

## Chapter 6 - BOARDS, COMMISSIONS AND COMMITTEES

### Section 6.01 BOARD OF REVIEW.

(a) **Membership.** The Board of Review shall consist of five (5) members and one alternate member appointed by the Town Chairperson and confirmed by the Town Board:

(1) Terms shall be for staggered three (3) year terms commencing on the second Wednesday of April. No more than two (2) members' terms shall expire each year.

(2) All members must be residents of the Town of Turtle.

(3) No member may serve on a County Board of Review.

(4) The Town Assessor may not be a member of the Board of Review.

(5) The Town Clerk-Treasurer may not serve on the Board of Review.

(6) The Town Clerk shall serve as the Clerk of the Board of Review and keep an accurate record of all of its proceedings.

(7) The members of the Board of Review shall receive such compensation as shall be determined by the Town Board.

(8) No Board of Review may be constituted unless it includes at least one voting member who, within 2 years of the Board's first meeting has attended a training session under section 73.03 (55) of the Wisconsin Statutes and unless that member is the Town's chief executive officer or that officer's designee.

(b) **Meetings.** The Board of Review shall meet annually at any time during the 30 day period beginning on the second Monday of May. The Board of Review shall meet at the Town of Turtle Community Center or such other place as designated by the Town Board. A majority of the Board of Review shall constitute a quorum except that two members may hold any hearing of the evidence required to be held by the Board.

(1) At least 15 days before the first session of the Board of Review, the Clerk of the Board shall publish a Class I notice, place a notice in at least 3 public places and place a notice on the door of the Town of Turtle Community Center of the time and place of the first meeting of the Board of Review.

(2) All meetings of the board of Review shall be publicly held and open to all citizens at all times.

(3) No formal action of any kind shall be introduced, deliberated upon or adopted at any closed session or meeting of a Board of Review.

(4) At its first meeting, the Board of Review:

a. Shall receive the assessment role and sworn statements from the Clerk;

b. Shall be in session at least 2 hours for taxpayers to appear and examine the assessment role and other assessment data;

c. Shall schedule for hearing each written objection that it receives during the first two hours of the meeting or that it received prior to the first meeting;

d. Shall grant a waiver of the 48 hour notice of an intent to file a sworn statement or oral objection if a property owner who does not meet the notice requirement appears before the Board during the first two hours of the meeting, shows good cause for failure to meet the 48 hour notice requirement and files a written objection; and

e. May hear any written objections if the Board gave notice of the hearing to the Property owner and the assessor at least 48 hours before the beginning of the scheduled meeting or if both the property owner and the assessor waive the 48 hour notice requirement.

(5) The Assessor shall be present at the first meeting of the Board of Review.

(6) For each properly filed written objection that the Board receives and schedules during its first meeting, but does not hear at the first meeting. The Board shall notify each objector and the Assessor, at least 48 hours before an objection is to be heard, of the time of that hearing.

(7) If, during any meeting, the Board determines that it cannot hear some of the written objections at the time scheduled for the, it shall create a new schedule, and it shall notify each objector who has been rescheduled, at least 48 hours before the objection is to be heard of the time of hearing.

(8) If an objector fails to provide written or oral notice of an intent to object 48 hours before the first scheduled meeting, fails to request a waiver of the notice requirement, appears before the Board at any time up to the end of the 5<sup>th</sup> day of the session or up to the end of the final day of the session if the session is less than 5 days, and files a written objection and provides evidence of extraordinary circumstances, the Board of Review may waive all notice requirements and hear the objection.

(9) If the assessment role is not completed at the time of the first meeting, the Board shall adjourn for the time necessary to complete the role, and shall post a written notice on the outer door of the place of meeting stating the time to which the meeting is adjourned.

(10) The Town Board by resolution may designate hours during which the Board of Review shall hold its first meeting but not fewer than 2 hours on the first meeting day between 8:00 a.m. and Midnight. Such designation of hours shall only be effective after notice of the resolution has been posted in not less than 3 public places at least 15 days before such first meeting.

(11) The Board of Review may adjourn from time to time until its business is completed. If an adjournment is for more than one day, a written notice shall be posted on the outer door of the place of meeting, stating to what time the meeting is adjourned.

(12) The Clerk shall keep a record in the minute book of all proceedings of the Board.

(c) **Board's Duty.** The Board of Review shall carefully examine the roll or rolls and correct all apparent errors in description or computation and shall add all omitted property as provided in section 70.47(10) of the Wisconsin Statutes. The Board shall not raise or lower the assessment of any property except after a hearing as set forth in this ordinance.

(d) **Removal of a Member.** A member of the Board of Review shall be removed, for the purpose of a hearing on an objection, if any of the following applies:

(1) A person who is objecting to a valuation, at the time that the person provides written or oral notice of an intent to file an objection and at least 48 hours before the first scheduled session of the Board of Review or at least 48 hours before the objection is heard if the objection is one allowed at the first meeting, requests the removal except that no more than one member of the Board of Review may be removed under this paragraph.

