

## **103.2 Town Plan Commission Ordinance**

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### **SECTION I – ESTABLISHMENT**

The Town Board of the Town of Berry has been authorized by the Town meeting under Sec. 60.10(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 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 II – MEMBERSHIP**

The Plan Commission is to consist of five members.

Two members, the Town Chair and one additional member, shall be from the Town Board. The three additional members shall be appointed from the town citizens. All appointments are made by the Town Chair and require approval of the Town Board by a majority vote.

The Town Board members shall serve for a two-year term of office corresponding to their term of election. Each of the three citizen members will be appointed the third Monday of April to serve a three-year term. Whenever a vacancy shall occur in the term of any citizen or Board member, the Town Chairperson shall appoint, subject to approval by the Town Board, a citizen or Board member to fill such expired term. After serving two consecutive terms, a citizen must wait for three years before reappointment to the Plan Commission. The Town Chairperson shall serve as Chair of the Plan Commission and the Clerk/Treasurer shall serve as recording Secretary.

### **SECTION III – ORGANIZATION**

The Town Plan Commission shall organize and adopt rules for its own governance in accordance with the provisions of this ordinance.

- A. Meetings of the Plan Commission shall be held monthly, and additionally as called by the Chairperson or scheduled by vote of the Commission. In additions, the Commission shall hold a public hearing each January to receive public

comments and suggestions for revisions of the Town Land Use Plan. Notice of the time and location of each meeting shall be posted in reasonable locations and/or in the official Town newspaper and in compliance with the state open meetings law.

- B. Quorum – A quorum shall be three (3) members for the Plan Commission, with all actions requiring a majority vote of the quorum present.
- C. Written record – The Plan Commission shall keep a written record for all meetings showing all actions taken, findings, determinations, transactions, and recommendations made; a copy shall be filed with the Town Clerk as a public record.

#### **SECTION IV – POWERS AND DUTIES**

The Town Plan Commission shall have the following powers, functions and duties.

- A. Conduct site reviews and liaison with property owners and other members of the public as appropriate for all rezone, building or driveway applications.
- B. Provide recommendations to the Town Board concerning all driveway request and all zoning and land division requests including proposed amendments to the Dane County zoning map and zoning ordinance.
- C. Develop and maintain a computerized data base for all land divisions in the Town since 1981.
- D. Assess the need for changes in the Town Land Use Plan and recommend such changes as are appropriate to the Town Board.
- E. The Plan Commission may employ experts and incur other expenses as required, with the approval of the Town Board.

#### **SECTION V – REFERRALS**

The Town Board or other office of the Town having authority shall refer to the Plan Commission, for its consideration and report before final action is taken, the following matters:

- A. Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition, or lease of land for any roadway or park or playground.
- B. All annexations, incorporations or consolidations affecting the Town.
- C. All divisions of land within the Town's platting jurisdiction according to the Town's Land Use Plan.
- D. All proposed or requested changes and amendments to the Town Plan, County Zoning Ordinance, and County and Town subdivisions regulations.

#### **SECTION VI – COMPENSATION**

To be decided upon by the Town Board.

#### **SECTION VII – ADDITIONAL POWERS AND DUTIES**

The Town Plan Commission shall have all additional powers and duties granted or assigned by the Town Board or by other Town Ordinances or regulations. All the powers and duties granted or assigned by the Wisconsin Statutes to Plan Commission and amendments thereto are hereby granted and assigned to the Commission and such Statutes are hereby adopted by reference.

**SECTION VIII – SEVERABILITY AND CONFLICT**

If any section or part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

**SECTION IX – EFFECTIVE DATE**

This Ordinance shall be effective after adoption by the Town Board and publication as required by law.

Dated this 15<sup>th</sup> day of April, 2002

Posted: April 17, 2002

Brenda Kahl, Clerk/Treasurer  
Carol Grob, Supervisor  
Gary Achenbach, Supervisor

Melvern Bankes, Chair  
Art Breitenstein, Supervisor  
Terry Zander, Supervisor