

Adopted by  
Town Board  
April 14, 2008

## **TOWN OF PERRY LAND USE COMMITTEE ORDINANCE**

The Town Board of the Town of Perry, Dane County, Wisconsin, does ordain as follows:

### **Section 1. Title**

This ordinance is entitled the “Town of Perry Land Use Committee Ordinance”.

### **Section 2. Purpose**

The purpose of this ordinance is to establish a Town of Perry Land Use Committee 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. In so doing, it will review applications for changes in zoning classifications, make site visits, conduct public hearings and generally advise the Town Board of land use matters.

### **Section 3. Authority; Establishment (5-Member)**

The Town Board of the Town of Perry has been authorized by the Town meeting under sec. 60.10(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 re-establishes a five (5) member Land Use Committee under secs. 60.62(4), 61.35 and 62.23, Wis. Stats. The Land Use Committee shall be considered the “Town Planning Agency” under secs. 236.02(13) and 236.45, Wis. Stats., which authorize Town adoption of a subdivision or other land division ordinance.

### **Section 4. Membership (5-Member)**

The “Town Land Use Committee” shall consist of five (5) 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 Committee and may appoint other Town elected or appointed officials to the Committee, except that the Committee shall always have at least one (1) citizen member who is not a Town official. The Committee may consist of five (5) citizen members. All appointments to the Committee are subject to

confirmation by the Town Board. The presiding officer may be any of the five (5) Land Use Committee members.

### **Section 5. Appointments**

The Town Board Chairperson shall appoint the members of the Land Use Committee in the month of April and designate a Land Use Committee 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 Land Use Committee 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.

Removal of any Commission member by the Town Board may occur for cause, following prior notice to the member of the issue's consideration at the next scheduled Town Board meeting. Mail notices shall be sufficient, to the last known address. "Cause" includes, but is not necessarily limited to, violations of the Committee structure set forth, unexcused absence from meeting(s), refusal to follow Commission or Town Board rules or directions, or voting on an issue in which the member has a direct interest in the outcome by virtue of ownership, easement, or lease rights. Any member's resignation may be accepted by the Town Board. Vacancy shall be filled by the Town Board for the unexpired remainder of the term.

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

The term of office for the Land Use Committee Chairperson and each Committee 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 Land Use Committee are made during April, the citizen members shall be appointed for staggered terms as follows: two (2) persons for a term that expires in one (1) year; two (2) persons for a term that expires in two (2) years; and one (1) 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 Land Use Committee member who is a Town Board member or Town Board Chairperson, including a person designated the Land Use Committee 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 Land Use Committee shall serve for the remainder of the term.

The Town Clerk shall solicit Town residents and owners of real property within the Town to serve on the Land Use Committee by placing advertisements in the Town's official local newspaper and on the Town's official website.

### **Section 8. Meetings**

The Land Use Committee will meet monthly or as needed to consider applications and other Town business referred to the Committee by the Town Board.

### **Section 9. Compensation; Expenses**

The Town Board of the Town of Perry has set a per diem allowance per meeting for members of the Land Use Committee, as allowed under sec. 66.0501(2), Wis. Stats., which the Town Board may revise from time to time. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

### **Section 10. Experts & Staff**

The Land Use Committee 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 Committee by the Town Board for such purposes, and subject to Town Board ordinances and resolutions.

### **Section 11. Rules; Records**

The Land Use Committee, 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 12. Chairperson & Officers**

- (1) **Chairperson.** The Land Use Committee 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 Committee rules, provide leadership to the Committee, preside at Committee meetings and hearings, set meeting and hearing dates and agendas, and ensure that the laws are followed.
- (2) **Vice Chairperson.** The Land Use Committee 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 Land Use Committee shall, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as secretary. The Secretary will publish the agenda in compliance with Open Meeting laws. The Secretary will provide the Town's Applications Guide, copies of Town ordinances, permit application forms as requested by applicants, and comply with the Town's applications policies. Each Town Board supervisor may refer to the Secretary an item for the agenda, with which the Secretary will comply. Any member of the Committee may refer an agenda item to the Secretary, who shall add that item to the agenda. The Secretary serves as the Recording Secretary for the Committee meetings and hearings. The Secretary prepares minutes of meetings and hearings in draft form and provides these drafts to the Committee for amendment and approval at the next Committee meeting and to the Town Board for informational purposes. Minutes will be kept at each Committee meeting by the Secretary or, if absent, a member chosen by the Committee who will ensure that draft minutes of that meeting are furnished to the Secretary at least five (5) days before the Town Board meeting, whenever possible, to allow for Town Board review. A member designated by the Committee shall appear at each monthly Town Board meeting immediately following a Committee meeting.

### **Section 13. General & Miscellaneous Powers**

The Land Use Committee, 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. All decisions and recommendations of the Town Land Use Committee are to be viewed as the official position of the Town of Perry until such decisions and recommendations have been properly considered by the Town Board. In the event the majority of the Town Board disagrees with a given recommendation made by the Land Use Committee, the Town Board shall then invite the Land Use Committee to a special meeting of the Town Board. After duly considering the Land Use Committee's recommendation at such special meeting, the Town Board will act upon the application at issue.

If a Land Use Committee member is directed by the Town Board to appear at the Dane County level, such committee member shall accurately express and explain the rationale behind the land use issue then being considered by the County. An alternative representative may be chosen when the Land Use Committee member originally designated is unable to appear.

- (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 Committee 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 14. Town Comprehensive Planning; General Authority & Requirements**

The Land Use Committee 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(3), 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 \_\_\_\_14<sup>th</sup> day of April, 2008.

\_\_\_\_\_(Town Board Chairperson)

\_\_\_\_\_(Town Supervisor 1)

\_\_\_\_\_(Town Supervisor 2)

Attest: \_\_\_\_\_  
Town Clerk

Published:  
Posted: