

## **ORDINANCE NO. 2024-7-8**

### **AN ORDINANCE ESTABLISHING A PLAN COMMISSION FOR THE TOWN OF LIND**

The Town Board of Lind, Waupaca County, Wisconsin does ordain as follows:

#### **Section 1. TITLE**

The short title of this ordinance is the "Town of Lind Plan Commission Ordinance."

#### **Section 2. PURPOSE**

The purpose of this ordinance is to establish a Town of Lind 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.

#### **Section 3. AUTHORITY: ESTABLISHMENT**

The Town Board of the Town of Lind, having been authorized by the Town meeting under Section 60.10(2)(c), Wis. Stats., to exercise village powers hereby exercises village powers under Section 60.22(3), Wis. Stats., and establishes a seven (7) member Plan Commission under Sections 61.35 and 62.23, Wis Stats. The Plan Commission shall be considered the "Town Planning Agency" under Sections 236.02(13) and 236.45, Wis. Stats.

#### **Section 4: MEMBERSHIP**

The Plan Commission shall consist of seven (7) members, all Town of Lind residents. Up to two (2) Commission members may be members of the Town of Lind Board with one being the Town Chairman. Citizen members shall be persons of recognized experience and qualifications. The Town Board shall appoint all members of the Plan Commission including the Chairperson. The Plan Commission may elect a Vice Chairperson to act in place of the Chairperson when the Chairperson is absent. The Plan Commission shall also elect a Secretary, or with the approval of the Town Board, designate the Town Clerk as Secretary. All members of the Plan Commission shall be entitled to one vote on any matter that comes before the Plan Commission.

The Plan Commission meets once a month as needed for approximately 1-2 hours, depending upon the number and complexity of tasks on its agenda. Plan Commission members shall notify the Chairperson or Secretary as soon as possible regarding an absence. The Secretary shall keep attendance records and shall notify the Board Chairperson if any member of the Commission is absent from 3 consecutive regularly scheduled meetings. That member

shall be considered delinquent which is grounds for the Governing Body to remove the member for nonperformance of duty.

**Officers:**

Chairman: shall preside at the meetings of the Commission; supervise the work of the Secretary; and decide all points of procedure unless otherwise directed by a majority of the Commissioners present.

Vice-Chairman: if needed, shall act in the capacity of the Chairman in his or her absence.

Secretary: shall prepare all correspondence for the Commission; receive and file all referrals, applications, papers, and records; prepare, publish, and mail all notices required; prepare and keep all minutes and records of the Commission's proceedings.

**Section 5: TERM**

The Town Board Chairperson and any other Town Board member who is appointed to the Plan Commission shall serve on the Plan Commission for a term of two years concurrent with his or her term on the Town Board. The term for all other Plan Commission members shall be for minimum of three years ending on April 30 or until a successor is appointed. A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term. Members wishing to resign from the Plan Commission shall notify the Town Chairman. It is preferable that no more than three members are replaced on the Commission per calendar year.

**Section 6: COMPENSATION AND EXPENSES**

All Plan Commission members are entitled to receive per meeting allowances and reimbursement for reasonable costs and expenses as are allowed by Town Board members.

**Section 7: DISCHARGE OF DUTIES**

All members of the Plan Commission shall discharge their duties in accordance with, but not limited to, the provisions of the Wisconsin Statutes on Public Records, Section 19.21 et. seq.; Code of Ethics, Section 19.42 et. seq., Open Meetings, Section 19.81 et. seq., and Private Interests in Public Contracts, Section 946.13.

**Section 8: RULES AND RECORDS**

The Plan Commission shall comply with all rules adopted by the Town Board. The Plan Commission may adopt further rules as necessary to carry out its duties. No rules may be

changed without the concurring vote of a majority of the Plan Commission. The Plan Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The Plan Commission shall keep a record of its resolutions, transactions, findings and determinations all of which shall be a public record. All actions or decisions shall be taken by resolution in which a concurring vote of a majority of the members shall be necessary.

### **Section 9: GENERAL POWERS**

The Plan Commission, under Section 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 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 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 Section 66.0119, Wis. Stats., or other court-issued warrant.