(2) A member of the Board of Review has a conflict of interest in regard to the objection.

(3) A member of the Board of Review has a bias in regard to the objection and, if a party requests the removal of a member for a bias, the party submits with the request an affidavit stating that the party believes that the member has a personal bias or prejudice against the party and stating the nature of that bias or prejudice.

A member of the Board of Review who violates section 19.59 of the Wisconsin Statutes by hearing an objection shall recuse himself or herself from that

hearing. The Clerk shall provide to the Department of Revenue an affidavit declaring whether the requirement under this paragraph is fulfilled.

If a member or members of the Board of Review are removed or recused under this section, the Board may replace the member or members or its remaining members may hear the objection, except that no fewer than 3 members may hear the objection.

(e) **Comments.** Any person may provide the Town Clerk written comments about valuations, assessment practices and the performance of any assessor. The Clerk shall provide all of those comments to the appropriate Town officer.

(f) **Objection to Valuation.** The Board of Review may not hear an objection to the amount or valuation of property unless, at least 48 hours before the Board's first scheduled meeting, the objector provides to the Board's Clerk written or oral notice of an intent to file an objection, except that, upon a showing of good cause and the submission of a written objection, the Board shall waive that requirement during the first 2 hours of the Board's first scheduled meeting. The Board may also waive that requirement up to the end of the 5th day of the session or up to the end of the final day of the session if the session is less than 5 days. However, the objector must provide proof of extraordinary circumstances for failure to meet the 48 hour requirement and failure to appear before the Board of Review during the first 2 hours of the first scheduled meeting.

(1) Objections to the amount or valuation of property shall first be made in writing and filed with the Clerk of the Board of Review within the first 2 hours of the Board's first scheduled meeting. However, upon evidence of extraordinary circumstances, the Board may waive that requirement up to the end of the 5<sup>th</sup> day of the session or up to the end of the final day of the session if the session is less than 5 days.

(2) The Board may require such objections to be submitted on forms approved by the Department of Revenue, and The Board shall require that any forms include stated valuations of the property in question.

(3) Persons who own land and improvements to that land may object to the aggregate value of that land and improvements to that land, but no person who owns land and improvements may object only to the valuation of the land or only to the valuation of the improvements to the land.

(4) No person shall be allowed in any action or proceedings to question the amount of valuation of property unless such written objection has been filed and such person in good faith presented evidence to the Board in support of such objections and made full disclosure before the Board, under oath, of all of that person's property liable to assessment in the Town and the value thereof. However, the requirement that the objection be made in writing may be waived by express action of the Board of Review.

(5) No person shall be allowed to appear before the Board of Review, to testify to the Board by telephone or to contest the amount of any assessment of real or personal property if the person has refused a reasonable written request by certified mail of the assessor to view such property.

(6) After the first meeting of the Board of Review and before the Board's final adjournment, no person who is scheduled to appear before the Board may contact, or provide information to, a member of the Board about that person's objection except at a session of the Board.

(7) No person may appear before the Board of Review, testify to the Board of Review by telephone or contest the amount of any assessment unless, at least 48 hours before the first meeting of the Board of Review or 48 hours before the objection is heard if the objection is allowed at the first meeting, that person provides to the Clerk of the Board of Review notice as to whether the person will ask for removal of a member. And, if so, which member will be removed and the person's reasonable estimate of the length of time that the hearing will take.

(8) When appearing before the Board of Review, the person shall specify, in writing, the person's estimate of the value of the land and of the improvements that are the subject of the person's objection and specify the information that the person used to arrive at that estimate.

(9) No person may appear before the Board of Review, testify to the Board by telephone or object to a valuation, if that valuation was made by the assessor or the objector using the income method unless the person supplies to the assessor all of the information about income and expenses, as specified in section 73.03 (2a) of the Wisconsin Statutes, that the assessor requests.

(g) **Hearing.** The Board shall hear upon oath all persons who appear before it in relation to the assessment. The Board shall hear upon oath, by telephone, all ill or disabled persons who present to the Board a letter from a physician, surgeon or osteopath that confirms their illness or disability. The Board at such hearing shall proceed as follows:

(1) The Clerk shall swear all persons testifying before it or by telephone in relation to the assessment.

(2) The owner or the owner's representative and the owner's witnesses shall first be heard.

(3) The Board may examine under oath such persons as it believes have fair knowledge of the value of such property.

(4) The Board may and upon request of the assessor shall compel the attendance of witnesses, except objectors who may testify by telephone, and the

production of all books, inventories, appraisals, documents and other data which may throw light upon the value of the property.

