

ORDINANCE #1-04

Town Plan Commission Ordinance

The Town Board of the Town of Black Brook Polk County, Wisconsin, does ordain as follows:

**Section 1. Title** This ordinance is entitled the "Town of Black Brook Plan Commission Ordinance."

**Section 2. Purpose** The purpose of this ordinance is to establish a Town of Black Brook 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** <sup>5 member</sup> ~~(7-Member)~~ The Town Board of the Town of Black Brook 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)~~ <sup>5</sup> member Plan Commission under secs. 60.62(1), 61.35 and 62.23 (1), Wis. Stats. The Plan Commission shall have all the functions and duties specified in secs. 62.23(2), (3), (4), (5) and (6), Wis. Stats. ~~where in practicality the word "town" serves in place of the word "city", the word "town board" serves in place of the word "council", the word "town chair" serves in place of the word "mayor", and the word "town" generally serves in place of the word "municipality".~~ 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.

**ALTERNATIVE Section 3. Authority; Establishment** (5-Member) The Town Board of the Town of Black Brook 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 (29), 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), 61.35 and 62.23, Wis. Stats. The Plan Commission shall have all the functions and duties specified in secs. 62.23(2), (3), (4), (5) and (6), Wis. Stats., where in practicality the word "town" serves in place of the word "city", the word "town board" serves in place of the word "council", the word "town chair" serves in place of the word "mayor", and the word "town" generally serves in place of the word "municipality". 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. 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 5. Chairperson & Officers** (1) Chairperson. The Plan Commission Chairperson shall be elected by the Plan Commission. 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. (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 shall 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 6. 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. 946.12; and Private Interests in Public Contracts, sec. 946.13.

**Section 7. 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 13 day of April, 2004 Charlie Barney (Town Board Chairperson)  
[Published / Posted] this 14<sup>th</sup> day of April, 2004. Attest: Sally Pickard (Town Clerk)