### **Section 10: TOWN COMPREHENSIVE PLAN**

- (1) It shall be the function and duty of the Plan Commission to make and adopt a comprehensive plan under Sections 62.23 and 66.1001, Wis. Stats.
- (2) The Plan Commission shall make and adopt the Comprehensive Plan 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 or before January 1, 2010, so that the Town Comprehensive Plan is in effect by the date on which any Town program or action affecting land use must be consistent with the Town Comprehensive Plan under Section 66.1001(3), Wis. Stats.
- (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, whether the work is performed by the Town, the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

### **Section 11: COMPREHENSIVE PLAN PROCEDURES**

The Plan Commission, in order to ensure that the requirements of Section 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 designated to foster public participation in every stage of preparation of the Comprehensive Plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.
- (2) **Resolution.** The Plan Commission, under Section 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 shall refer to maps and other descriptive materials that relate to one or more elements of the Comprehensive Plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under Section 66.1001, Wis. Stats., namely that:
  - (a) The Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of the preparing the Comprehensive Plan;
  - (b) The Plan contains the nine (9) specified elements and meets the requirements of those elements;
  - (c) The (specified) maps and (specified) other descriptive materials relate to The Plan;
  - (d) The Plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
  - (e) The Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in Section 66.1001(4), Wis. Stats., and sub. (3) of this section.
- (3) **Transmittal.** One copy of the Comprehensive Plan or Amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent 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, 2003, 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 12. PLAN IMPLEMENTATION, ADMINISTRATION AND REFERRALS**

- (1) **Ordinance Development.** If directed by resolution or motion of the Town Board, the Plan Commission shall prepare or make recommendations to the Town Board on the adoption or amendment of land use ordinances including but not limited to zoning, plat or land division review, site plan review, official mapping, storm water management, erosion and highway access.
- (2) **Ordinance Administration.** The Plan Commission shall review and make recommendations to the Town Board on all zoning map amendments, zoning conditional use permit applications, variances, proposed subdivisions or land divisions and site plan submittals. The Plan Commission shall ensure that at least 3 days notice is provided by first class mail to all property owners within 300 feet of the boundaries of any part of the land included in the proposed zoning change, development, or permit.
- (3) **Other Referrals.** The following additional matters shall be referred to the Plan Commission for recommendation and report pursuant to the Wisconsin Statutes:
  - (a.) The location and design of public buildings.
  - (b.) The location of statues or memorials.
  - (c.) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for any street or other public way; park or playground; airport; area for parking vehicles or other memorial or public grounds.
  - (d.) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
  - (e.) The location, character and extent of acquisition leasing or sale of lands for public or semi-public housing; slum clearance; relief of congestion; or vacation camps for children.
  - (f.) Applications for initial licensure of a child welfare agency or group home under Section 48.68(3), Wis. Stats.

- (g.) Application for initial licensure of a community-based residential facility under Section 50.03(4), Wis. Stats.
- (h.) Proposed designation of a street, road or public way, or any part thereof, wholly within the Town, as a pedestrian mall under Section 66.095, Wis. Stats.
- (i.) Matters relating to the establishment or termination of an architectural conservancy district under Section 66.1007, Wis. Stats., a reinvestment neighborhood under Section 66.1107, Wis. Stats., or a business improvement district under Section 66.1109, Wis Stats.
- (j.) A proposed housing project under Section 66.1211(3), Wis. Stats.
- (k.) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

- (4) **Referral Period.** No final action may be taken by the Town Board or other Town officer or body having final authority on a matter referred to the Plan Commission until the Plan Commission has made its report, or within 30 days or such longer period as may be stipulated by the Town Board or other Town Officer or body having final authority.

### **Section 13. FEES**

All applicable fees regarding any application brought before the Planning Commission will be determined by the current Fee Schedule adopted by the Town Board. Fees are to be paid in full by applicant prior to application being considered by Plan Commission. If application is withdrawn prior to required postings, mailings, and/or consideration of the application before the Plan Commission, the fee will be refunded in full to applicant.

### **Section 14. REPEAL OF PRIOR ORDINANCES**

This Ordinance repeals Ordinance 56 adopted November 11, 2008.

### **Section 15. EFFECTIVE DATE**

Upon adoption by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by Section 60.60, Wis. Stats.

### **Section 16. SEVERABILITY**

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Adopted this 8<sup>th</sup> day of July, 2024.  
3 Ayes 0 Nays

TOWN OF LIND

Kathy Nickel  
Kathy Nickel, Chairman

Zoey Nelson  
Zoey Nelson, Supervisor I

Cindy Hardy  
Cindy Hardy, Supervisor II

ATTEST:

Faye Neumann  
Faye Neumann, Clerk