(5) All proceedings shall be taken in full by a stenographer or by a recording device. The expense thereof shall be paid by the Town. The Board may order that notes be transcribed. The Clerk shall keep a list of persons speaking in order in which they speak.

(6) The Clerk's notes, written objections and all other material submitted to the Board of Review, tape recordings of the proceedings and any other transcript of the proceedings shall be retained for at least 7 years and shall be available for public inspection. Copies of these items shall be supplied promptly at a reasonable time place to anyone requesting them at the requestor's expense.

(7) All determination of objections shall be made by roll call vote.

(8) The assessor shall provide the Board specific information about the validity of the valuation to which the objection is made and shall provide to the Board the information that the assessor used to determine that valuation.

(9) The Board shall presume that the assessor's valuation is correct. However, that presumption may be rebutted by a sufficient showing by the objector that the valuation is incorrect.

(h) **Correction of Assessments.** From the evidence before it, the Board shall determine whether the assessor's assessment is correct. If the assessment is too high or too low, the Board shall raise or lower the assessment accordingly and shall state on the record the correct assessment and that the assessment is reasonable in light of all of the relevant evidence that the Board received. A majority of the members of the Board present at the meeting to make the determination shall constitute a quorum for the purposes of making such determination, and a majority vote of the quorum shall constitute the determination. In the event there is a tie vote, the assessment shall be sustained.

A Board member shall not be counted in determining a quorum and may not vote concerning the determination unless such member:

(1) Attended the hearing of the evidence; or

(2) Received the transcript of the hearing not less that 5 days prior to the meeting and read such transcript; or

(3) Received a mechanical recording of the evidence no less than 5 days prior to the meeting and listened to such recording; or

(4) Received a copy of a summary and all exceptions thereto not less than 5 days prior to the meeting and read such summary and exceptions. In this paragraph “summary” means a written summary of the evidence prepared by one or more Board members attending the hearing of evidence, which summary shall be distributed to all Board members and all parties to the contested assessments. In this paragraph “exceptions” means written exceptions to the summary of evidence filed by the parties to the contested assessment.

(i) **Assessment by Board.** If the Board has reason to believe, upon examination of the roll and other pertinent information, that other property, the assessment of which is not complained of, is assessed above or below the general average of the assessment of the Town, or is omitted, the Board shall:

(1) Notify the owner, agent or possessor of such property of its intention to review such assessment or place it on the assessment roll and of the time and place fixed for such hearing.

(2) Fix the day, hour and place at which such matter will be heard.

(3) Subpoena such witnesses, except objectors who may testify by telephone, as it deems necessary to testify concerning the value of such property. The expense incurred shall be paid by the Town.

(4) At the time appointed, proceed to review the matter as provided subsection (g).

(j) **Parties.** In all proceedings before the Board of Review, the Town shall be a party in interest to secure or sustain an equitable assessment of all property in the Town.

(k) **Notice of Decision.** Prior to final adjournment, the Board of Review shall provide the objector notice by personal service or certified mail of the amount of the assessment as finalized by the Board and an explanation of appeal rights and procedures. Upon delivering or mailing the notice, the Clerk of the Board of Review shall prepare an affidavit specifying the date when that notice was delivered or mailed.

(l) **Appeal.** Appeal from the determination of the Board of Review shall be an action for a certiorari commenced within 90 days after the objector received notice of the decision of the Board of Review.

(m) **Summary of Proceedings.** After the Board of Review has completed its determinations, the Clerk shall prepare a summary of the proceedings and determinations, on forms prescribed by the Department of Revenue, which shall include the following information:

- (1) Name of taxpayer;
- (2) Description or designation of the property subject to the objection;
- (3) Amount of the assessment about which the taxpayer objected;
- (4) Names of any persons who appeared on behalf of the taxpayer; and
- (5) The Board of Review's determination of the taxpayer's objection.

State Law Reference: Sections 70.46 and 70.47, Wis. Stats.

## **Section 6.02 BOARD OF ADJUSTMENT**

(a) **Membership.** The Board of Adjustment shall consist of five (5) members and two (2) alternate members appointed by the Town Chair and confirmed by the Town Board.

(1) Members shall be appointed for staggered three (3) year terms commencing on the second Wednesday of April. Members shall be appointed so that no more than two (2) members' terms shall expire in each of the first two (2) years and no more than three (3) members' terms shall expire in the third year.

(2) The Chair shall be elected annually by the Board from among its members.

(3) Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself or herself from any meeting or hearing at which said matter is under consideration.

(4) An Alternate Member shall act only when a regular member is absent or cannot vote.

(5) Not more than one Town Board member, nor the Zoning Administrator, may be a member of the Board of Adjustment.

(6) The Secretary shall be the Town Clerk.

(7) The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Adjustment.

(8) Members of the Board of Adjustment shall reside within the Town of Turtle.

