

**TOWN OF JACKSONPORT PLAN COMMISSION
ORDINANCE 3-2014
ESTABLISHING A PLAN COMMISSION**

1
2 The Town Board of the Town of Jacksonport, Door County, Wisconsin, does ordain as follows:
3

4 **Section 1. Title**

5 This ordinance is entitled the "Town of Jacksonport Plan Commission Ordinance."
6

7 **Section 2. Purpose**

8 The purpose of this ordinance is to establish a Town of Jacksonport Plan Commission and set
9 forth its organization, powers and duties, to further the health, safety, welfare and wise use of re-
10 sources for the benefit of current and future residents of the Town and affected neighboring ju-
11 risdictions, through the adoption and implementation of comprehensive planning with signifi-
12 cant citizen involvement.
13

14 **Section 3. Authority; Establishment**

15 The Town Board of the Town of Jacksonport has been authorized by the Town meeting under
16 Sections 60.11(2)(c), Wis. Stats., to exercise village powers and the Town has a population of
17 less than 2,500, according to the most recent regular or special federal census, Sections 990.01
18 (29), Wis. Stats. The Town Board hereby exercises village powers under Sections 60.22(3), Wis.
19 Stats., and establishes a five (5) member Plan Commission under Sections 60.62(4), 61.35 and
20 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning Agency" under
21 Sections 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adop-
22 tion of a subdivision or other land division ordinance.
23

24 **Section 4. Membership**

25 The Plan Commission consists of one (1) member of the Town Board, who may be the Town
26 Board Chairperson, and four (4) citizen members, who are not otherwise Town officials, and
27 who shall be persons of recognized experience and qualifications.
28

29 **Section 5. Appointments**

30 The Town Board Chairperson shall appoint the members of the Plan Commission subject to con-
31 firmation by the Town Board during the month of April to fill any expiring term. The Town Board
32 Chairperson shall also select the Chairperson of the Plan Commission. The Town Board Chair-
33 person may appoint himself, herself, or another Town Board member to the Plan Commission
34 and may designate himself or herself, the other Town Board member, or a citizen member as
35 Chairperson of the Plan Commission. In a year in which any Town Board member is elected at
36 the spring election, any appointment or designation by the Town Board Chairperson shall be
37 made after the election and qualification of the Town Board members elected. Any citizen ap-
38 pointed to the Plan Commission shall take and file the oath of office within five (5) days of notice
39 of appointment, as provided under Sections 19.01 and 60.31, Wis. Stats.
40

41 **Section 6. Terms of Office**

42 The term of office for the Plan Commission Chairperson and each Commission member shall be
43 for a period of 3 years, ending on April 30, or until a successor is appointed and qualified, ex-
44 cept:

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- 1 (1) Initial Terms. The citizen members initially appointed to the Plan Commission shall be ap-
2 pointed for staggered terms.
- 3 (2) Town Board Member or Chairperson. The Plan Commission member who is a Town Board
4 member or Town Board Chairperson, including a person designated the Plan Commission
5 Chairperson, shall serve for a period of two (2) years, as allowed under Section 66.0501(2),
6 Wis. Stats., concurrent with his or her term on the Town Board, except an initial appoint-
7 ment made after April 30 shall be for a term that expires two (2) years from the previous
8 April 30.

9 **Section 7. Vacancies**

10 A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remain-
11 der of the term. A member of the Plan Commission may be removed only by a majority vote of
12 the Town Board.

13 **Section 8. Compensation; Expenses**

14 The Town Board of the Town of Jacksonport hereby sets a per diem allowance of \$25 per meet-
15 ing for citizen and Town Board members of the Plan Commission, as allowed under Sections
16 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and ex-
17 penses, as allowed under Sections 60.321, Wis. Stats.

18 **Section 9. Experts and Staff**

19 The Plan Commission may, under Section 62.23(1), Wis. Stats., recommend to the Town Board
20 the employment of experts and staff, and may review and recommend to the approval authority
21 proposed payments under any contract with an expert.

