

TOWN OF VIENNA

Town Plan Commission Ordinance

ORIGINAL

The Town Board of the Town of Vienna, Dane County, Wisconsin, does ordain as follows:

Section 1 Title

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

Section 2 Purpose

The purpose of this ordinance is to establish a Town of Vienna 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 citizen involvement.

Section 3 Authority; Establishment

The Town Board of the Town of Vienna 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 be considered the "Town Planning Agency" under sec. 236.02(13) and 235.45, Wis. Stats.

Section 4 Membership

The Plan Commission consists of five (5) citizen members who are not otherwise Town officials.

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. 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 or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointment 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**

(a) The term of office for the Plan Commission Chairperson and each Commission member shall be for a period as set forth below, ending on April 30 or until a successor is appointed and qualified.

(b) The members shall be appointed for staggered terms as follows:

- (i) One (1) person for a term of one (1) year;
- (ii) Two (2) persons for a term of two (2) years; and
- (iii) Two (2) persons for a term of three (3) years.

(c) At the time of appointment, the Town Board shall designate the term for the person so appointed.

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 Vienna hereby sets a per diem allowance of \$40.00 per meeting for members 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. The Town Board may by resolution pay \$17.50 per hour for required or approved time outside of a regular Plan Commission or Town Board meeting.

Section 9 **Experts and Staff**

The Plan Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Town Board the employment of staff, Town engineer, Town attorney, consultants, or experts and may review and recommend to the Town Board proposed payments under any contract or agreement with a consultant or expert. To the extent permitted under Town ordinances and procedures, the costs may be charged against the applicant/owner making a request of the Town or Town Plan Commission.

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 and Officers**

(a) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in Section 5 and Section 6 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:

- (i) provide leadership to the Commission;

- (ii) set Commission meeting and hearing dates;
- (iii) provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
- (iv) preside at Commission meetings and hearings; and
- (v) ensure that the laws are followed.

(b) 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.

(c) Secretary. The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(1), 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, and 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 and Miscellaneous Powers

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

- (a) Necessary to enable it to perform its functions and promote Town planning
- (b) 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.
- (c) To recommend to the Town Board programs for public improvements and the financing of such improvements.
- (d) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- (e) 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. 66.1009, Wis., Stats., or other court-issued warrant.

Section 14 Plan Implementation and Administration

(a) Ordinance Development. If requested by resolution, motion, or action of the Town Board, the Plan Commission shall prepare the following:

- (i) Ordinances. A proposed Town ordinance under village powers, secs. 60.22(3) and 61.35, Wis. Stats., a Town erosion control and storm water management ordinance under sec. 60.627(6), Wis. Stats., a Town exclusive agricultural ordinance under subch. V of ch. 91, Wis. Stats., and any other ordinances within the Town's authority.
- (ii) Official Map. A proposed official map ordinance under sec. 66.23(6), Wis. Stats.
- (iii) Land Division/Subdivision. A proposed Town land division/subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
- (iv) Other. Any other ordinance specified by the Town Board (e.g., historic preservation, design review, mineral extraction, site plan review).

(b) Ordinance Amendment. The Plan Commission, on its own motion or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to design review, occupancy permits, Smart Growth Comprehensive Plan, and Land Division and Subdivision Regulations.

(c) Non-regulatory Programs. The Plan Commission, on its own motion or at the direction of the Town Board by its resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, capital improvement planning, and preservation of agricultural land.

(d) Program Administration. The Plan Commission shall, pursuant to Town ordinances, have the powers to recommend to the Town Board:

- (i) Zoning or Conditional Use Permits. Applications for zoning changes or conditional use permits shall be submitted to the Plan Commission for review and recommendation to the Town Board.
- (ii) Land Division/Subdivision and Certified Survey Map ("CSM") Review. Proposed land divisions, subdivisions, other land divisions, or certified survey maps or requests under the Town's design review ordinance shall be referred to the Plan Commission for review and recommendation to the Town Board.
- (iii) Proposed Mineral Extraction Sites. Proposed terms and conditions of mineral extraction sites, including any applicable development agreement for such site.
- (iv) Other. Proposed application procedures, forms, fees, and development agreements.

(e) Consistency. Any ordinance, amendment, or program proposed by the Plan Commission and any Plan Commission approval, recommendation for approval, or other action under Town ordinances or programs that implement the Town's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., shall be reasonably consistent with the Town's Smart

Growth Comprehensive Plan, as adopted and amended from time to time. If any such Plan Commission action would not be reasonably consistent with the Town's Smart Growth Comprehensive Plan, the Plan Commission may use this as information to consider in updating the Town's Smart Growth Comprehensive Plan.