(9) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.

(10) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(11) Compensation shall be as determined by the Town Board.

(12) Members shall attend at least one training session presented by the Wisconsin Towns Association, University of Wisconsin, or a state agency

(b) **Organization.** The Board of Adjustment shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

(1) Meetings shall be held at the call of the Chair and shall be open to the public.

(2) The Chairperson, or, in his or her absence, the acting Chair person, may administer oaths and compel the attendance of witnesses.

(3) Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, or if absent, or failing to vote indicating such fact, the reasons for the Board's determination, and its findings of fact. The Secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed with the Town Clerk and shall be a public record.

(4) The concurring vote of three (3) members of the Board shall be necessary to exercise the powers enumerate in section 6.02(c).

(c) **Powers.** The Board of Adjustment shall have the following powers:

(1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of codes, regulations or ordinances under his or her jurisdiction.

(2) **Variances.** To hear and grant applications for variances.

a. A "use variance" is a variance from the way the property may be used under its zoning classification.

b. Use variances shall not be granted.

c. An “area variance” is a variance from the zoning regulations on lot area, density, height, frontage, setbacks, and similar regulations in order to promote uniformity of development, lot and building size.

d. To grant area variance, the Board must find:

1. Unnecessary hardship exists which means that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted use or would render conformity with such restrictions unnecessarily burdensome.

2. The hardship must be based on conditions unique to the property rather than considerations personal to the property owner.

3. The hardship cannot be self-created by the property owner.

4. The variance cannot be contrary to the purpose of the zoning restriction at issue.

5. The variance cannot be contrary to the public interest.

**(d) Appeals.**

(1) Appeals to the Board of Adjustment may be made by any person aggrieved by a decision or determination under sections 6.02(c)(1). Such appeals shall be filed with the Town Clerk within sixty (60) days after the decision or determination.

(2) Applications under section 6.02(c)(2) may be made by the owner or lessee of the property affected at any time and shall be filed with the Town Clerk.

(3) All appeals and applications shall be filed on forms provided by the Town Clerk.

(4) Each appellant or application shall pay a fee to be determined by the Town Board.

**(e) Hearings on Appeals and Applications.**

(1) The Board of Adjustment shall hold a public hearing on all appeals and applications within sixty (60) days of the Town Clerk receiving the appeal or application.

(2) Prior to a hearing on an application for a variance the Board, or its designee, shall:

a. Give a Class 2 Legal Notice under Chapter 985 of the Wisconsin Statutes; and

b. Give written notice of the public hearing to landowners within 1000 feet of the land parcel of the applicant.

(f) **Decision.**

(1) The Board of Adjustment shall decide all appeals and applications within thirty (30) days of the completion of the public hearing.

(2) The Board shall make written findings and decision and shall send a copy to the appellant or applicant.

(3) Conditions may be placed on any Building Permit ordered or authorized by the Board.

(4) Variances granted or Building Permits directed by the Board shall expire within six (6) months unless substantial work has been commenced pursuant to such variance or Building Permit.

State Law Reference: Section 60.65, Wis. Stats.

**Section 6.03 TOWN PLANNING COMMISSION.**

(a) **Establishment of Commission.** There is hereby established a Planning Commission for the Town (hereafter called the “Commission”).

(b) **Purpose.** The purpose of this ordinance is to establish a Town of Turtle 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.

(c) **Authority; Establishment.** The Town Board of the Town of Turtle, having been authorized by the Town meeting under sec. 60.10(2)(c), Wis. Stats., to exercise village powers in 1954, hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a seven (7) member Plan Commission under secs. 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.

(d) **How Constituted.** The Commission shall consist of seven (7) members, all of whom shall be appointed by the Town Chair subject to confirmation by the Town Board. One member shall be a Town Board member. The Town Chair shall appoint the

Commission Chair and Commission Vice Chair. The Town Clerk shall be the Commission's Secretary. Six (6) citizen members shall be appointed for staggered three (3) year terms commencing on the second Wednesday of April. No more than two (2) members' terms shall expire each year.

(e) **Terms of Office.** Terms of office for the citizen members shall start the 1<sup>st</sup> day of May. Terms of office for the Town Board member, chair, and secretary shall be annual appointments.

(f) **Qualifications.** All citizen members shall be persons with recognized experience, qualifications, have Town residency, and shall hold office until their respective successors are selected and qualified.

(g) **Vacancies.** Whenever a vacancy shall occur, the Town Board shall appoint an appropriate member to complete the unexpired term.

(h) **General & Miscellaneous Powers.** The Plan Commission shall have the powers:

(1) To review and approve or deny conditional use permits within the provisions of this Zoning Ordinance.

(2) To review and recommend to the Town Board the approval, conditional approval, or denial of land divisions.