22 **Section 10. Rules; Records**

23 The Plan Commission, under Section 62.23(2), Wis. Stats., may adopt rules for the transaction of
24 its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions,
25 findings and determinations, which shall be a public record under Sections 19.21-19.39, Wis.
26 Stats.

27 **Section 11. Chairperson & Officers**

- 28 (1) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as
29 provided in Sections 5 and 6 of this ordinance. The Chairperson shall, subject to Town or-
30 dinances and Commission rules:
- 31 (a) provide leadership to the Commission;
 - 32 (b) set Commission meeting and hearing dates;
 - 33 (c) provide notice of Commission meetings and hearings and set their agendas, personal-
34 ly or by his or her designee;
 - 35 (d) preside at Commission meetings and hearings; and
 - 36 (e) ensure that the laws are followed.
- 37 (2) Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under
38 Section 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson
39 when the Chairperson is absent or incapacitated for any cause.
- 40 (3) Secretary. The Plan Commission shall elect, by open vote or secret ballot under Section
41 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the
42 Town Board, designate the Town Clerk as Secretary.

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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, Section 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, Sections 19.21-19.39; Code of Ethics for Local Government Officials, Sections 19.42, 19.58 & 19.59; Open Meetings, Sections 19.81-19.89; Misconduct in Office, Section 946.12; and Private Interests in Public Contracts, Section 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 Section 62.23(4), Wis. Stats., shall have the power necessary to enable it to perform its functions and promote Town planning.

- (1) 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.
- (2) To recommend to the Town Board programs for public improvements and the financing of such improvements.
- (3) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- (4) 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 Section 66.0119, Wis. Stats., or other court-issued warrant.

Section 14. Town Comprehensive Planning: General Authority and Requirements

- (1) The Plan Commission shall make and adopt a comprehensive plan under Sections 62.23 and 66.1001, Wis. Stats., which contains the elements specified in Section 66.1001(2), Wis. Stats, and follows the procedures in Sections 66.1001(4), Wis. Stats.
- (2) 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 specified Town actions must be consistent with the Town comprehensive plan under Section 66.1001(3), Wis. Stats.
- (3) In this section the requirement to “make” the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

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

The Plan Commission, in order to ensure that the requirements of Section 66.1001(4), Wis. Stats, are met, shall proceed as follows.

- (1) Public participation verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures de-

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1 signed to foster public participation in every stage of preparation of the comprehensive
2 plan. These written procedures shall include open discussion, communication programs,
3 information services and noticed public meetings. These written procedures shall further
4 provide for wide distribution of proposed, alternative or amended elements of a compre-
5 hensive plan and shall provide an opportunity for written comments to be submitted by
6 members of the public to the Town Board and for the Town Board to respond to such writ-
7 ten comments.

- 8 (2) Resolution. The Plan Commission, under Section 66.1001(4)(b), Wis. Stats., shall recom-
9 mend its proposed comprehensive plan or amendment to the Town Board by adopting a
10 resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in
11 the minutes of the Plan Commission. The resolution shall refer to maps and other descrip-
12 tive materials that relate to one or more elements of the comprehensive plan. The resolu-
13 tion adopting a comprehensive plan shall further recite that the requirements of the com-
14 prehensive planning law have been met, under Section 66.1001, Wis. Stats., namely that:
- 15 (a) the Town Board adopted written procedures to foster public participation and that
16 such procedures allowed public participation at each stage of preparing the compre-
17 hensive plan;
 - 18 (b) the plan contains the nine (9) specified elements and meets the requirements of those
19 elements;
 - 20 (c) the specified maps and other descriptive materials relate to the plan;
 - 21 (d) the plan has been adopted by a majority vote of the entire Plan Commission, which
22 the clerk or secretary is directed to record in the minutes; and
 - 23 (e) the Plan Commission clerk or secretary is directed to send a copy of the comprehen-
24 sive plan adopted by the Commission to the governmental units specified in Section
25 66.1001(4), Wis. Stats., and sub. (3) of this section.
- 26 (3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan
27 Commission for recommendation to the Town Board shall be sent to:
- 28 (a) Every governmental body that is located in whole or in part within the boundaries of
29 the Town, including any school district, Town sanitary district, public inland lake
30 protection and rehabilitation district or other special district.
 - 31 (b) The clerk of every city, village, town, county and regional planning commission that
32 is adjacent to the Town.
 - 33 (c) The Wisconsin Land Council.
 - 34 (d) After September 1, 2005, the Department of Administration.
 - 35 (e) The regional planning commission in which the Town is located.
 - 36 (f) The public library that serves the area in which the Town is located.
- 37

