

ORDINANCE NO. 07/17/06 (2006)

AN ORDINANCE TO CREATE A TOWN PLANNING COMMISSION

The Town Board of the Town of Farmington, Waupaca County, Wisconsin, does hereby ordain as follows:

Section 1. Title

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

Section 2. Purpose

The purpose of this ordinance is to establish a Town of Farmington 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 Farmington, having been authorized by the Town meeting under sec. 60.10(2)(c), Wis. Stat., to exercise village powers, hereby exercises village powers under sec. 60.22(3), Wis. Stat., 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. The Plan Commission makes recommendations to the Town Board; the Plan Commission's involvement in the decision and policy making process is advisory.

Section 4. Membership

The Plan Commission consists of two (2) members of the Town Board, one of which may be the Town Board Chairperson, and five (5) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications. All Members to be legal voting residents of the Town of Farmington. The Town Board, by majority vote, may remove any member from the Planning Commission without cause.

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. All appointments 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 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

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

A. Initial Terms. The initial appointments to the Plan Commission are made during April and the citizen members shall be appointed for staggered terms as follows: One (1) person 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.

B. Town Board Members. The Plan Commission members who are Town Board members shall serve on the Plan Commission for a period of two (2) years, as allowed under sec. 66.0501(2), Wis. Stat., concurrent with his or her term on the Town Board.

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

The Town Board of the Town of Farmington hereby sets a per diem allowance of \$25.00 per meeting for citizen and Town Board members of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stat. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stat.

Section 9. Experts & Staff

The Plan Commission may, under sec. 62.23(1), Wis. Stat., recommend to the Town Board the employment of experts and staff, and may review and recommend to the Town Board proposed payments under any contract with an expert.

Section 10. Rules; Records

The Plan Commission, under sec. 62.23(2), Wis. Stat., 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

The Town Board Chairperson chooses the presiding officer of the Plan Commission. The secretary and other officers are elected by the Commission members, by open vote or secret ballot under sec. 19.88(1), Wis. Stat.

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. Stat., 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. 946.12; 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 13. General & Miscellaneous Powers

The Plan Commission, under sec. 62.23(4), Wis. Stat., 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. Stat., or other court-issued warrant.

Section 14. Town Comprehensive Planning: General Authority & Requirements

A. 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. Stat., and follows the procedures in sec. 66.1001(4), Wis. Stat.

B. 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. Stat.

Section 15. Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment

The Plan Commission recommends by resolution the proposed comprehensive plan to the Town Board and the Town Board enacts an ordinance that adopts the plan or amendment. In adopting a comprehensive plan, the Plan Commission and Town Board shall comply with all the procedures set forth in sec. 66.1001, Wis. Stat., which are incorporated herein by reference.

Section 16. Plan Implementation and Administration

The Plan Commission, on its own motion, or at the direction of the Town Board, may prepare proposed ordinances relating to comprehensive planning and land use. The Plan Commission may also propose programs to implement the comprehensive plan, including topics such as education, preservation of natural resources through the acquisition of land or conservation easements, economic development and tourism promotion.

Section 17. Referrals to the Plan Commission

The Town Board shall refer to the Plan Commission for its consideration and report all matters set forth in sec. 62.23(5), Wis. Stat., and all other matters that are required by statute to be referred to the Plan Commission. In addition to referrals required by state law, the following matters shall be referred to the Plan Commission for its consideration and report. Review of:

1. Proposed certified survey maps.
2. Conditional use applications.
3. Zoning change requests.
4. Amendments to the Town of Farmington Land Use Plan.
5. Proposed plats and subdivisions.
6. Proposed official town road maps.

Discretionary Referrals. Unless prohibited by state law, the Town Board may refer any other land use matter to the Plan Commission for its consideration and report.

Referral Periods, Unless such report is made within 30 days, or such longer periods as may be set by the Town Board, the Town Board may take final action without it.

Section 18. 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. Stat.

TOWN OF FARMINGTON

by Donald Fabricius
Donald Fabricius, Chairman

by Eugene Engebretsen
Eugene Engebretsen, Supervisor

by Dale Trinrud
Dale Trinrud, Supervisor

Approved: July 17, 2006

Adopted: July 17, 2006

Published: July 27, 2006

ATTEST:

Sandy Grenlie
Sandy Grenlie, Town Clerk