

**Town of Crescent
Oneida County, Wisconsin
Ordinance # 03-2021
Town of Crescent Plan Commission Ordinance**

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

Section 1. Title

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

Section 2. Purpose

The purpose of this ordinance is to establish a Town of Crescent 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 (5-Member) (7-Member)

The Town Board of the Town of Crescent, 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 ~~five (5) member~~ 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 (7-Member)

The Plan Commission consists of one to two (1-2) members of the Town Board and six to five (6-5) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications. Members shall be willing to obtain the proper training and education to fulfill the duties of their position with the support of the Town Board.

Section 5. Appointments

The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board 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. All appointments to the Plan Commission are subject to the advisory approval of 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 6. Terms of Office (With Citizen Member Terms Not 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. However, the Plan Commission Chairperson or member who is a Town Board Chairperson or Town Board member shall serve on the Commission 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. An initial appointment of such Town Board Chairperson or Town Board member made after April 30 shall be for a term that expires two (2) years from the previous April 30.~~

- I. Any Plan Commission member who is a Town Board member shall serve on the Commission for a period of two years concurrent with their term on the Town Board, as allowed under sec. 66.0501(2), Wis. Stats.

- II. The term of office for the Plan Commission members shall be for a period of three years, ending on April 30, or until a successor is appointed and qualified, except:
- a. Initial terms shall be staggered in 2021 under the following guidelines:
 - i. If a five- member citizen commission the terms shall be two three-year terms, two two-year terms and one one-year term;
 - ii. If a six-citizen member commission the terms shall be two three- year, two two-year terms and two one-year terms.

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

As allowed under sec. 66.0501(2) a per meeting per diem allowance for citizen and Town Board members of the Plan Commission will be set at the discretion of the Town Board. The per diem will be reviewed annually during the budget process. 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., 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

- (I) 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.
- (II) 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.
- (III) Secretary. The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(I), 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, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: 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. 946.1 2; 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 13. General & Miscellaneous Powers

The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

- (I) Necessary to enable it to perform its functions and promote Town planning.
- (II) 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.
- (III) To recommend to the Town Board programs for public improvements and the financing of such improvements.
- (IV) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- (V) 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 14. Plan Implementation & Administration

- (I) Ordinance development. If directed by resolution or motion of the Town Board the Plan Commission shall prepare the following:
 - a. Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
 - b. Other. Any other ordinance specified by the Town Board.
- (II) Ordinance amendment. The Plan Commission may prepare proposed amendments to the Town's Ordinances and then submit them to the Town Board for approval.
- (III) Non-regulatory programs. The Plan Commission, may propose non-regulatory programs, ~~such as~~ including but not limited to: education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning, and then submit them to the Town Board for approval.
- (IV) Program administration. The Plan Commission shall, pursuant to Town Ordinances, have the following powers.
 - a. Subdivision review. Proposed plats under Ch. 236, Wis. Stats, and proposed subdivisions or other land divisions under the Town Subdivision Ordinance under sec. 236.45, Wis. Stats. shall be referred to the Plan Commission for review and recommendation to the Town Board.

Section 15. Referrals to the Plan Commission

- (I) 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 adoption 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.
- (II) 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 report:

- a. Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
- b. A proposed driveway access ordinance or amendment.
- c. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
- d. Any other matter required by any Town Ordinance or Town Board resolution or motion to be referred to the Plan Commission.

(III) 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.

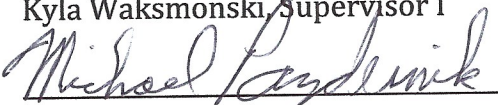
Section 16. Effective Date

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

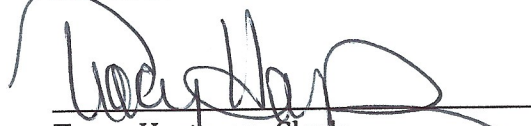
By the Crescent Town Board this 14th day of July, 2021.


Joel Knutson, Chair


Kyla Waksmonski, Supervisor I


Michael Pazdernik, Supervisor II

ATTEST:


Tracy Hartman, Clerk