

An Ordinance to Amend

Title 2 Government and Administration

Code of Ordinances, Village of Dane, Wisconsin

Note: Items of change (old language, if any, is "struck through" and new language as "bold face").

Section 2-4-4 shall be amended to read as follows (NOTE: **Entire Section is considered new language**):

Sec 2-4-4 Plan Commission

The Village Plan Commission, as defined herein and as established in Wis. Stats. § 62.23(1), is the Village Plan Commission referred to in this section.

(a) Purpose. The purpose of this section is to establish a Village of Dane Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and informed use of resources for the benefit of current and future residents of the Village and affected neighboring jurisdictions, through the adoption and implementation of Comprehensive Planning with significant citizen involvement.

(b) Authority; establishment. The Village Board hereby exercises its village powers and establishes a seven-member Plan Commission under Wis. Stats. §§ 61.35 and 62.23. The Plan Commission shall be considered the "Village Planning Commission" under Wis. Stats. §§ 236.02(13) and 236.45, which authorize, but do not require, Village adoption of a subdivision or other land division ordinance.

(c) Membership. The Plan Commission shall always have at least five citizen members who are not Village officials; the other two members consist of one Community Business Owner, and one board member who shall serve as the Plan Commission Chairperson. The Public Works Director shall be an active member as an ex officio of the plan commission with the right and duty to participate in all deliberations and actions, but without vote.

(d) Appointments. The Village President shall appoint the members of the Plan Commission, subject to Village Board approval. The Village President may appoint himself or herself as a member to the Plan Commission. In a year in which any Village Board member is elected at the spring election, any appointment or designation by the Village President shall be made after the election and qualification of the Village Trustee member as 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 Wis. Stats. § 19.01.

(e) 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 May 1, or until a successor is appointed and qualified, except:

(1) Initial terms. The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.

(2) Village Trustee or President. The Plan Commission member who is a Village Board member or Village President, the person designated the Plan Commission Chairperson, shall serve for a period of two years, as allowed under Wis. Stats. § 66.0501(2), concurrent with his or her term on the Village Board, except an initial appointment made after May 1 shall be for a term that expires two years from the previous May 1.

(f) Vacancies. A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

(g) Compensation; expenses. No compensation will be provided to Planning Commission members, unless otherwise determined by resolution of the Village Board. Reimbursement will be provided for travel and attendance at relevant professional seminars and conferences.

(h) Experts and staff. The Plan Commission may, under Wis. Stats. § 62.23(1), recommend to the Village Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

(i) Rules; records. The Plan Commission, under Wis. Stats. § 62.23(2), may adopt rules for the transaction of its business, subject to Village ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be public records under Wis. Stats. §§ 19.21 through 19.39.

(j) Chairperson and officers.

(1) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in Subsections (e) and (f) of this section. The Chairperson shall, subject to Village 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 and set their agendas, personally or by his or her designee.
- d. Preside at Commission meetings and hearings.
- e. Ensure that the laws are followed.

(2) Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under Wis. Stats. § 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 Wis. Stats. § 19.88(1), one of its members to serve as Secretary or, with the approval of the Village Board, designate the Village Clerk who shall be an ex officio member of the Plan Commission and its Secretary with the right and duty to participate in all deliberations and actions, but without vote.

(k) 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, Wis. Stats. § 19.01, in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: public records, Wis. Stats. §§ 19.21 through 19.39; Code of Ethics for Local Government Officials, Wis. Stats. §§ 19.42, 19.58 and 19.59; open meetings, Wis. Stats. §§ 19.81 through 19.89; misconduct in office, Wis. Stats. § 946.12; and private interests in public contracts, Wis. Stats. § 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

(l) General and miscellaneous powers. The Plan Commission, under Wis. Stats. § 62.23(4), shall have the power:

- (1) Necessary to enable it to perform its functions and promote Village planning.
- (2) To make reports and recommendations relating to the plan and development of the Village to the Village Board, other public bodies, citizens, public utilities and organizations.
- (3) To recommend to the Village 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 Wis. Stats. § 66.0119, or other court-issued warrant.

(m) Village comprehensive planning: general authority and requirements.

(1) The Plan Commission shall make and adopt a Comprehensive Plan under Wis. Stats. §§ 62.23 and 66.1001, which contains the elements specified in Wis. Stats. § 66.1001(2), and follows the procedures in Wis. Stats. § 66.1001(4).

(2) The Plan Commission shall make and adopt the Comprehensive Plan within the time period directed by the Village Board.

(3) In this subsection 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 for the Village by the Plan Commission, Village staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

(n) Procedure for Plan Commission adoption and recommendation of a Village Comprehensive Plan or amendment. The Plan Commission, in order to ensure that the requirements of Wis. Stats. § 66.1001(4) 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 Village Board has adopted written procedures designed 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 Village Board and for the Village Board to respond to such written comments.

(2) Resolution. The Plan Commission, under Wis. Stats. § 66.1001(4)(b), shall recommend its proposed Comprehensive Plan or amendment to the Village 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 Wis. Stats. § 66.1001, namely that:

- a. The Village Board adopted written procedures to foster public participation and that such procedures allowed for public participation at each stage of preparing the Comprehensive Plan.
- b. The plan contains the nine 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.
- 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 Wis. Stats. § 66.1001(4), and this section.

(3) Transmittal. One copy of the Comprehensive Plan or amendment adopted by the Plan Commission for recommendation to the Village Board shall be sent to all parties as required under Wis. Stats. § 66.1001.

(o) Plan Implementation and Administration. The rules and regulation that are developed with the Plan Commission shall be amended to the Code of Ordinances when accepted by the Village Board by majority vote and published in the designated paper.

(p) Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Village ordinances or programs that implement the Village's Comprehensive Plan under Wis. Stats. §§ 62.23 and 66.1001 shall be consistent with that plan. If any such Plan Commission action would not be consistent with the Comprehensive Plan, the Plan Commission shall use this as information to consider in updating the Comprehensive Plan.

Vote: _____ Yes _____ No

The above and foregoing amending Ordinance was duly adopted at a regular meeting of the Village Board on the 6th day of July, 2010, Dane, Wisconsin.

Steve Clemens, Village President

Attest: _____

Rebecca Simpson, Clerk/Treasurer/Administrator