(3) To review and recommend approval, conditions of approval, or denial of amendment to the text or Official Zoning Map of this ordinance.

(4) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made. Whenever the Commission permits such a substitution, the use may not thereafter be changed without application.

(5) Unclassified Uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district.

(6) Temporary Uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Commission and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

(7) 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.

(8) To recommend to the Town Board programs for public improvements and the financing of such improvements.

(9) 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.

(10) The Commission Chair shall submit an annual report to the Town Board.

(i) **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) 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 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 review and make recommendations on any ordinances submitted to the Commission by the Town Board for review and recommendation.

(j) **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:

a. the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;

b. the plan contains the nine (9) specified elements and meets the requirements of those elements;

c. the maps and 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; and

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 sec. 66.1001(4), Wis. Stats., and sub. (3) of this section.

(3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:

a. Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.

b. The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.

- c. The Wisconsin Land Council.
- d. After September 1, 2003, the Department of Administration.
- e. The regional planning commission in which the Town is located.
- f. The public library that serves the area in which the Town is located.

(k) **Plan Implementation & Administration.**

(1) Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:

a. Zoning. A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats., a Town exclusive agricultural zoning ordinance under subch. V. of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.

b. Official map. A proposed official map ordinance under sec. 62.23(6), Wis. Stats.

c. Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.

d. Other. Any other ordinance specified by the Town Board.

(2) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

(3) 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.

(4) Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of January 1, 2010. 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.

(1) **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 and recommendation:

- 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 Town 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 and recommendation:

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 Commission.

(m) **Meetings.** Meetings shall be called when necessary, as specifically determined by the Chair of the Commission. Special meetings may be called by the Chair or upon written request of two Commission members. Notice of special meetings shall be given by personal service or telephone call to all members and the news media at least 24 hours prior to the called special meeting. Notice to the news media may be given by facsimile transmission.

(n) **Minutes.** The minutes shall be kept by the secretary.

(o) **Quorum.** Four (4) members shall constitute a quorum to transact any business and formulate its proper action thereon.

(p) **Compensation.** The members shall be compensated as determined by the Town Board.

(q) **Town Board.** The Town Board may direct by majority vote that Building Permits and Conditional Use Permits be issued when in compliance with this Ordinance.

State Law Reference: Sections 60.62, 61.35 and 62.23, Wis. Stats.

#### **Section 6.04 CEMETERY COMMITTEE**

(a) **Purpose.**

(1) The purpose of the Cemetery Committee is to promote the general welfare of the community.

(2) The Committee will receive directives and requests from the Town Board, which will be presented to the Committee.

(3) The Committee will prepare and present recommendations in response to directives from the Town Board in a timely manner.

(4) The Committee may obtain assistance from outside entities but only after obtaining approval of the liaison member of the Town Board.

(5) The Committee may adopt by-laws and shall submit them to the Town Board for approval.

(b) **Authority.** The Town Board of the Town of Turtle has authorized the Cemetery Committee to plan, regulate and restrict the use of all town cemeteries to stabilize and protect the property values, and to promote the beauty of the community. The Cemetery Committee shall be an advisory committee to the Town Board with all final decisions being made by the Town Board.

(c) **Jurisdiction.** The jurisdiction of this Committee shall include all current town cemeteries and the planning of all future town cemeteries within the Town of Turtle.

Current town cemeteries are:

(1) Shopiere Cemetery at 7600 Block S. Butterfly Road.

(2) Turtleville Cemetery at 3800 Block E. Creek Road.

(d) **Duties and Responsibilities.** The Cemetery Committee shall have the following duties and responsibilities:

(1) To be involved with all future studies in connection with reserving lands for cemetery purposes.

(2) To be the lead committee for future plans and maps of a comprehensive town cemetery system.

(3) To forward the results to the Planning Commission and to the Town Board of all such studies and plans.

(4) To establish regulations for the use and sale of lots and markers in the town cemeteries.

(5) To apply, with Town Board approval, for grant money to be used for town cemetery land purchases and purchases of equipment, and maintenance for town cemeteries.

(6) To submit to the Town Board an annual budget with revenue and expenditure proposals relating to town cemeteries.

a. This budget request must be submitted to the Town Clerk by October 1 of each year.

b. All monies received for the purposes of the Committee, whether from the general fund, approved donations or activity fees shall be paid to the Clerk of the Town of Turtle to be deposited in the general fund or a designated cemetery fund authorized by the Town Board.

(e) **Meetings.**

(1) The Cemetery Committee shall meet the fourth Tuesday of each month or as directed by the Chairperson of the Committee.

(2) All meetings shall be posted a minimum of 3 days prior to the meeting.

(3) Agendas shall be posted a minimum of 24 hours prior to the meeting.

(4) Meetings shall be conducted in accordance with Robert's Rules of Order.

