

# ***Town of Eureka***

## **Town Plan Commission**

### **Ordinance 05-02**

The Town Board of the Town of Eureka, Polk County, Wisconsin, does ordain as follows:

#### **Section 1: Title**

This ordinance is entitled the “Town of Eureka Plan Commission Ordinance”.

#### **Section 2: Purpose**

The purpose of this ordinance is to establish a Town of Eureka 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 planning with significant citizen involvement.

#### **Section 3: Authority; Establishment**

The Town Board of the Town of Eureka has been authorized by the Town meeting under sec. 60.11(2)(c), WI. Stats., to exercise village powers and the Town has a population of less than 2,500, according to the most recent federal census. The Town Board hereby exercises village powers under sec. 60.22(3) WI. Stats., and establishes a five member Plan Commission under secs. 60.62(4), 61.35 and 62.23 WI. Stats. The Plan Commission shall be considered the “Town Planning Agency” under secs. 236.02(13) and 236.45 WI Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

#### **Section 4: Membership**

The Plan Commission consists of no more than two member(s) of the Town Board, who may be the Town Board Chairperson, and up to four citizen members, who are not otherwise Town officials not to exceed five members total with precedence to four citizen members, and who shall be persons of recognized experience and qualifications. Two alternate members may be added to insure majority attendance at meetings.

#### **Section 5: Appointments**

The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson to fill any expiring term. 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 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 appointed to the Plan Commission shall take and file the oath of office within five days of notice of appointment, as provided under secs. 19.01 and 60.31 WI. Stats.

#### **Section 6: 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 on April 30, or until a successor is appointed and qualified, except: The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms. The Plan Commission member who is a Town Board member or Town Board Chairperson, including a person designated the Plan Commission Chairperson, shall serve for a period of two years, as allowed under sec. 66.0501(2) WI. Stats., concurrent with his or her term on the Town Board, except an initial appointment mad after April 30 shall be for a term that expires two years from the previous April 30.

#### **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 Eureka hereby sets a per diem allowance of \$25.00 per meeting for citizen and Town Board members of the Plan Commission, as allowed under sec. 66.0501(2), WI. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, WI. Stats.

#### **Section 9: Experts**

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

#### **Section 10: Rules & Records**

The Plan Commission may, under sec. 62.23(1), WI. 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, WI. Stats.

#### **Section 11: Chairperson & Officers**

1. Chairperson. The Plan Commission Chairperson shall be appointed. The Chairperson shall:
  - a. Provide leadership to the commission;
  - b. Set commission meeting and hearing dates;
  - c. Provide notices of commission meetings and hearings and set their agenda, personally or by his or her designee;
  - d. Preside at commission meetings and hearings;

- e. Insure that the laws are followed.
2. Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), WI. Stats., a Vice Chairperson to act in place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
3. Secretary. The Plan Commission shall elect one of its members to serve 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, WI. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

#### **Section 13: General & Miscellaneous Powers**

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

1. 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 and the financing of such improvements.
4. To request available information required for the Commission to do its work.
5. In the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. However, entry shall not be made upon private land 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 under sec. 66.0119, WI. Stats.

#### **Section 14: Town Comprehensive Planning, General Authority**

The Plan Commission may make and adopt a comprehensive plan under secs. 62.23 and 66.1001, WI. Stats.

#### **Section 15: Effective Date**

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

Adopted this 8<sup>th</sup> day of September, 2005, Posted this 9<sup>th</sup> day of September, 2005.

Amended this 8<sup>th</sup> day of September, 2016.