

ORDINANCE NO. 09-2023A

**AN ORDINANCE TO REPEAL AND RECREATE THE TOWN OF HAYWARD PLAN
COMISSION ORDINANCE**

The Town Board of the Town of Hayward, Sawyer County, Wisconsin, does hereby ordain as follows:

Section 1: The Town of Hayward Planning Commission Ordinance, Ordinance #02-2007, and any amendments thereto, are hereby repealed and recreated in its entirety to read as follows:

“TOWN OF HAYWARD PLAN COMMISSION ORDINANCE

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. Experts & Staff

Section 10. Rules; Records

Section 11. Chairperson & Officers

Section 12. Commission Members as Local Public Officials

Section 13. General & Miscellaneous Powers

Section 14. Town Comprehensive Planning: General Authority & Requirements

Section 15. Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment

Section 16. Plan Implementation & Administration

Section 6. Terms of Office

The term of office for each Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified. For continuity purposes terms of citizens members will be staggered with no more than 3 expiring in any year.

However, a 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 and Removals

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term. A member of the Plan Commission may be removed only by a majority vote of the Town Board.

Section 8. Compensation; Expenses

The Town Board of the Town of Hayward hereby sets a per diem allowance of \$50.00 per meeting for citizen and Town Board members of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats. Committee meetings are voluntary and unpaid. \$50.00 per diem can be applied to seminars, conferences, or training sessions at the discretion of the Commission Chairperson. The Chairperson is responsible for not exceeding the yearly budget as provided in the annual Town budget. Any spending in excess of the budget must be approved by the Town Board.

Section 9. Experts & 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 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

Election of Commission officers will be held yearly in May. Officers will be elected by Commission members subject to the approval of the Town Board. All Commission members, whether citizen or elected town official are eligible to become Chairperson or other elected officer.

- 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.

Section 14. 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.
- 2) 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.

Section 15. 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 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 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 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 sec. 66.1001, Wis. Stats., namely that:

- c) A proposed Town subdivision or other land division ordinance under sec. 236.
 - d) Any other ordinance specified by the Town Board (Note: e.g., historic preservation, design review, site plan review). 45, Wis. Stats.
- 2) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.
 - 3) Program administration. The Plan Commission shall, pursuant to Town ordinances, have the following powers.
 - a) Subdivision review. Proposed plats under ch. 236, Wis. Stats, and proposed subdivisions or other land divisions under the Town subdivision ordinance under sec. 236.45, Wis. Stats. and section 1-02 of the Town ordinances shall be referred to the Plan Commission for review and recommendation to the Town Board.
 - b) Other as the Town Board may specify.
 - 4) Consistency. When the Plan Commission considers any action that is subject to the consistency requirement in sec. 66.1001(3), Wis. Stats., the action of the Plan Commission shall, as of January 1, 2010, be consistent with the Comprehensive 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.

Section 17. Referrals to the Plan Commission

- 1) Required referrals under sec. 62.23(5), Wis. Stats. Those matters referred to be referred to the Plan Commission for report shall be those as set forth in sec. 62.23(5), Wis. Stats.
- 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 license of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
 - b) An application for initial license 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.

- 4) 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 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.
 - b) Any other matter deemed advisable for referral to the Plan Commission for report.
- 5) 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 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 Two: The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Section Three: This ordinance is effective on posting or publication as required under s. 60.80, Wis. stats.

Adopted this 17 day of Oct, 2023.


Stephanie Laakson, Town Chairperson

Attest:


Bryn Hand, Clerk-Treasurer