(5) Four members of the Committee shall constitute a quorum.

(6) A majority vote of the quorum shall be necessary to adopt a motion.

(7) Any member who is not going to attend a meeting must notify the Chairperson within a reasonable time before the meeting.

(f) **Annual Report.** The Cemetery Committee shall produce and send to the Town Clerk an annual report of its transaction and activities.

(g) **Appointments and Terms of Office.**

(1) The Cemetery Committee shall consist of six (6) citizen members.

(2) In addition to the citizen committee members, there shall be a liaison member of the Committee from the Town Board who shall be appointed by the Town Chair.

(3) All members of the Committee, except the liaison member, shall be appointed for staggered three (3) year terms commencing on the second Wednesday of April. No more than two (2) members' terms shall expire each year.

(4) All members of the Committee, except the liaison member, shall be appointed by the Town Chair and confirmed by the Town Board. The Committee Chair shall be appointed by the Town Chair and confirmed by the Town Board.

(5) Recommendations of possible members may be made by the Cemetery Committee to the Town Chair.

(6) Any member who misses 50% of the regular meetings during the year shall be subject to removal from the Committee by the Town Board upon recommendation of the Committee Chairperson.

(7) All requests for removal of a member shall be in writing.

(8) Upon receiving a written request for removal of a member, the Town Board will review it and determine if the member shall be removed.

(h) **Officers and Duties.**

(1) The officers of the Committee shall be a Chairperson and a Secretary.

(2) The Chairperson is responsible for preparing an agenda for each meeting and making sure it is properly posted to meet the open meeting laws of the State of Wisconsin. The Chairperson shall preside over the Committee meetings.

(3) The Chairperson shall give a copy of the agenda for each meeting to the Town Clerk.

(4) The Secretary will take minutes of all meetings and present a copy of the minutes to the Town Clerk for the Clerk's records. The Secretary shall also have a copy of the minutes at each meeting for approval.

(5) If the Chairperson cannot attend a Cemetery Committee meeting the members at that meeting shall appoint a temporary Chairperson.

(i) **Establishing a Cemetery Committee.** In the year 2004, the Town Board of the Town of Turtle decided to split the then current "Parks/Cemetery/Clocks Committee" into separate committees. Under the Wisconsin Statutes, the Town Board had the option to form a "Board of Directors" or a lower key approach to the cemetery needs and decided on a "Cemetery Committee."

(j) **Agent.** None of the Cemetery Committee members shall be considered agents of the Cemetery Committee or the Town of Turtle pursuant to section 157.067(2) of the Wisconsin Statutes. The only agent for the Cemetery Committee and the Town of Turtle shall be the Town Chairperson.

(k) **Location of Meetings.** The normal meetings shall be held at the Turtle Community Center, 6916 S. County Road J, Beloit, Wisconsin 53511, unless otherwise directed by the Committee Chairperson.

(l) **Office Space as Needed.** The Town Board will furnish office space and meeting space as needed for the Cemetery Committee to function. The Town Board will also assist the Committee in making copies and any additional expenses incurred for appropriate tasks performed by the Committee.

(m) **Compensation and Expenses.**

(1) No compensation shall be paid to any member of the Committee.

(2) The Town Board can reimburse Committee members for expenses that have been pre-approved.

## **Section 6.05 PARKS COMMITTEE**

(a) **Purpose.** The purpose of the Parks Committee is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the community.

(b) **Authority.** The Town Board of the Town of Turtle has authorized the Parks Committee to plan, regulate and restrict the use of all town parks; to stabilize and protect the property values; and to promote the beauty of the community. The Parks Committee shall be an advisory committee to the Town Board of the Town of Turtle with all final decisions being made by the Town Board.

(c) **Jurisdiction.** The jurisdiction of this Committee shall include all current town parks and the planning of all future town parks within the Town of Turtle.

Current town parks are:

(1) McMahon Park - located at Claremont and Easy Streets.

(2) Town Park - located at Monroe and Bradley Streets.

There is also a future park area located at the Town of Turtle Community Center.

(d) **Duties and Responsibilities.** The Parks Committee shall have the following duties and responsibilities:

(1) To be involved with all future studies in connection with reserving lands for park purposes.

(2) To be the lead committee for future plans and maps of a comprehensive town park system.

(3) To forward the results to the Planning Commission and to the Town Board of all such studies and plans.

(4) To establish regulations for the use and enjoyment of town parks by the public.

(5) To apply, with Town Board approval, for grant money to be used for town park land purchases and purchases of equipment, and maintenance for parks.

(6) To submit to the Town Board an annual budget with revenue and expenditure proposals relating to town parks and recreation programs.

a. This budget request must be submitted to the Town Clerk by October 1 of each year.

b. All monies received for the purposes of the Committee, whether from the general fund, approved donations or activity fees shall be paid to the Treasurer of the Town of Turtle to be deposited in the general fund or a designated parks fund authorized by the Town Board.