38 **Section 16. Plan Implementation and Administration**

- 39 (1) Ordinance development. If directed by resolution or motion of the Town Board, the Plan
40 Commission shall prepare the following:
- 41 (a) Zoning. A proposed Town zoning ordinance under village powers, Sections 60.22(3),
42 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and storm
43 water management zoning ordinance under Section 60.627(6), Wis. Stats., a Town
44 exclusive agricultural zoning ordinance under subch. V of Chapter 91, Wis. Stats.,
45 and any other zoning ordinance within the Town's authority.
 - 46 (b) Official map. A proposed official map ordinance under Section 62.23 (6), Wis. Stats.
 - 47 (c) Subdivisions. A proposed Town subdivision or other land division ordinance under
48 Section 236.45, Wis. Stats.

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- 1 (d) Other. Any other ordinance specified by the Town Board.
- 2 (2) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of
3 the Town Board by its resolution or motion, may prepare proposed amendments to the
4 Town's ordinances relating to comprehensive planning and land use.
- 5 (3) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of
6 the Town Board by resolution or motion, may propose non-regulatory programs to imple-
7 ment the comprehensive plan, including programs relating to topics such as education,
8 economic development and tourism promotion, preservation of natural resources through
9 the acquisition of land or conservation easements, and capital improvement planning.
- 10 (4) Consistency. When the Plan Commission considers any action that is subject to the con-
11 sistency requirement in Section 66.1001, Wis. Stats., the action of the Plan Commission
12 shall, shall as of January 1, 2010, be consistent with the Comprehensive Plan. If any such
13 Plan Commission action would not be consistent with the comprehensive plan, the Plan
14 Commission shall use this as information to consider in updating the comprehensive plan.

15 16 **Section 17. Referrals to the Plan Commission**

- 17 (1) Required referrals under Section 62.23(5), Wis. Stats. The following shall be referred to the
18 Plan Commission its consideration for report before final action is taken by the Town
19 Board on any of the following matters:
- 20 (a) The location and architectural design of any public building.
- 21 (b) The location of any statue or other memorial.
- 22 (c) The location, acceptance, extension, alteration, vacation, abandonment, change of
23 use, sale, acquisition of land for or lease of land for any:
- 24 (i) street, alley or other public way;
- 25 (ii) park or playground;
- 26 (iii) airport;
- 27 (iv) area for parking vehicles; or
- 28 (v) other memorial or public grounds.
- 29 (d) The location, extension, abandonment or authorization for any publicly or privately
30 owned public utility.
- 31 (e) The location, character and extent or acquisition, leasing or sale of lands for
- 32 (i) public or semi-public housing;
- 33 (ii) slum clearance;
- 34 (iii) relief of congestion; or
- 35 (iv) vacation camps for children.
- 36 (f) The amendment or repeal of any ordinance adopted under Section 62.23, Wis. Stats.,
37 including ordinances relating to: the Town Plan Commission; the Town master plan
38 or the Town comprehensive plan under Section 66.1001, Wis. Stats.; a Town official
39 map; and Town zoning under village powers.
- 40 (2) Required referrals under sections of the Wisconsin Statutes other than Section 62.23(5),
41 Wis. Stats. The following shall be referred to the Plan Commission for report:
- 42 (a) An application for initial licensure of a child welfare agency or group home under
43 Section 48.68(3), Wis. Stats.
- 44 (b) An application for initial licensure of a community-based residential facility under
45 Section 50.03(4), Wis. Stats.
- 46 (c) Proposed designation of a street, road or public way, or any part thereof, wholly
47 within the jurisdiction of the Town, as a pedestrian mall under Section 66.0905, Wis.
48 Stats.

