

ORDINANCE 2008-2  
AMENDMENT OF ORDINANCE #2000-1  
TOWN PLANNING COMMISSION

The Town Board of the Town of Cooperstown, Manitowoc County, Wisconsin, does ordain as follows:

**Section 1. Title**

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

**Section 2. Purpose**

The purpose of this ordinance is to establish a Town of Cooperstown 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 significant citizen involvement.

**Section 3. Establishment.**

The Town Board of the Town of Cooperstown 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 and special federal census, sec. 990.01(29), 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; Procedure.**

The Town Plan Commission shall consist of five (5) members who shall serve with compensation. The Town Chairperson may appoint to the Commission town elected or appointed officials, including him or herself, but there shall always be three (3) citizen members who are not otherwise town elected or appointed officials. At least one member of the Town Plan Commission shall be a Town Board member.

Town Plan Commission members shall be appointed by the Town Chairperson and subsequently confirmed by the Town Board at the first regular Town Board meeting after the Annual meeting in April. If a new Plan Commission member is not appointed, the existing member will remain on the Plan Commission until the new appointment is approved and oath taken.

In a year in which any Town Board member is elected in the spring election, any appointment or designation by the Town Chairperson shall be made after the election and qualification of the Town Board members elected.

Official oaths shall be taken by all members in accordance with secs. 19.01 and 60.031, Wis. Stats., within five (5) days of receiving confirmation of their appointment.

**Section 5. Terms of Office.**

Terms for all Plan Commission members shall commence upon adoption of this amendment for a period ending one, two, and three years, respectively as to stagger the initial terms, and thereafter all member(s) shall serve for a term of three (3) years, ending in April, or until a successor is appointed and qualified.

If a park board is created or a town engineer appointed, the president of such board or such engineer shall succeed to a place on the Commission when the term of one (1) citizen member expires. A Plan Commission member may be removed only by a majority vote of the full Town Board.

**Section 6. Vacancies.**

A Person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder to the term.

**Section 7. Compensation and Expenses.**

The Town Board of Cooperstown hereby sets a per diem allowance of a set amount to be reviewed by the Town Board from time to time for citizen and Town officials as allowed under sec.66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.23(1), Wis. Stats. Refer to “Resolution: Plan Commission Wages”.

**Section 8. Experts and Staff.**

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

**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 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.

**Section 10. Chairperson & Officers.**

(1) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided for in 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 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;
- (f) appoint special and standing committees.

(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 be appointed by the Plan Commission Chairperson.

**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. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

**Section 12. Plan Commission Meetings.**

Meetings may be held monthly and at the call of the chairperson or majority of the full membership three (3) members of the Commission and shall be open to the public.

Quorum shall be three (3) members, but all actions shall require approval of a majority of the full Commission three (3) members except a motion to adjourn.

A written record shall be kept showing all actions taken, resolutions, findings determinations and recommendation made; and a copy shall be filed with the Town Clerk as public record.

**Section 13. General Powers and Duties.**

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

(1) Necessary to enable it to perform its functions and 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 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.

(6) To employ experts and staff and to pay for their services, supplies, equipment, and such other expenses as may be necessary and proper, not to exceed the appropriations and regulations made by the Town Board.

**Section 14. Town Comprehensive Planning: General Authority, Requirements and Duties**

- (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.
- (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 sec. 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 for the Town by 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.
- (4) The Plan Commission shall make and recommend an official map to the Town Board in accordance with sec. 62.23(6) Wis. Stats.
- (5) The Plan Commission shall prepare and recommend a zoning district plan and suggest necessary text amendments to the Cooperstown Zoning Ordinance to the Town Board and the Manitowoc County Board of Supervisors.

**Section 15. 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 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 Tow Plan Commission; the Town master Plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; 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.
  - (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.
  - (r) Proposed fire prevention regulations.
  - (s) All annexations, incorporations, or consolidation affecting the Town.
  - (t) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.
- (3) Discretionary referrals. The 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.
- (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 (30 ) days, or such longer period as stipulated by the 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 Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

**Section 16. Additional Powers and Duties.**

The Plan Commission shall have all additional powers and duties granted or assigned by the Town Board or by Town ordinances. All the powers and duties granted or assigned by the Wisconsin Statutes to the City Plan Commissions and any amendments thereto are hereby granted or assigned to the Plan Commission and such statutes are hereby adopted by reference.

**Section 17. Severability and Conflict.**

If any section or part of this ordinance is adjudged unconstitutional or invalid by a court or competent jurisdiction, the remainder of this ordinance shall not be affected thereby. All other ordinances or parts of ordinances of the Town inconsistent with this ordinance to the extent of the inconsistency only, are hereby repealed.

**Section 18. Effective Date.**

This ordinance shall be effective after adoption and publication by the Town Board of the Town of Cooperstown as set forth in sec. 60.80, Wis. Stats.

TOWN OF COOPERSTOWN, MANITOWOC COUNTY, STATE OF WISCONSIN

Adopted this 10<sup>th</sup> day of April 2008.

Ross Johnson  
Name

Chairman  
Title

Michael Albers  
Name

Supervisor  
Title

Fred Lemens  
Name

Supervisor  
Title

I hereby certify that the foregoing ordinance was duly adopted by the Town of Cooperstown, at a legal meeting on the 10<sup>th</sup> day of April, 2008.

Susan Kornely  
Name

Clerk  
Title

Posted April 30, 2008