

ORDINANCE NUMBER 2.01b
AN ORDINANCE OF THE TOWN OF BRIGHAM
TO AUTHORIZE A TOWN PLAN COMMISSION

SECTION A PURPOSE

The purpose of this ordinance is to authorize a Town of Brigham 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 B AUTHORITY; ESTABLISHMENT

The Town Board of the Town of Brigham, 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 five (5) 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.

SECTION C MEMBERSHIP

The Plan Commission shall consist of five (5) members. The commission will be composed of no more than one (1) Town Board member. Having one Town Board member on the Commission is an option. All members of the Plan Commission will be residents of the Town who have demonstrated ethical behavior, an interest in town government, experience and qualifications, as determined by the Town Board. **(Amended January 29, 2014).**

SECTION D APPOINTMENTS AND TERMS

- 1** Plan Commission members will be appointed or reappointed for three-year terms by the Town Chair and confirmed by the Town Board. **(Amended January 29, 2014).**
- 2** The Town Board member(s) shall be appointed by the Town Chairperson, for a period of up to 2 years, or until they are no longer a Town Board member if that occurs sooner.
- 3** The Town Chairperson shall appoint any one of the five members of the Plan Commission to be the Plan Commission Chairperson.
- 4** Whenever a vacancy shall occur during a term of any Plan Commission member, the Town Chairperson shall appoint a person to fill such un-expired term. A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of that term. **(Amended January 29, 2014).**
- 5** The Town Board may remove any Plan Commission member, with cause, per Wisconsin State Statutes. This shall be done by majority vote of the Town Board. **(Amended January 29, 2014).**

SECTION E COMPENSATION AND EXPENSES

The Town Board of the Town of Brigham hereby sets a per diem allowance for Plan Commission members, that is the same amount authorized for Town Board members, as amended from time to time. In addition, Plan Commission members are reimbursed for reasonable costs and expenses, as allowed under Sec. 60.321, Wis. Stats.

SECTION F EXPERTS AND STAFF

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

SECTION G RULES AND 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 H CHAIRPERSON AND OFFICERS

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

- (a) provide leadership to the Commission;
- (b) set Commission meetings 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, by open vote 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.

3 Secretary. The Plan Commission shall elect, by open vote 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 I 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 Wis. Stats. 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 J GENERAL AND MISCELLANEOUS POWERS.

1 The Plan Commission, under Sec. 62.23(4) and 62.23(5), Wis. Stats., shall have the power stated therein. This includes, but is not limited to, 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. 66.0119, Wis. Stats., or other court-issued warrant.

SECTION K EFFECTIVE DATE

This ordinance shall take effect and be in force from and after the day after its passage and publication as required by law.

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