(e) **Meetings.**

(1) The Parks Committee shall meet as needed or as directed by the Chairperson of the Committee and/or Town Board.

(2) All meetings shall be posted a minimum of 3 days prior to the meeting.

(3) Agendas shall be posted a minimum of 24 hours prior to the meeting.

(4) Meetings shall be conducted in accordance with Roberts Rules of Order.

(5) All members shall have equal rights except the liaison member shall only vote if there is a tie vote.

(6) Four members of the Committee shall constitute a quorum.

(7) Advisory positions may be added as needed and these persons need not be residents of the Town.

(8) A majority vote of the quorum shall be necessary to adopt a motion.

(9) Any member who is not going to attend a meeting must notify the Chairperson within a reasonable time before the meeting.

(f) **Reports.** The Parks Committee shall produce and send to the Town Clerk an annual report of its transactions and activities.

(g) **Appointments and Terms of Office.**

(1) The Town Parks Committee shall consist of six (6) citizen members.

(2) In addition to the citizen committee members, there shall be a liaison member of the Committee from the Town Board which shall be appointed by the Town Chair.

(3) All members of the Committee, except the liaison member, shall be appointed for staggered three (3) year terms commencing on the second Wednesday of April. No more than two (2) members' terms shall expire each year.

(4) All members of the Committee, except the liaison member, shall be appointed by the Town Chair and confirmed by the Town Board. The Committee Chair shall be appointed by the Town Chair and confirmed by the Town Board.

(5) Recommendations of possible members may be made by the Parks Committee to the Town Board.

(6) Any member who misses 50% of the regular meetings during one year shall be subject to removal from the Committee by the Town Board upon recommendation of the Parks Committee Chairperson.

(7) All requests for removal of a member shall be in writing.

(8) Upon receiving a written request for removal of a member, the Town Board will review it and determine if the member shall be removed.

(h) **Officers and Duties.**

(1) The officers of the Committee shall be a Chairperson and a Secretary. The Secretary shall be chosen by the Committee members.

(2) The Chairperson is responsible for preparing an agenda for each meeting and making sure it is properly posted to meet the open meeting law of the State of Wisconsin. The Chairperson shall preside over the Committee meetings.

(3) The Chairperson shall give a copy of the agenda for each meeting to the Town Clerk.

(4) The Secretary will take minutes of all meetings and present a copy of the minutes to the Town Clerk for the Clerk's records. The Secretary shall also have a copy of the minutes at each meeting for approval.

(i) **Location of Meetings.** The normal meetings shall be held at the Turtle Community Center, 6916 S. County Road J, Beloit, Wisconsin 53511, unless otherwise directed by the Committee Chairperson.

(j) **Establishing a Parks Committee.** In the year 2004, the Town Board of the Town of Turtle decided to split the then current "Parks/Cemetery/Clocks Committee" into separate committees. Under the Wisconsin Statutes, the Town Board had the option to form a "Town Parks Commission" or a lower key approach to the park needs and decided on a "Parks Committee."

(k) **Office Space as Needed.** The Town Board will furnish office space and meeting space as needed for the Parks Committee to function. The Town Board will also assist the Committee in making copies and any additional expenses incurred for appropriate tasks performed by the Committee.

(l) **Compensation and Expenses.**

(1) No compensation shall be paid to any member of the Committee.

(2) The Town Board can reimburse Committee members for expenses that have been pre-approved.

## **Section 6.06 SAFETY COMMITTEE**

### **(a) Purpose.**

(1) The purpose of the Safety Committee is to promote the comfort, health, safety and general welfare of the citizens of the Town of Turtle.

(2) The Committee will receive directives and requests from the Town Board which will be presented to the Committee.

(3) The Committee will prepare and present recommendations in response to directives from the Town Board in a timely manner.

(4) The Committee may obtain assistance from outside entities but only after obtaining approval of the liaison member or the Town Board.

(5) The Committee may adopt by-laws and shall submit them to the Town Board for approval.

### **(b) Members.**

(1) The Safety Committee shall consist of six (6) members.

(2) In addition to the citizen members, there shall be a liaison member of the Committee from the Town Board.

(3) The six (6) citizen members of the Committee shall be residents of the Town of Turtle and of voting age.

### **(c) Appointments.**

(1) The liaison member of the Committee shall be appointed by the Town Chair.

(2) The citizen members of the Committee shall be appointed by the Town Chair and confirmed by the Town Board. The Committee Chair shall be appointed by the Town Chair and confirmed by the Town Board.

(3) Recommendations of possible members may be made by the Safety Committee to the Town Chair.

### **(d) Terms of Office.**

(1) All members of the Committee, except the liaison member, shall be appointed for staggered three (3) year terms commencing on the second Wednesday of April.

