

## Chapter 106

### PLANNING COMMISSION

**[HISTORY: Adopted by the Town Board of the Town of Middle Inlet 9-9-2004. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Comprehensive Plan — See Ch. 230.

Subdivision of land — See Ch. 405.

#### **§ 106-1. Title.**

This chapter is titled "Ordinance to Appoint Town of Middle Inlet Planning Commission."

#### **§ 106-2. Purpose.**

The purpose of this chapter is to establish a Town of Middle Inlet Planning 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 of Middle Inlet and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

#### **§ 106-3. Authority; establishment.**<sup>1</sup>

The Town Board of the Town of Middle Inlet has been authorized by a Special Town Meeting of March 28, 1994, under § 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, § 990.01(29), Wis. Stats. The Town Board hereby exercises village powers under § 60.22(3), Wis. Stats., and establishes a five-member Planning Commission under §§ 60.62(4), 61.35 and 62.23, Wis. Stats. The Planning Commission shall be considered the Town Planning Agency under §§ 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

#### **§ 106-4. Membership.**<sup>2</sup>

The Planning Commission consists of citizen members, who may or may not be elected Town officials, and who shall be persons of recognized experience and qualifications. The Planning Commission shall always have at least one citizen member who is not a Town official.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 106-5. Appointments.**

The Town Board Chairperson shall appoint the members of the Planning Commission. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Planning Commission. Any citizen appointed to the Planning Commission shall take and file the oath of office within five days of notice of appointment, as provided under §§ 19.01 and 60.31, Wis. Stats.

**§ 106-6. Terms of office.**

The term of office for the Planning Commission members shall be for a period of three years, ending on April 30, or until a successor is appointed and qualified, except that the citizen members initially appointed to the Planning Commission shall be appointed for staggered terms.

**§ 106-7. Vacancies.**

A person who is appointed to fill a vacancy on the Planning Commission shall serve for the remainder of the term.

**§ 106-8. Compensation; expenses.**

The Town Board of the Town of Middle Inlet hereby sets a per diem allowance of \$20 per meeting for citizen and Town Board members of the Planning Commission, as allowed under § 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under § 60.321, Wis. Stats.

**§ 106-9. Experts and staff.**

The Planning Commission may, under § 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.

**§ 106-10. Rules; records.**

The Planning Commission, under § 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 §§ 19.21 to 19.39, Wis. Stats.

**§ 106-11. Chairperson and officers.**

A. Chairperson. The Planning Commission may elect, by open vote or secret ballot, under § 19.88(1), Wis. Stats., a Chairperson for a term of one year. The Chairperson shall, subject to Town ordinances and Commission rules:

- (1) Provide leadership to the Commission;
- (2) Set Commission meeting and hearing dates;

- (3) Provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
  - (4) Preside at Commission meetings and hearings; and
  - (5) Ensure that the laws are followed.
- B. Vice Chairperson. The Planning Commission may elect, by open vote or secret ballot, under § 19.88(1), Wis. Stats., a Vice Chairperson for a term of one year, to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
- C. Secretary. The Planning Commission may elect, by open vote or secret ballot, under § 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-Treasurer or other Town officer or employee as Secretary.

**§ 106-12. Commission members as local public officials.**

All members of the Planning Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, § 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on public records, §§ 19.21 to 19.39; Code of Ethics for Local Government Officials, §§ 19.42, 19.58 and 19.59; open meetings, §§ 19.81 to 19.89; misconduct in office, § 946.12; and private interest in public contracts, § 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

**§ 106-13. General powers.**

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

- A. Necessary to enable it to perform its function 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 by 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 § 66.0119, Wis. Stats., or other court-issued warrant.