

This ordinance supercedes any and all previous ordinances, particularly ordinance 2005-1, and resolutions, particularly resolution 2005-2, that in any way conflict with the contents herein. The Town Board of the Town of Edgewater, Sawyer County, Wisconsin, does ordain as follows:

SECTION 1 – TITLE/PURPOSE

The title of this ordinance is the Town of Edgewater Plan Commission Ordinance. The purpose of this ordinance is to establish a Town of Edgewater 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 2 – AUTHORITY

The Town Board of the Town of Edgewater 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, see 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, plus an alternate, Plan Commission under secs. 60.6262(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 3 – MEMBERSHIP

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

SECTION 4 – APPOINTMENTS

The Town Board Chairperson shall appoint the members of the Plan commission, designate a Plan Commission Chairperson and appoint persons to fill any expiring term during the Town Annual Meeting. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. All appointments are subject to the approval of the Town Board. Any citizen appointed 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 5 – TERMS OF OFFICE

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of three years ending at the Town Annual Meeting, or until a successor is appointed and qualified, except the citizen members initially appointed to the Plan Commission shall be appointed for staggered terms as follows: two (2) persons for a term that expires in one (1) year, one (1) person and the Board member for a term that expires in two years, and one (1) person plus an alternate person for a term that expires in three (3) years.

The Plan Commission member who is a Town Board member shall serve for a period of two (2) years, as allowed under sec. 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board.

SECTION 6 – VACANCIES

The Town Board Chairperson, at a Town Board meeting, shall appoint a person to fill any vacancy that may occur on the Plan Commission. A person who is appointed by the Town Board Chairperson at a Town Board Meeting to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

SECTION 7 – 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. Unless other rules of conduct are specifically adopted, all meetings of the Plan Commission shall be governed by *Robert's Rules of Order, Newly Revised*.

SECTION 8 – CHAIRPERSON & OFFICERS

(1) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 4 and 5 of this ordinance. The Chairperson shall, subject to town ordinances and commission rules:

- (a) provide leadership to the Commission;
- (b) set Commission meeting and hearing dates;
- (c) provide notice of Commission meetings and hearings 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 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.

(3) 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 9 – 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 Wisconsin Statutes on: Public Records, secs. 19.21 - 19.39; Code of Ethics for Local Government Officials, sec. 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 10 – GENERAL & MISCELLANEOUS POWERS

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

- (1) Necessary to enable it to perform its functions and promote Town planning.
- (2) 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.
- (3) To recommend to the Town Board programs for public improvements.
- (4) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.

(5) 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 11 – TOWN COMPREHENSIVE PLANNING: GENERAL AUTHORITY & REQUIREMENTS

The Plan Commission shall recommend to the Edgewater Town Board any corrections, modifications, or other changes in the Town of Edgewater Comprehensive Plan, and undertake a thorough review of the Town of Edgewater Comprehensive Plan every ten (10) years.

In order to ensure that the requirements of sec. 66.1001(4) Wis. Stats. are met, the Plan Commission shall abide by the Edgewater Town Board's Public Participation Plan in all meetings. The Public Participation Plan requires open discussion, communication programs, information services and noticed public meetings. These procedures further provide for wide distribution of proposed, alternative or amended elements in the Comprehensive Plan, and shall provide an opportunity for written comments to be submitted by members of the public to the Plan Commission or the Town Board, and for the Plan Commission or the Town Board to respond to such written comments.

SECTION 12 – PLAN IMPLEMENTATION & ADMINISTRATION

(1) Ordinance development. If directed by resolution or motion of the Edgewater Town Board, the Plan Commission shall prepare the following:

- (a) Zoning. A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats., a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.
- (b) Official map. A proposed official map ordinance under sec. 62.23(6), Wis. Stats.
- (c) Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
- (d) Other. Any other ordinance specified by the Town Board.

(2) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Edgewater Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

(3) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Edgewater Town Board by 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, and capital improvement planning.

(4) Program administration. The Plan Commission shall, pursuant to Town ordinances, have the following powers:

(a) Zoning conditional use permits. The Town Board shall refer applications for conditional use permits to the Plan Commission for review and recommendation to the Town Board.

(b) Subdivision review. Proposed subdivisions or other land divisions shall be referred to the Plan Commission for review and recommendation to the Town Board.

(c) Rezone requests. All rezone applications shall be referred to the Plan Commission for review and recommendation to the Town Board.

(d) Other. Any other powers or matters required by Town ordinances or Town Board resolutions or motions.

(5) 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 consistent with the Town of Edgewater Comprehensive Plan. If any such Plan Commission action would not be consistent with the Town of Edgewater Comprehensive Plan, the Plan Commission shall use this as information to consider in updating the Town of Edgewater Comprehensive Plan.

SECTION 13 – REFERRALS TO THE PLAN COMMISSION

(1) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:

(a) The location and architectural design of any public building.

(b) The location of any statue or other memorial.

(c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any

(i) street, alley or other public way;

(ii) park or playground;

(iii) airport;

(iv) area for parking vehicles; or

(v) other memorial or public ground.

(d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.

(e) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.

(f) The location, character and extent or acquisition, leasing or sale of lands for:

(i) Public or semi-public housing;

(ii) Slum clearance;

(iii) relief of congestion; or

(iv) vacation camps for children.

(g) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to the Plan Commission, the Town of Edgewater Comprehensive Plan, a Town official map, and Town zoning under village powers.

(2) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The Following shall be referred to the Plan commission for report:

(a) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.

(b) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.

(c) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.

(d) Matters relating to the establishment or termination of an architectural conservancy district under sec. 66.1007, Wis. Stats.

- (e) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
- (f) Matters relating to the establishment or termination of a business improvement district required to be referred under sec. 66.1109, Wis. Stats.
- (g) A proposed housing project under sec. 66.1211(3), Wis. Stats.
- (h) Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.
- (i) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
- (j) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

(3) Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:

- (a) Any proposal under sec. 59.69, Wis. Stats., for the Town to approve general county zoning so that it takes effect in the Town, or to remain under general county zoning.
- (b) Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
- (c) A proposed driveway access ordinance or amendment.
- (d) 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 Plan Commission.
- (e) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats., and a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats.
- (f) An application for a conditional use permit.
- (g) A proposed site plan.
- (h) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.
- (i) 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.
- (j) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.
- (k) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town of Edgewater for review or adoption.
- (l) Any proposed contract with a consultant or any other person or organization for the provision of information or the preparation of elements for revision of the Town of Edgewater Comprehensive Plan.
- (m) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.
- (n) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.
- (o) A proposed Town airport zoning ordinance under sec. 114.136(2), Wis. Stats.
- (p) a proposal to create environmental remediation tax incremental financing in the Town under sec. 66.1106, Wis. Stats.
- (q) 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.
- (r) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

(4) Discretionary referrals. The Edgewater 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 report:

- (a) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
- (b) a proposed county zoning ordinance or amendment.
- (c) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.
- (d) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.

- (e) 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.
- (f) A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
- (g) A proposed county plan, under sec. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
- (h) Any other matter deemed advisable for referral to the Plan Commission for report.

(5) Referral period. No final action may be taken by the Edgewater Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Plan Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Edgewater Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Edgewater Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

SECTION 14 – EFFECTIVE DATE

Following passage by the Edgewater Town Board, this ordinance shall take effect the day after the date of posting as provided by sec. 60.80, Wis. Stats.

Adopted this 13th day of September 2005.

Chairman Walden B. Day

Supervisor [Signature]

Supervisor Jack H. Korn

Posted this 13th day of September, 2005

Attest: Town Clerk Natalie Kay Clemens