

Town of Burns Plan Commission

- Section 1. Title
- Section 2. Purpose
- Section 3. Authority; Establishment
- Section 4. Membership
- Section 5. Appointments
- Section 6. Terms of Office
- Section 7. Vacancies
- Section 8. Compensation; Expenses
- Section 9. Rules; Records
- Section 10. Chairperson & Officers
- Section 11. Commission Members as Local Public Officials
- Section 12. General & Miscellaneous Powers
- Section 13. Town Comprehensive Planning: General Authority & Requirements
- Section 14. Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan/Amendment
- Section 15. Plan Implementation & Administration
- Section 16. Referrals to the Plan Commission
- Section 17. Effective Date

The Town Board of the Town of Burns, La Crosse County, Wisconsin, does ordain as follows:

Section 1. Title

This ordinance is entitled the "Town of Burns Plan Commission Ordinance."

Section 2. Purpose

The purpose of this ordinance is to establish a Town of Burns Plan Commission and set forth its organization. All actions and decisions by the Plan Commission shall be subject to the oath of office.

Section 3. Authority; Establishment

The Town Board of the Town of Burns 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, 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 Plan Commission under secs. 60.62(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 4. Membership

The Plan Commission shall consist of up to three (3) members of the Town Board along with the remainder being citizen members.

Section 5. Appointments

The Town Plan Commission members shall be appointed according to state law. The structure of the Commission shall also be according to state law. Members for vacant positions on the Plan Commission shall be appointed by the Town Board Chairperson, subject to confirmation by the Town Board, to fill any expiring term. 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 6. Terms of Office

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified. However, the Plan Commission Chairperson or member who is a Town Board Chairperson or Town Board member shall serve on the Commission 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. An initial appointment of such Town Board Chairperson or Town Board member made after April 30 shall be for a term that expires two (2) 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 may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wisc. Stats.

Section 9. 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 state law, 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. The Commission shall keep a record of all motions, resolutions, and actions and a copy shall be on file with the Town Clerk.

Section 10. Chairperson & Officers

- (1) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 5 and 6 of this ordinance. The Chairperson shall, subject to Town ordinances and Plan Commission rules:
 - (a) provide leadership to the Commission;
 - (b) set Commission meeting 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 or secret ballot under sec. 19.88(1), 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.

Section 11. 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 Wisconsin Statutes 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. All actions and decisions by the Plan Commission shall be subject to the oath of office.

Section 12. General & Miscellaneous Powers

The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power to make reports and recommendations relating to the plan and development of the Town to the Town Board.

Section 13. Town Comprehensive Planning: General Authority & Requirements

- (1) The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis.

Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats. all of which shall be completely and totally pursuant to the oath of office.

(2) The Plan Commission shall make and adopt the comprehensive plan and refer it to the Town board 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 January 1, 2010, so the town comprehensive plan is in effect by that date.

(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.

Section 14. Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment

The Plan Commission, in order to ensure that the requirements of sec. 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 designed to foster public participation in each stage of preparation of the comprehensive plan. Written procedures at a minimum shall include open discussion, communication, individual plans, and noticed public meetings. Written comments from Town property owners and residents shall be accepted, recorded, and encouraged by the Plan Commission.

(2) Resolution. The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution adopting a comprehensive plan or amendment shall further recite that the requirements of the comprehensive planning law have been met (including the (9) nine specified elements, public hearing, and consistency requirements), all of which shall be pursuant to all the oath of office.

(3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent per Wisconsin statute if required to:

(a) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.

(b) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.

(c) The Wisconsin Land Council.

(d) After September 1, 2005, the Department of Administration.

(e) The regional planning commission in which the Town is located.

(f) The public library that serves the area in which the Town is located.

Section 15. Plan Implementation & Administration

(1) Ordinance development. The Town Board retains the authority and does not delegate it's authority to the plan commission to prepare the following:

(a) Zoning ordinance. 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 storm water 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) Any maps. A proposed map ordinance under sec. 62.23 (6), Wisc. Stats.

(c) [Only] Subdivisions and Roads ordinance. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.

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

(3) Non-regulatory programs. The Plan Commission shall not, on its own motion, or at the direction of the Town Board by resolution or motion, propose any non-regulatory programs to implement the comprehensive plan.

(4) Program administration. The Town Board shall, pursuant to Town ordinances, review and refer their recommendations to the Town Board.

(a) Zoning conditional use permits. The zoning administrator shall refer applications for conditional use permits to the Plan Commission for review and recommendation to the Town Board as provided under County and/or Town ordinance(s).

(b) Subdivision review. Proposed plats under ch. 236, Wis. Stats, [and proposed subdivisions or other land divisions under the Town and/or County subdivision ordinance(s) under sec. 236.45, Wis. Stats. shall be referred to the Plan Commission for review and recommendation to the Town Board.

5) Consistency. Any and all ordinance(s) and/or amendment(s) and/or proposals/recommendations proposed by the Plan Commission and/or Town board that implement the Town's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats, shall be consistent with the oath of office and in turn to the Town comprehensive plan.

Section 16. Referrals to the Plan Commission

(1) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the city Plan Commission for report if you are a town/city:

(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 grounds.

(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 Town Plan Commission; the

(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 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 storm water 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 under the Town zoning ordinance [Note: Assuming that the Town Board, rather than the Plan Commission, grants these permits under sec. 62.23(7)(e) 1, Wis. Stats. and the Town's ordinances].
 - (g) A proposed site plan [Note: Assuming that the Town Board has final authority, and that such review is not already covered by Town zoning or subdivision ordinances].
 - (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 for review or adoption.
 - (l) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
 - (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.
- (4) Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty

Section 17. Effective Date

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

Adopted this 13 day of August, 2019.


(Town Board Chairperson)

[Published / Posted] this _____ day of _____, 20 ____.

Attest: 
(Town Clerk)