

Town of Stockton Plan Commission Ordinance

Amended 11/11/02

Amended 04/30/07

The Town Board of the Town of Stockton, Portage County, Wisconsin, does ordain as follows:

Section 1. Title

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

Section 2. Purpose

The purpose of this ordinance is to establish a Town of Stockton 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 3. Authority; Establishment

The Town Board of the Town of Stockton, having been authorized by the Town meeting under sec. 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a seven (7) member Plan Commission under secs. 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning Agency" under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

Section 4. Membership

The "Town Plan Commission" shall consist of seven (7) members, all of whom shall be appointed by the Town Board Chairperson, who shall also select the presiding officer. *Must be 18 years of age. Must be a property owner in the Town of Stockton for a minimum of one year with name on warranty deed or deed holder.* The Town Board Chairperson may appoint himself or herself to the Commission and may appoint other Town elected or appointed officials to the Commission, except that the Commission shall always have at least three (3) citizen members who are not Town officials. The Commission may consist of seven (7) citizen members. All appointments are subject to the ~~advisory~~ approval of the Town Board. The presiding officer may be any of the seven (7) Plan Commission members.

Section 5. Appointments

The Town Board Chairperson shall appoint the members of the Plan Commission in the month of April and designate a Plan Commission Chairperson. 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 6. Terms of Office (With Citizen Member Terms Staggered)

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. If the initial appointments to the Plan Commission are made during April, the citizen members shall be appointed for staggered terms 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 three (3) person for a term that expires in three (3) years. If the initial appointments are made after April, the specified term shall expire as if appointed on the previous April 30.
- (2). Town Board Member or Chairperson. The Plan Commission member who is a Town Board member or Town Board Chairperson, 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 for the remainder of that term.

Section 8. Compensation; Expenses

The Town Board of the Town of Stockton hereby sets a per diem allowance of \$25.00 per meeting for members and \$75.00 for the Chairperson 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 9. Experts & Staff

~~The Plan Commission may, under sec. 62.23(1), Wis. Stats., employ experts and staff, and pay for their services and necessary and proper expenses, within the limits of any appropriation made to the Commission by the Town Board for such purposes, and subject to Town Board ordinances and resolutions.~~

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 10. 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. 19.21-19.39, Wis. Stats.

Section 11. Chairperson & Officers

~~(4) 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, provide leadership to the Commission, preside at Commission meetings and hearings, set meeting and hearing dates and agendas, and ensure that the laws are followed.~~

(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.
- (f) *if the chair or the vice chair is not present a quorum elects a presiding officer.*
- (g) *the chairperson is the keeper of the commission records.*

(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 at the beginning of each term, elect by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, (in the absence of the appointed minute taker the committee members elect a member to take the minutes.) 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, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes o Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; 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, 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 or an inspection warrant issued for cause under 66.0119 of Wis. Stats., or other court-issued warrant.~~

Section 13. General & Miscellaneous Powers

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- (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, of Wis. Stats., or the other-issued warrant*

Section 14. Town Comprehensive Planning Draft, General Authority & Requirements

The Plan Commission shall ~~make~~ draft, adopt and recommend a comprehensive plan to the Town Board under secs. 62.23 and 66.1001, Wis. Stats., Plan which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), 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 _____ day of _____, 2007.

_____ (Town Board Chairperson)

Published this _____ day of _____, 2007.

Attest: _____ (Town Clerk)