Section 15 Referrals to the Plan Commission

- (a) The following shall be referred to the Plan Commission for report:
 - (i) The location and architectural design of any public building.
 - (ii) The location of any statute or other memorial.
 - (iii) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
 - 1) street, alley, or other public way,
 - 2) park or playground;
 - 3) area for parking vehicles; or
 - 4) other memorial or public grounds.
 - (iv) The location, extension, abandonment, or authorization for any publicly or privately owned public utility,
 - (v) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including land divisions or certified survey maps under the Town's Land Division and Subdivision Regulations or the Town's Design Review Ordinance.
 - (vi) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town's Smart Growth Comprehensive Plan, the DeForest-Vienna Extraterritorial Zoning Ordinance, the Town's Design Review Ordinance, the Town official map, if any; and any other ordinance relating to land use, division of land, or construction of facilities on land.
 - (vii) The adoption or amendment of a Town land division/subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
 - (viii) A proposed culvert or driveway use or access ordinance or amendment relating thereto.
 - (ix) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
 - (x) A proposed Town erosion control and storm water management ordinance and a Town exclusive agricultural ordinance.
 - (xi) An application for a conditional use permit.
 - (xii) A proposed site plan as required by Town ordinance.
 - (xiii) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 66.23(7a), Wis. Stats.
 - (xiv) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats. or other authority.
 - (xv) Proposed changes in the Town's utility districts or MMSD boundaries.\
 - (xvi) Proposed mineral extraction use, site, and reclamation.

- (xvii) Any proposed contract for the provision of information or the preparation of a comprehensive plan, an element of a plan, or an implementation measure between the Town and the regional planning commission under sec. 66.0309, Wis. Stats., another unit of government, a consultant, or any other person or organization.
- (xviii) A proposal to create environmental remediation tax incremental financing in the Town under sec. 66.1106, Wis. Stats.
- (xix) A proposed county agricultural preservation plan or amendment under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town or proposed Town agricultural preservation plan or amendment.
- (xx) Recommendations, conditions, and terms for any development agreement, including the provisions for security and payment of all costs.
- (xxi) Any other matter required by the Wisconsin Statutes, Town ordinances, or Town procedures to be referred to the Plan Commission.

(b) The Town Board or other Town officer or body with final approval authority or referral authorization under the Town ordinances may refer any of the following to the Plan Commission for a recommendation or report:

- (i) A proposed county development plan or comprehensive plan, proposed element of such plan, or proposed amendment to such plan.
- (ii) A proposed county or village extraterritorial zoning ordinance or amendment.
- (iii) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis., Stats., or amendment.
- (iv) An appeal or permit application under the extraterritorial or county zoning ordinance to the county zoning board of adjustment, county planning body, or other county body.
- (v) A proposed intergovernmental cooperation agreement under sec. 66.0301, Wis. Stats., or other statute affecting land use or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
- (vi) Any other matter deemed advisable for referral to the Plan Commission for report.

(c) Referral Period. Final action may be taken by the Town Board on a matter referred to the Plan Commission once the Plan Commission has made its report or within thirty (30) days if requested by the Town Board or such longer period as requested by the Town Board; provided, however, the Town Board may act without the Plan Commission's report prior thereto if so required by Town ordinance or state law.

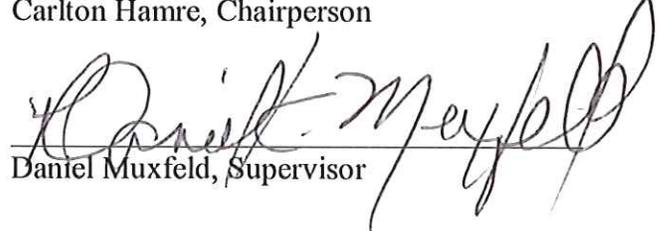
Section 16 Effective Date

This ordinance shall be effective after a public hearing, adoption by the Town of Board of the Town of Vienna, and publication.

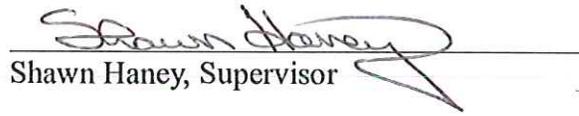
The foregoing ordinance was duly adopted at a regular meeting of the Town Board of the Town of Vienna on January 15, 2007.



Carlton Hamre, Chairperson



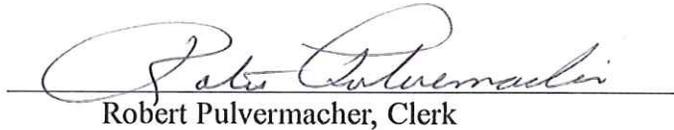
Daniel Muxfeld, Supervisor



Shawn Haney, Supervisor

I hereby certify that the foregoing ordinance relating to establishing a Town of Vienna Plan Commission was published as a Class 1 notice under ch. 985, Wis. Stats., on the 18 day of January, 2006.7

Dated: January 18, 2006.7



Robert Pulvermacher, Clerk