smart growth, stormwater, transportation, and other planning issues.

Section 7. Experts and Staff.

Upon Town Board approval, the Plan Commission may employ experts and staff and pay for their services pursuant to Wis. Stat. § 62.23(1).

Section 8. Rules; Records.

Pursuant to Wis. Stat. § 62.23(2), the Plan Commission 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 Wis. Stat. §§ 19.21 through 19.39.

Section 9. Chairperson and Officers.

- (1) Chairperson. 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 meeting 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 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 may elect 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 10. 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 under Wis. Stat. § 19.01, in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, §§ 19.21 through 19.39; Code of Ethics for Local Government Officials, §§ 19.42, 19.58 and 19.59; Open Meetings, §§ 19.81 through 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.

Section 11. General and Miscellaneous Powers.

The Plan Commission, pursuant to Wis. Stat. § 62.23(4), 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, or 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 by 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 Wis. Stat. § 66.0119, or other court-issued warrant.

Section 12. Town Comprehensive Planning: General Authority and Requirements.

- (1) The Plan Commission shall make and adopt a comprehensive plan under Wis. Stat. §§ 62.23 and 66.1001, which contains elements specified in Wis. Stat. § 66.1001(2), and follows the procedures in Wis. Stat. § 66.1001(4).
- (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 Wis. Stat. § 66.1001(3).
- (3) In this section the requirement to "make" the comprehensive 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 13. Procedure for Plan Commission Adoption and Recommendation of a Town Comprehensive Plan or Amendment.

The Plan Commission, in order to ensure that the requirements of Wis. Stat. § 66.1001(4) are met, shall proceed as follows:

- (1) Public Participation Verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services, and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative, or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.

(2) Resolution. The Plan Commission, under Wis. Stat. § 66.1001(4)(b), shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have met, under Wis. Stat. § 66.1001, namely, that:

- (a) The Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan.
- (b) The plan contains the 9 specified elements and meets the requirements of those elements.
- (c) The (specified) maps and (specified) other descriptive materials relate to one or more elements of the plan.
- (d) The plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes.
- (e) The Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in Wis. Stat. § 66.1001(4).

(3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:

- (a) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district, or other special district.
- (b) The clerk of every city, village, town, county, and regional planning commission that is adjacent to the Town.
- (c) The Wisconsin Land Council.
- (d) After September 1, 2003, the Department of Administration.
- (e) The regional planning commission in which the Town is located.
- (f) The public library that serves the area in which the Town is located.

Section 14. Plan Implementation and Administration.

(1) Ordinance Development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following: Other ordinances, plans, or maps as directed by the Town Board (e.g., historic preservation, design review, site plan review).

(2) Ordinance Amendment. The Plan Commission, on its own motion, or at the direction of the Town Board may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

- (3) Non-Regulatory Programs. The Plan Commission, on its own motion, or at the direction of the Town Board may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as: education; economic development and tourism promotion; preservation of natural resources through the acquisition of land or conservation easements; and capital improvement planning.
- (4) Consistency. Any ordinance, amendment, or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval, or other action under Town ordinances, or programs that implement the Town's comprehensive plan under Wis. Stat. §§ 62.23 and 66.1001, shall be consistent with that plan as of January 1, 2010.

Section 15. Referrals to the Plan Commission.

- (1) Required Referrals. 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, or lease of land, for any:
 - (i) street, alley, or other public way;
 - (ii) park or playground;
 - (iii) airport
 - (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 Wis. Stat. Ch. 236, including divisions under a Town subdivision or other land division ordinance adopted under Wis. Stat. § 236.45.
 - (f) The location, character and extent or acquisition, leasing, or sale of lands for:
 - (i) public or semi-public housing;
 - (ii) slum clearance;
 - (iii) relief of congestion; or
 - (iv) vacation camps for children.
 - (g) The amendment or repeal of any ordinance adopted under Wis. Stat. § 62.23, including ordinances relating to: the Town Plan Commission, the Town master plan, or the Town comprehensive plan under Wis. Stat. § 66.1001; and a Town official map.
 - (h) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
 - (i) Any other matter deemed advisable for referral to the Plan Commission for report.

(2) Referral Period. No final action may be taken by the Town Board or any other officer or body having final authority on a matter referred to the Plan Commission until the Commission has made its report, or 30 days, or such longer period as stipulated by the Town Board, has passed since referral. The 30-day referral period required by the Wisconsin Statutes may be shortened only if so authorized by statute. The 30-day referral period for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the 30-day referral period if deemed advisable.

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 law.

The above and foregoing ordinance was duly adopted by the Town Board of the Town of Blooming Grove at a regular meeting held on January 28, 2003.

TOWN OF BLOOMING GROVE

Tom Anderson, Chairperson

ATTEST:

Audrey Rue, Clerk Treasurer

Approved: January 28, 2003
Posted: January 29, 2003