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- 1 (d) Matters relating to the establishment or termination of an architectural conservancy
2 district under sec 66.1007, Wis. Stats.
- 3 (e) Matters relating to the establishment of a reinvestment neighborhood required to be
4 referred under Section 66.1107, Wis. Stats.
- 5 (f) Matters relating to the establishment or termination of a business improvement dis-
6 trict required to be referred under sec, 66.1109, Wis. Stats.
- 7 (g) A proposed housing project under Section 66.1211(3), Wis. Stats.
- 8 (h) Matters relating to urban redevelopment and renewal in the Town required to be re-
9 ferred under subch. XIII of Chapter 66, Wis. Stats.
- 10 (i) The adoption or amendment of a Town subdivision or other land division ordinance
11 under Section 236.45(4), Wis. Stats.
- 12 (j) Any other matter required by the Wisconsin Statutes to be referred to the Plan Com-
13 mission.
- 14 (3) Required referrals under this ordinance. In addition to referrals required by the Wisconsin
15 Statutes, the following matters shall be referred to the Plan Commission for report:
- 16 (a) Any proposal, under Section 59.69, Wis. Stats., for the town to approve general
17 county zoning so that it takes effect in the town, or to remain under general county
18 zoning.
- 19 (b) Proposed regulations or amendments relating to historic preservation under Section
20 60.64, Wis. Stats.
- 21 (c) A proposed driveway access ordinance or amendment.
- 22 (d) Any proposed plan, element of a plan or amendment to such plan or element devel-
23 oped by the regional planning commission and sent to the Town for review or adop-
24 tion.
- 25 (e) Any other matter required by any Town ordinance or Town Board resolution or mo-
26 tion to be referred to the Plan Commission.
- 27 (4) Discretionary referrals. The Town Board, or other town officer or body with final approval
28 authority or referral authorization under the Town ordinances, may refer any of the follow-
29 ing to the Plan Commission for report:
- 30 (a) A proposed county development plan or comprehensive plan, proposed element of
31 such a plan, or proposed amendment to such plan.
- 32 (b) A proposed county zoning ordinance or amendment.
- 33 (c) A proposed county subdivision or other land division ordinance under Section
34 236.45, Wis. Stats., or amendment.
- 35 (d) Any other matter deemed advisable for referral to the Plan Commission for report.
- 36 (5) Referral period. No final action may be taken by the Town Board or any other officer or
37 body with final authority on a matter referred to the Plan Commission until the Commis-
38 sion has made its report, or thirty (30) days, or such longer period as stipulated by the
39 Town Board, has passed since referral. The thirty (30) day period for referrals required by
40 the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30)
41 day referral period, for matters subject to required or discretionary referral under the
42 Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be
43 made subject by the Town Board to a referral period shorter or longer than the thirty (30)
44 day referral period if deemed advisable.
- 45

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1 **Section 18. Effective Date**

2 Following passage by the Town Board, this ordinance shall take effect the day after the date of
3 publication or posting as provided by Section 60.80, Wis. Stats.

4
5 **Adopted this __ day of November 2014**

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7
8
9 _____
Alvin Birnschein, Town Chairman

10
11 ATTEST:

12
13 _____
14 Elissa Taylor, Town Clerk

VOTE: Ayes _____ Noes _____

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17 Published / Posted this ___day of November 2014

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