

Town of Mishicot  
Ordinance No. 2006-1  
Town Plan Commission Ordinance  
Towns Under 2,500 Population  
Revised 11/3/2008

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

**Section 1. Title**

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

**Section 2. Purpose**

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

**Section 3. Authority; Establishment (7-Member)**

The Town Board of the Town of Mishicot 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 seven (7) 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 (7-Member)**

The "Town Plan Commission" shall consist of seven (7) members, all of whom shall be appointed by the Town Board Chairperson, who shall also select the presiding officer. The Town Board Chairperson may appoint himself or herself to the Commission and may appoint other Town elected or appointed officials to the Commission, except that the Commission shall always have at least one (1) citizen member who is not a Town official. The Commission may consist of seven (7) citizen members. All appointments are subject to the advisory approval of the Town Board. The presiding officer may be any of the seven (7) Plan Commission members.

**Section 5. Appointments**

The Town Board Chairperson shall appoint the members of the Plan Commission in the month of April and designate a Plan Commission Chairperson. 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 (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.

**Section 6. Terms of Office** (With Citizen Member Terms Staggered)

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, except:

(1). Initial Terms. If the initial appointments to the Plan Commission are made during April, the citizen members shall be appointed for staggered terms as follows: three (3) persons for a term that expires in one (1) year; two (2) persons for a term that expires in two (2) years; and two (2) person for a term that expires in three (3) years. If the initial appointments are made after April, the specified term shall expire as if appointed on the previous April 30.

(2). Town Board Member or Chairperson. 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 (2) years, as allowed under sec. 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board, except an initial appointment 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. Expenses**

The Town Board of the Town of Mishicot hereby agrees to reimburse reasonable costs and expenses related to training members of the Plan Commission, as allowed under sec. 60.321, Wis. Stats.

**Section 9. Experts & Staff**

The Plan Commission may, under sec. 62.23(1), Wis. Stats., employ experts and staff, and pay for their services and necessary and proper expenses, within the limits of any appropriation made to the Commission by the Town Board for such purposes, and subject to Town Board ordinances and resolutions.

**Section 10. 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 11. 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 Commission rules, provide leadership to the Commission, preside at Commission meetings and hearings, set meeting and hearing dates and agendas, and 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), 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 elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as secretary.

**Section 12. General & Miscellaneous Powers**

The Plan Commission, under sec. 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 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 or an inspection warrant issued for cause under 66.0119 of Wis. Stats., or other court-issued warrant.

**Section 13. Authority to Meet: Reimbursement of Expenses**

The Plan Commission is authorized to meet each time a re-zoning request is received for the purpose of making a recommendation on said request. The party petitioning for the re-zoning shall pay a fee in the amount of \$150.00 to cover the Town's costs associated with the re-zoning request. The fee shall be paid to the Town Clerk prior to the time that the Plan Commission convenes.

**Section 14. Town Comprehensive Planning; General Authority & Requirements**

The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., Plan which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats.

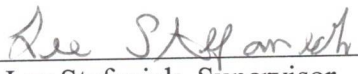
**Section 15. Effective Date**

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 3<sup>rd</sup> day of November, 2008.

  
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C. J. Hoffman, Chairperson

  
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Dean Anhalt, Supervisor

  
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Lee Stefaniak, Supervisor

Posted this 5<sup>th</sup> day of November, 2008.

Attest: Connie Lesant (Town Clerk)