(2) No more than two (2) members' terms shall expire each year.

(e) **Meetings.**

(1) Regular meetings shall be held on the first Wednesday of each month.

(2) Special meetings must be approved by the Chairperson or Vice-Chairperson.

(3) All meetings shall be posted 3 days prior to the meeting.

(4) Agendas shall be posted 24 hours prior to the meeting.

(5) Meetings shall be conducted in accordance with Roberts Rules of Order.

(6) Any member who is not going to attend a meeting must notify the Chairperson within a reasonable time before the meeting.

(f) **Voting.**

(1) Four voting members shall constitute a quorum.

(2) A majority vote of the quorum shall be necessary to adopt a motion.

(g) **Officers.**

(1) The officers of the Committee shall be a Chairperson, Vice-Chairperson, and Secretary. They shall be chosen by the Committee members.

(2) The Chairperson shall preside over Committee meetings.

(3) The Vice-Chairperson shall preside in the Chairperson's absence.

(4) In the absence of both the Chairperson and Vice-Chairperson, a president pro tem shall be chosen from those members present and will preside.

(5) The Secretary shall record the minutes of each meeting and shall transmit a written copy to the Town Clerk.

(6) The Town Clerk shall be the custodian of the records of the Committee. All records of the Committee shall be available for inspection with the Town Clerk.

(h) **Removal of Members.**

(1) Any member who misses 50% of the regular meetings during one year shall be subject to removal from the Committee by the Town Board upon the recommendation of the Safety Committee Chairperson.

(2) All requests for removal of a member shall be in writing.

(3) Upon receiving a written request for removal of a member, the Town Board will review it and determine if the member shall be removed.

(i) **Compensation and Expenses.**

(1) No compensation shall be paid to any member of the Committee.

(2) The Town Board can reimburse Committee members for expenses that have been pre-approved.

**Section 6.07 HISTORICAL COMMITTEE**

(a) **Purpose.**

(1) The purpose of the Historical Committee is to promote and coordinate efforts to restore historical literature and work on behalf of the Town Board to promote historical values in cooperation with neighboring historical groups.

(2) The Committee will receive directives and requests from the Town Board, which will be presented to the Committee.

(3) The Committee will prepare and present recommendations in response to directives from the Town Board in a timely manner.

(4) The Committee may obtain assistance from outside entities but only after obtaining approval of the liaison member of the Town Board.

(5) The Committee may adopt by-laws and shall submit them to the Town Board for approval.

(b) **Members.**

(1) The Historical Committee shall consist of six (6) members.

(2) In addition to the citizen members, there shall be a liaison member of the Committee from the Town Board.

(3) Advisory positions may be added as needed and these persons need not be residents of the Town.

(c) **Appointments.**

(1) The liaison member of the Committee shall be appointed by the Town Chair.

(2) The citizen members of the Committee shall be appointed by the Town Chair and confirmed by the Town Board. The Committee Chair shall be appointed by the Town Chair and confirmed by the Town Board.

(3) Recommendations of possible members may be made by the Historical Committee to the Town Chair.

(d) **Terms of Office.**

(1) All members of the Committee, except the liaison member, shall be appointed for staggered three (3) year terms commencing on the second Wednesday of April.

(2) No more than two (2) members' terms shall expire each year.

(e) **Meetings.**

(1) The Historical Committee shall meet as needed or as directed by the Chairperson of the Committee.

(2) All meetings shall be posted 3 days prior to the meeting.

(3) Agendas shall be posted 24 hours prior to the meeting.

(4) Meetings shall be conducted in accordance with Robert's Rules of Order.

(5) Any member who is not going to attend a meeting must notify the Chairperson within a reasonable time before the meeting.

(f) **Voting.**

(1) Four voting members shall constitute a quorum.

(2) A majority vote of the quorum shall be necessary to adopt a motion.

(g) **Officers.**

(1) The officers of the Committee shall be a Chairperson and a Secretary. The Secretary shall be chosen by the Committee members.

(2) The Chairperson shall preside over Committee meetings.

(3) The Secretary shall record the minutes of each meeting and shall transmit a written copy to the Town Clerk.

(4) The Town Clerk shall be the custodian of the records of the Committee. All records of the Committee shall be available for inspection with the Town Clerk.

(h) **Removal of Members.**

(1) Any member who misses 50% of the regular meetings during one year shall be subject to removal from the Committee by the Town Board upon the recommendation of the Committee Chairperson.

(2) All requests for removal of a member shall be in writing.

(3) Upon receiving a written request for removal of a member, the Town Board will review it and determine if the member shall be removed.

(i) **Compensation and Expenses.**

(1) No compensation shall be paid to any member of the Committee.

(2) The Town Board can reimburse Committee members for expenses that have been pre-approved.